

SUPERINTENDENT  
FOR  
FIVE CIVILIZED  
TRIBES



VOL. 6

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

(MISCELLANEOUS)

Nov. 8, 1895

to

May 10, 1916

Compiled from original records  
selected by

GRANT FOREMAN

C.H.S.



Finance.  
44886, '95.  
5 enclosures.

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

November 8, 1895.

Honorable H. L. Dawes,

Chairman, Commission Five Civilized Tribes,

Fort Smith, Arkansas.

Sir:

I am in receipt of your communication of the 31st ultimo, in which you ask for information upon the following points, viz:

"How much has been appropriated by Congress for payment to each of these nations during the last ten years, and what has it been for in each nation; and how has the money thus appropriated been distributed, - that is, per capita, or otherwise?"

"If you have any knowledge, or can obtain any, of the present indebtedness of each of these tribes, you would confer a favor by communicating that also."

In reply to the first interrogatory, I have to state that all moneys accruing to the five tribes, unless otherwise directed by Congress, are semi-annually placed to the credit of the respective treasurers of the said tribes, with the Assistant Treasurer U. S. at St. Louis, Mo.; and, so far as this Office is advised, it is understood that the said moneys are expended for the support of the National Government, schools and asylums of each Nation.

In reply to the second question, if this Office has any knowledge, or can obtain any, of the present indebtedness of each of these tribes, I have to state that with the exception of the Creek Nation, it is not known that the said tribes are indebted



to the United States.

The indebtedness of the Creek Nation, which has not been adjusted, will be found in an act to reimburse the Creek Orphan Fund, approved August 7, 1882, (22 Stats.301-302) in which will be found a proviso instructing the Secretary of the Interior to charge the sum of \$69,956.68 of the Creek Orphan Fund, used for general purposes of the Creek Nation, against the general fund of said Nation, said sum to be retained by the Secretary in such instalments as not to seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation; and it is further declared that "nothing in this act contained shall be construed to prevent the United States from asserting its right to be reimbursed by the Creek Nation in any future settlements therewith, the further sum of \$106,799.68, expended by the United States out of the Creek Orphan Fund for the support of the loyal Creek refugees."

Annual deductions have not been made from the appropriation for the Creek Nation, for the reason that it was held by this office and the authorities of the Nation that it would seriously embarrass the object of the annual appropriations for the support and necessities of the Nation. It was further held by the authorities of the Creek Nation, that in any future settlement between the United States and said Nation, credit should be given the Nation for arrearages of annuities accruing under treaties of 1826, 1833, and 1856., for shops and tools, iron and steel, wagonmaker, assistance in agriculture and education, aggregating about \$29,000, reported to Congress in annual



estimates but not appropriated by Congress.

I submit herewith a statement of the annual and specific appropriations made for each of the five tribes, for ten years ending June 30, 1895, with footnotes on each showing the disposition made of said appropriations.

Very respectfully,

D. M. Browning.

Commissioner.

(Endorsed) Union Agency No. 3 Relative----D. M. Browning, Comr. of Indian Affairs. November 8, 1895, asking amount appropriated by Congress to the nations during the last ten years, and how spent and distributed per capita and otherwise.----



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June, 15, 1896.

On the 15th day of June, 1896, Hoke Smith, the then Secretary of Interior, issued the following letter of instructions and regulations: "Department of the Interior, Washington, D.C. June 15, 1896.

To the Commissioner of the General  
Land Office and The Commissioner of  
Indian Affairs:--

Gentlemen:

You are directed to be governed in the matter of Indian allotments by the following regulations. Whenever an allotment is allowed under the fourth section of the act of Feb. 28, 1887, (24 Stat. 388) as amended by the act of Feb. 28, 1891 (26 Stat 794) the action of the office of Indian Affairs on said allotments shall be conclusive, so far as the General Land Office is concerned, as to whether the Indian was a settler upon said land and whether he was entitled, as an Indian, to make an allotment. Where an application is made to enter a tract covered by an allotment and the application claims settlement prior to the allottee, a hearing may be ordered by the General Land Office. Whenever an allegation is made that the allottee made the allotment for the benefit of another, such charge shall be heard by the General Land Office, In all cases where an allegation is made that the land embraced in an allotment is not of the character contemplated by the Allotment Act, such charge shall be heard by the general Land Office.

(Signed) Hoke Smith,

Secretary of Interior



The act of Feb. 8th, 1887 (24 Stat. 388) as amended Feb. 28, 1891, (26 Stat. 794) referred to above, reads as follows:

"Be it enacted by the Senate and House of Representatives, assembled of the United States of America, in Congress assembled, That Section 1, of the Act entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes", Approved February 8th, 1887, Be, and the same is hereby, amended so as to read as follows:

Sec. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by a treaty stipulation or by virtue of an act of Congress, or Executive order, setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon, one-eighth of a section of land: Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to the legal subdivisions: Provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of land in severalty to certain classes in quantity in excess of that



herein provided, the President, in making allotments upon such reservations, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: Provided further, that where existing agreements or laws provide for allotments in accordance with said act of February 8th, 1887, or in quantity substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discession, (Sig) may require: And provided further, That when the lands allotted, or any legal subdivisions thereof, are only valuable for grazing purposes, such land shall be allotted in double quantities.

Sec. 2. That where allotments have been made in whole or in part, upon any reservation under the provisions of said act of February 8th 1887, and the quantity of land in such reservation is sufficient to give each member of the tribe 80 acres, such allotment shall be revised and equalized under the provisions of this act: Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

Sec. 3. That whenever it shall be made to appear to the Secretary of the Interior That by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty cannot personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by the Secretary for a term not exceeding three years for farming or grazing, or ten years for mining



purposes: Provided, That where by Indians who have bought and paid for the same and which lands are occupied are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of Council speaking for such Indians, for a period not to exceed five years for grazing or 10 years for mining purposes in such quantity and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Sec. 4. That where an Indian entitled to allotment under existing laws shall make a settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office, for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantity and manner as provided in the foregoing section of this amending act for Indians residing upon reservations: and when such settlement is made upon unsurveyed lands the grant to such Indian shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general law for the dispositions of the public lands shall be paid to them from any monies in the treasury of the United States not otherwise appropriated, upon the statement of account in their behalf for such fee by the Commissioner of the General land office, and a



a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

Sec. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, whenever male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life, the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed (Sic) to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child; Provided, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet": And provided further, That no allotment of land shall be made or annuities of monies paid to any of the Sac and Fox of the Missouri Indian who were not enrolled as members of said tribe on January 1st, 1890; But this cannot be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated."

(Endorsed) Union Agency # 139 Received --An Act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes.  
Act of February 28, 1887, providing for allotment of land to Indians.



9

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

Washington, August 17, 1898.

J. George Wright,  
Indian Inspector,  
Washington, D. C.

Sir:

Having been designated for assignment to duty in the Indian Territory under the provisions of Section 27 of the Act of June 28, 1898, known as the Curtis Bill, and Section 1 of the Indian Appropriation Bill of July 1, 1898\*\*\*\*\*, you will on completion of your present duties in this city, proceed to Muscogee, Indian Territory, and there locate and establish your headquarters to perform any duties required of the Secretary of the Interior by law relating to affairs in that Territory.

If, in the discharge of these duties, you find it necessary to go to other places--either in the Territory or elsewhere, you are authorized to do so at any and all times.\*\*\*\*\*

Very respectfully,

C. N. Bliss, Secretary.



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DEPARTMENT OF THE INTERIOR,

Washington.

October 8, 1898.

Mr. J. George Wright,  
U.S. Indian Inspector for Indian Ty.,  
Washington, D.C.

Sir:

I am in receipt of your communication of the 6th instant, referring to Departmental letter of August 17th, last, directing you to locate at Muscogee, I.T., in accordance with the provisions of section 27 of an Act of Congress entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, 30 Statutes 495, to perform any duties required of the Secretary of the Interior, by law, relating to affairs in that Territory. You were also directed to

"confer with the Indian Agent at Union Agency, advise him as to his duties, and generally supervise and inspect his administration of the affairs at his agency, and see that the law is efficiently enforced and that all revenues are carefully collected and properly accounted for, and all disbursements of moneys carefully made, and keep the Department fully informed, by special report, from day to day, of all matters which ought to be brought to its attention, with such recommendations as may be deemed advisable."

In order, therefore, that your position and authority may be clearly comprehended and more definitely defined, you are hereby authorized and directed to take full charge of the affairs of Union Agency, in the Indian Territory, and said Indian Agent will be required to receive and account for, under his official bond, all moneys from whatever source collected, and report the same directly to the Indian Inspector for the Indian Territory and all disbursement of moneys by said Indian Agent shall be under the direction, authority, and with the approval of said Indian Inspector. All communications from the General public to the Department, relative to matters in the Indian Territory, in your charge, should be directed to the Indian Inspector, and all inquiries concerning the right of citi-



zenship, allotment, or the selection of lands and the renting thereof, prior to allotment, by any person claiming membership or citizenship in any one of the Five Civilized Tribes, will be referred by you to the Commission to the Five Civilized Tribes, for consideration and appropriate action.

You will transmit to the Department all communications, relating to affairs in the Indian Territory, under your charge, which require its consideration, through the Commissioner of Indian Affairs, except in special cases when, in your judgment, they should be made directly to the Secretary of the Interior, and directions to you from the Department will be made through the same channel.

You are authorized to employ such clerical assistance as may be necessary in the discharge of your duties, as herein required, and to direct one of the clerks so employed by you to perform any duties that may be required during your absence from your office in said Territory.

Instructions have been issued by the Department with reference to mining leases in the Choctaw and Chickasaw Nations, and also directions to the Commission to the Five Civilized Tribes, relative to the selection and renting of prospective allotments under the provisions of said Act of Congress, and the same will be furnished you for your information and distribution, when required. It is the purpose of the Department to prepare general instructions, under the provisions of said act of Congress, which will be applicable to the Cherokee Nation, which has made no agreement, and also the Creek Nation, until said act is mod-



-3-

ified by the ratification of said agreement, set out in Section 30 of said Act, said instructions will give specific direction concerning the affairs of said Nations including the management of the public schools thereof, as required in said Act. Upon the completion of your duties in this City, you will return to your office in the Indian Territory, and give due notice by the publication of the matters herein contained.

Respectfully,

(Signed) Cornelius N. Bliss.

Secretary.  
E.M.D.

Ind.Ter.Div.  
No.557-1898.

(Endorsed) Union Agency No.820 Received Jun.7,1900 Office of U.S.Indian Inspector for Indian Territory. Departmental Instructions of Oct. 8,1898, to U.S.Indian Inspector.



Tulsa, Ind. Ter.

Dec. 30, 1898.

Hon. Dawes Commission.

Muskogee, I. T.

Gentlemen:

Understanding that your Honorable Commission is again treating with the Creeks and Cherokees, I desire to call your attention to the absence of any road law in the Indian Territory and to respectfully ask you to insert in any agreements you may make with the Creeks and Cherokees an article relating to public highways.

The great importance of the subject I believe will be manifest to every one.

Very respectfully,

Francis R. Brennan.

(Endorsed) # 1851, Received Dec. 31, 1898. Commission to Five Tribes. Muskogee, I. T. Francis R. Brennan, Tulsa, I. T. 12/30/98. Calls attention to the necessity of including a provision in Cherokee Agreement with reference to public highways.



14  
DEPARTMENT OF THE INTERIOR,  
Washington.

January 6, 1899.

Amendment to  
RULES AND REGULATIONS  
Governing  
MINERAL LEASES, THE COLLECTION AND DISBURSEMENT OF REVENUES,  
AND THE SUPERVISION OF SCHOOLS IN THE INDIAN TERRI-  
TORY, APPROVED NOVEMBER 4, 1898.

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In pursuance of the decision of the Department of even date herewith in the matter of the royalty required of lessees of coal lands in the Indian Territory, subparagraph (a) of paragraph three of "Rules and Regulations Governing Mineral Leases, the Collection and Disbursement of Revenues, and the Supervision of Schools in the Indian Territory, under the General Provisions of the Act of Congress Approved June 28, 1898, (30 Statutes, 495)," is hereby amended, to take effect from January 1, 1899, so as to read;

(a) On coal, ten cents per ton of two thousand pounds screened over meshes one inch square.

(Signed) Thos. Ryan  
Acting Secretary.



Washington January 19, 1899.

The Commissioner of Indian Affairs.

Sir:

I am in receipt of your letter of the 13th instant, inclosing a letter from J. George Wright, U. S. Indian Inspector for the Indian Territory, in which he states that "It is frequently necessary for me (him) to visit points in the Cherokee and Creek Nations which cannot be reached by railroad from Muscogee, my present headquarters, and it has frequently been found difficult to secure suitable transportation to make necessary trips," and he requests authority to expend the sum of not to exceed \$450.00 or so much thereof as may be necessary, in the open market purchase, at lowest obtainable rates, of two driving horses, two sets of harness, one buggy, two horse blankets, lap robes and whip, to be delivered at Muscogee, I.T., for use in connection with his official duties in the Indian Territory. You recommend that authority be granted as requested by him; payment therefor to be made from the appropriation "Protection of the People of the Indian Territory." Your recommendation is approved and authority is hereby granted for said expenditure.

Respectfully

C. N. Bliss, Secretary

Ind. Ter. Div. 98-1899

Endorsement: Addressed to Commissioner granting authority for purchase of horses, etc. \$450.00.



DEPARTMENT OF THE INTERIOR,  
Washington.

January 30, 1899.

The Commissioner  
of Indian Affairs.

Sir:

The letter of Mr. J. George Wright, U. S. Indian Inspector, dated the 21st ultimo, was referred to your office on the 4th instant for consideration, report and recommendation.

I am now in receipt of your report, without date, in which you state, "respectfully returned to the Honorable Secretary of the Interior with the recommendation that the request of Inspector Wright be granted." Inspector Wright asks that special authority be granted to him to settle the following indebtedness:

"Street car fare in San Francisco, while attending to purchase of Indian Supplies under Department orders dated June 21st, (1898), \$6.50."

He also states that exception is taken to his traveling to Muscogee, I. T., via Kansas City, Mo. instead of the more direct route by the way of St. Louis, Mo., from Washington, D. C., under orders of August 17, 1898. His explanation is that he proceeded by the way of Chicago, Ill. and Kansas City, Mo., and remained at each of said places a portion of a day for the purpose of securing certain information concerning affairs and conditions in the Indian Territory and also for the purpose of securing prices on office furniture. His said action in traveling by the route above specified is hereby approved.

He also states that exception is taken to an expenditure of \$1.60 for street car fare in Washington, while here under orders,



from August 10, to August 17, 1898, the same not having been specifically authorized, and that exception is also taken to an expenditure of \$2.00 for the same purpose from September 20 to 30, 1898. He states that these expenditures were necessarily incurred while attending to official duties.

He further requests that his action in going from San Francisco to Washington under departmental orders and remaining in Chicago from Saturday until Monday, August 8, 1898, also in coming from the Indian Territory to Washington, by direction of the Department, via Chicago, from Saturday until Monday the 19th of September, 1898, be approved.

His said request is granted, and the expenditures referred to in his said letter are hereby allowed.

Inspector Wright's letter is herewith inclosed.

Respectfully,

Thos. Ryan,

IND. Ty. Div. 1221-1898. Inclos. Acting Secretary.

(12).



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DEPARTMENT OF THE INTERIOR,  
Washington.

February 20, 1899.

Mr. J. George Wright,  
U.S. Indian Inspector  
for the Indian Territory,  
Muscogee, Ind. Ter.

Sir;

Referring to your telegram received by the Department on the 18th instant, suggesting that a bond be required of the Choctaw, Oklahoma & Gulf Railroad Company in the sum of \$75,000 or \$100,000, the President of said Company has been advised that a bond in the penal sum of \$75,000 will be sufficient, and the American Surety Company, of New York, will be satisfactory as surety thereon. He was also advised to send the bond to you to be forwarded to the Department in the regular way, through the Commissioner of Indian Affairs.

Respectfully,

Thos Ryan  
Acting Secretary.

Ind. Ter. Div.  
411-426-1899.

Through Commissioner  
of Indian Affairs.

(Endorsed) Union Agency No. 6 Received Feb 27, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, Feb. 20, 1899. Secretary.-----Bond of \$75,000 for Choctaw Railway Co. sufficient.



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DEPARTMENT OF THE INTERIOR.  
Washington.

February 24th 1899.

J. George Wright,  
U. S. Indian Inspector,  
Muscogee, Indian Territory.

Sir:

Referring to your telegram of yesterday, and the answer thereto in which it was stated that important instructions would be mailed to you, you are advised that I have this day mailed you copies of Departmental instructions, dated July 21st, July 23rd and July 26th 1898, -also 200 copies of the several rules and regulations relative to mining leases; 200 copies of the Act of Congress approved June 28th 1898. One copy of each of the regulations concerning mineral leases has been changed, as per the reduction in royalty on coal from 15 cents to 10 cents per ton, and you will cause this change to be made in the others.

It is deemed by the Department of great importance that you should be on the ground there to perform the duties assigned to you, and to enable parties in the Territory desiring information, or to transact business, under the provisions of the Act of Congress approved June 28th 1898 (30 Stats., 495), to have access to a representative of the Department on the grounds.

Respectfully,  
Ethan A. Hitchcock.  
Secretary.

Ind. Ter. Div.  
456-1899 With inclosures  
Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 9. Received Mar. 3, 1899. Office of U. S. Indian Inspector for Indian Agency. Washington, Feb. 25, 1899. Secretary. Have mailed copy of Departmental instructions. Inspector should remain on the ground.



Muscogee, I. T., Feb. 25, 1899

Hon. Ethan A. Hitchcock

Secretary of the Interior

Washington D. C.

Sir:

In compliance with instructions contained in telegram to Indian Inspector J. George Wright, dated the 23rd instant, I have made an investigation with a view to ascertaining whether or not the officials in charge of the Indian Inspector's and Indian Agent's offices used proper diligence in their efforts to protect and save the records and property in said offices belonging to the government, all of which were destroyed by the fire which destroyed almost the entire business portion of Muscogee on the morning of the 23rd instant.

The fire seems first to have been discovered at about 5 A. M., in the block in which the Indian offices were located, the building in which it originated being a small frame in the rear of the "English block" and in a northwesterly direction from the Indian offices. Inspector Wright, and I, were at the same hotel; we got our belongings out and then Mr. Wright and Mr.asmus went immediately to the offices but were unable to effect an entrance on account of the heat and smoke; I followed them in a very few minutes, but we could not enter at all.

The officers and employes were on the ground as promptly as possible, but nothing could be done.

I beg leave therefore to submit as the result of my investigation that the loss to the government is not in any sense



traceable to negligence or lack of effort on behalf of those in custody of the government's property.

I submit herewith as part of this report the affidavits of J. Geo. Wright, Dew M. Wisdom, J. F. Wisdom, B. H. Kelsey, W. F. Wells and B. P.asmus.

I also herewith enclose a copy of "The Muscogee Phoenix" of Feb. 23rd, containing a detailed account of the fire, for your information.

Very respectfully

(Signed) J. W. Zevely

L. S.

Copied GBD  
4/2/34



Muscogee, Ind. Ter.  
Feb. 25, 1899

22  
742

Wm. F. Wells, states upon oath that he is one of the clerks in the office of the U. S. Indian Inspector J. Geo. Wright at Muscogee, I. T.: that about six o'clock on the morning of the 23rd instant he was awakened by an alarm of fire given by a locomotive whistle in the railroad yards here, and immediately got up, dressed and started uptown and arrived at the scene of the conflagration as soon as he could, and when he arrived the flames were bursting out of the windows of the building in which the offices of the Indian Inspector and Agent were located, and of course it was then impossible for any human to have reached the offices which were on the second floor. All the records, stationery and supplies were entirely and completely destroyed by fire, except what few papers and the cash book which were in the small iron safe in the Indian Agent's office.

(Signed) Wm. F. Wells

Subscribed and sworn to before me this Feb. 25, 1899

(Signed) J. W. Zevely

Special Inspector

D. S.

Copied GBD  
4/2/34



I, J. Fentress Wisdom, do solemnly swear that on the morning of February 23, 1899, I was aroused from my sleep by the alarm of fire, and after hurriedly dressing, I hastened to the scene of said fire, which I found to be in the business section of Muskogee, Indian Territory, to the north of the building in which the Indian Inspector and Indian Agent's offices were located and in that immediate vicinity: that a strong bitter cold wind was blowing from the northwest; that I attempted to enter our building by the only stairway leading up to the offices, which was on the south and front, but was unable to do<sup>so</sup> on account of the dense smoke coming through our building and down the stairway from the burning buildings in the rear, and I believe our building was on fire in the rear at that time.

All the records, stationery, supplies and property of the offices of the Indian Inspector and the Indian Agent, were upstairs in, what is known as the "English building." The said building, together with the contents of the two offices mentioned above, were entirely destroyed, except a few papers and the agency cash book, which were in a small iron safe in the Indian Agent's office.

In addition to the property shown to be on hand by the agent's return of property for the quarter ending December 31, 1898, there had been purchases and delivered, from

F. C. Hubbard	Stationary	\$12.20
F. C. Hubbard	Stationary (not paid for)	2.50
D. J. Eddleman	Stationary	5.00
S. G. Adams	Rubber stamps	8.25
S. G. Adams	Rubber stamps (Delivered but not paid, about)	5.50



24  
744

Clarence W. Turner Coal and articles of furniture  
for use in Inspector and agent's office about \$65.00

Secretary of Interior Articles of Stationary  
furnished since Dec. 31, 1898

J. W. Sanders ond cabinet, (delivered but not paid  
for, ) Value unknown and which was also destroyed  
by said fire

Owing to the dense smoke in the building at the time I  
arrived, it was a physical impossibility for me to save anything  
from either the said Inspector's or Agent's office.

(Signed) J. Fentress Wisdom

Clerk to U. S. Indian Agent

Sworn and subsribed before me this 25th day of February, 1899

(Signed) J. W. Zevely

Special Inspector for the Interior  
Department

D. S.

Copied GBD  
4/2/34



B. P. Rasmus, being duly sworn, upon his oath, deposes and says: That he was employed by Special Inspector Zevely, of the Interior Department, to aid in the tabulation of the outstanding indebtedness of the Cherokee Nation. That he was on the morning of the 23rd day of February, 1899, a guest of the Depot Hotel at Muskogee, Indian Territory: that between the hours of five and six of the morning of that day all the buildings northwest of said hotel were said to be on fire, and a strong wind was prevailing from that direction. After gathering my personal effects with all possible expedition I, with Indian Inspector J. Geo. Wright, repaired immediately to the "English Block" on the second floor of which were located the offices of the Indian Inspector and of the Indian Agent, Dew M. Wisdom: that when we arrived at the building we made an effort to enter it by the ordinary entrance, but proceeded only a few steps when we were driven back by the heat and smoke, and found it utterly impossible to gain access to the offices from that quarter: that we then made a further effort to climb on the porch on the outside of said building and to enter the second story for the purpose of getting out what records we could from these offices; that we were entirely unable to save anything, notwithstanding we got to the scene of the fire as soon as it was at all possible to get there, and made the best efforts we could, after our arrival.

(Signed) B. P. Rasmus

Subscribed and sworn to before me this 25th day of February 1899

(Signed) J. W. Zevely

Special Inspector for the Indian Dept.

D. S.

Copied GBD  
2/2/34



746

Muscogee, Ind. Ter.  
Feb. 25, 1899

Dew M. Wisdom, U. S. Indian Agent, Union Agency, states upon oath that on the morning of the 23rd instant he was awakened by an alarm of fire; that he was then in bed sick, having been sick and unable to work for two or three days, but got up, dressed and started down town in the direction of the fire which appeared to be in the vicinity of his office, but had to turn back to his home after going part way down town because of his physical condition. The weather was intensely cold, and a fierce wind was blowing from the north-west, and as his disease was grippe, he did not consider that he ought to or could remain out in the weather longer with<sup>out</sup> absolutely risking his life: that he been quite unwell since the fire, which completely destroyed his office and that of the Indian Inspector together with all contents except that in the small iron safe, and is now unable to do regular duty, although he has been up a few hours each day since the fire occurred: that he is unable to give any details of the fire, except what he has from hearsay.

(Signed) Dew M. Wisdom

Subscribed and sworn to before me this Feb. 25, 1899

(Signed) J. M. Zevely

Special Inspector

D. S.

Copied GBD  
4/2/34



I, Dana H. Kelsey, do solemnly swear that I am a clerk in the office of J. George Wright, U. S. Indian Inspector, for the Indian Territory, at Muskogee, I. T.; that said offices were connected with the offices occupied by the United States Indian Agent, at Union Agency, and that all rooms occupied by both the Inspector and the Indian Agent were situated in what was known as the "English block" in the town of Muskogee, I. T.; that about daylight (I do not know the hour) of the morning of Feb. 23, 1899, I was awakened by an alarm of fire: I immediately arose and hurried to the scene of the fire, which had, it seems, been raging for some time before I was aware of the situation, my room being several blocks away and having no windows opening on the side next to the fire. When I arrived at the building in which the aforesaid offices were situated the same was a mass of flames within, and the intense heat was already breaking the large windows: as the offices were upon the second floor it was from the time I reached the place absolutely impossible for any one to <sup>go</sup> in them or the building, and the consequences were that all records, files, and property (except a few cash papers in the Agent's small safe) which were within these offices were entirely destroyed.

(Signed) Dana H. Kelsey

Subscribed and sworn to before me on this 25th day of Feb. 1899

(Signed) J. W. Zevely

Special Inspector for the Interior  
Department

D. S.

Copied GBD  
4/2/34



J. Geo. Wright, being duly sworn, deposes and says:

That he occupies the position of U. S. Indian Inspector, for the Indian Territory, and is stationed at Muscogee, I. T.; that on the morning of the 23rd of February, 1899, while the guest of the Depot hotel at Muscogee, where he lived temporarily, between the hours of five and six o'clock, in the morning of that day, he was awakened by the cry of fire, and informed that the building or the town was on fire.

That immediately after gathering such personal effects as he could find in his room and removing same from the building as rapidly as possible, he, together with one B. P. Rasmus, who was in the employ of Special Inspector Zevely of the Interior Department, proceeded immediately to the building in which his office as Indian Inspector, and those occupied by the Indian Agent, Dew M. Wisdom, were located; that on the arrival at said building he made an effort to enter it by the ordinary entrance and proceeded nearly to the second floor, where the said offices were located, but before reaching the top of the stairs, he was forced back by the dense smoke and heat, the building then being on fire, and that he found it utterly impossible to gain access to or reach the offices occupied by himself or the Indian Agent.

That after being forced from the building he then endeavored to climb onto the porch on the outside of said building and to enter the second story from the window, but was unable to do so, consequently none of the contents of said offices were saved.

That he proceeded to the scene of the fire as soon as possible to get there and made all possible efforts to reach the offices



named in order to save the government property therein.

(Signed) J. Geo. Wright

Subscribed and sworn to before me this 27th day of February, 1899

(Signed) J. W. Zevely

Special Inspector for the Interior Dept.

D. S.

Copied GBD  
4/2/34



UNION AGENCY,

Muscogee, I.T., Feb. 28th, 1899.

Mr. W. H. Bell,

Maryville, Mo.

Dear Sir:

You are informed, in reply to your letter, that the Indian Territory is not yet opened to white settlement, and therefore it will be impossible for you to buy 160 acres, or any other amount of land, either from the Government or from the Indians themselves.

I cannot tell you positively when the lands will be allotted and you will understand when lands are allotted, they are set apart to Indians and not to white men. All you can do at this time is to rent land in the Territory for one year only, at about the same price you pay for similar land in the states.

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 # 51.



31

DEPARTMENT OF THE INTERIOR.  
Washington.

February 28th 1899.

J. George Wright,  
U. S. Indian Inspector,  
Muscogee, Indian Territory.

Sir:

The Department is in receipt of your communication of the 13th ult., inclosing a warrant issued by the Principal Chief of the Creek Nation #3002, for \$25.00, payable to Barney Green for salary as prosecuting attorney, for the 4th quarter 1897-8, and also submitting another warrant, issued by the same party, #3003, for \$68.75, payable to Sampson Yahola, for salary as Private Lighthorseman, for the same period. You refer to a letter dated December 23rd 1898, addressed by you to the Principal Chief, relative to said warrants, to which you have received no reply.

You also call attention to the report that other warrants, of like kind, have been issued for the same purpose and that the parties holding the same desire you to inform them "whether or not they will be eventually paid, as under the provisions of the Act of Congress approved June 28th 1898, all warrants issued since (Sic.) July 1st 1898, are to be paid by an officer of the United States".

You request "to be advised if these warrants are not illegal and should not be paid", and you recommend that you "be directed to notify the executives of the Creek and Cherokee Nations that hereafter no warrants must be issued, for any purpose whatever, unless endorsed by the Indian Inspector".

The Commissioner in transmitting (Sic.) your said letter recommends that you "be instructed to advise the Creek authorities that any warrant issued in payment of salary of a court official in the Creek Nation for services rendered after that date, would



be absolutely null and void".

Since under the provisions of section 28 of said Act the tribal courts in the Creek and Cherokee Nations are abolished after October 1, 1898, it is quite clear that any warrants issued after said date are without authority of law and consequently null and void the recommendation of the Commissioner to this extent is concurred in.

The question of authority for the issuance of warrants by the Creek and Cherokee Nations and the manner in which they should be paid by said nations, as well as others should any be deemed valid, has been referred to the Comptroller of the Treasury for decision.

On the 18th instant you requested the return of the warrants above mentioned. Inclosed herewith you will find copies of the report of the Commissioner of Indian Affairs dated January 23rd and February 25th respectively, together with the warrants above referred to.

Respectfully,

E. A. Hitchcock

Secretary.

Ind. Ter. Div.  
508-1899 & 197-'99  
4 Inclosures.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 14, recieved Mar. 6, 1899, office of U. S. Indian Inspector for Indian Territory. Washington, Feb. 28, 1899. Secretary. Relative to issue of warrants by Cherokee and Creek Nations. Returns two of Creek.



33

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington. February 25, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office letter of January 23, 1899, transmitting a report of January 13, 1899, from Inspector Wright relative to certain warrants issued by the authorities of the Creek Nation in payment for the services of court officials after October 1, 1899, there is transmitted, herewith, a report of February 18, 1899, from Inspector Wright who requests that the two Creek warrants which accompanied his said report of January 13, above referred to, be returned to him, so that they may be restored to the parties from whom he borrowed the same.

Very respectfully,  
Your obedient servant,

A. C. Tonner.

Acting Commissioner.

(K.S.M.)

P.



COPY--G.R.C.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, D. C. March 2, 1899.

The Commissioner,  
of Indian Affairs,

Sir:

The Department is in receipt by your reference of a communication from Mr. J. George Wright, U.S. Indian Inspector for the Indian Territory, in which he asks that specific authority be granted for certain expenditures disallowed by the Comptroller of the Treasury, giving his reasons therefor. Said communication bears the following endorsement:

"Department of the Interior  
"Office of Indian Affairs

"

"Respectfully submitted to the Honorable Secretary of the Interior with the recommendation that the request of Inspector Wright be granted.  
(Signed) A. C. Tonner.  
Actg. Commissioner."

It appears from the papers submitted that Inspector Wright requested the Comptroller of the Treasury on September 22, 1898 to revise his accounts from July 1, 1897 to June 30, 1898, in which revision the Comptroller confirmed the action of the Auditor in disallowing items for expenses for porter's fees and parlor car fare, charged therein, for the reasons set out in the



copy of said decision submitted by the Inspector, and in addition thereto the Comptroller disallowed the following amounts:

<u>1 8 9 7.</u>		
Aug. 28,	Seat in parlor car to Sioux City.....	.50
Oct. 7 and 9.	Seat in parlor car Crow Agency	
	to Billings and return.....	.50
Oct. 26,	Difference between through and local	
	rates from Crow Agency to Washington.....	4.20
Oct. 26,	Seat in parlor car Crow to Billings.....	.25
Nov. 3. to 13	Street car fares in Washington 10	
	days at 25 cents.....	2.50

<u>1 8 9n8.</u>		
Jan. 9,	Seat in parlor car Crow Agency to Billings.....	.25
Feb. 8 & 9.	Transfer to hotel from depot and	
	return in Chicago.....	2.00
Feb. 26	Street car in Washington 19 days	
	at 25 cents.....	4.75
No date	Transfer and baggage in Washington.....	.75
April 1 to 18,	Street car fare in Hot Springs, Ark.	
	10 days at 20 cents.....	2.00
June 30,	Street car fare in San Francisco	
	5 days at 20 cents.....	1.00
	Total.....	<u>\$18.70</u>

In his said letter, with reference to the item of \$4.20, being the difference in rates for railroad fare from Crow Agency to Washington, disallowed by the Comptroller, the Inspector states that "it became necessary to go to Billings, and to stop



in St. Paul, and also in Chicago, in order to obtain information in connection with the investigation, and I therefore request that specific authority be granted for such action--which it was supposed by the Inspector was fully covered in the authority to make the investigation. " He also asks that authority be granted for the amount charged for street car fare in Washington for ten days at 25 cents per days--\$2.50--and the items charged February 8 & 9 1898, transfer to hotel from depot and return in Chicago, \$2.00, and the Inspector states that "as this was from Saturday until Monday, I respectfully ask that the same be authorized, transfer in any event from depot to hotel and return to depot while waiting trains was necessary." He also asks that he be allowed authority for the following expenditures:

"Feb. 28, Street car fares in Washington, 19 at 25¢ \$4.75

April 18, Street car fares in Hot Springs, Ark.

10 days . . . . .	2.00
-------------------	------

June 30, 1898, Street car fares in San Francisco,

5 days. . . . .	1.00
-----------------	------

In accordance with your said recommendation, authority is hereby granted by the Inspector for the expenditures as requested, and the papers submitted by him are herewith returned to your office, action to be duly taken thereon by you.

E. A. Hitchcock.

Secretary.  
EMD.

Ind. Ter. Div.  
466-1899.  
Incls.



Union Agency,  
Muscogee, I.T., March 2, 1899.

Dr. Nathan Hughes,  
Guthrie, O. T.

Dear Sir:-

If you sell a proprietary medicine in the Indian Territory, you should pay tax for the privilege as an ordinary peddler. When you visit any particular town and sell, there is usually a small tax levied by the authorities. Unless your medicine should prove to be worthless, and yourself a fake, I do not think you should have any trouble in selling it in the Territory.

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 # 75.



DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, March 7, 1899.

To U. S. Indian Agents  
and School Superintendents.

Section 8 of the Indian Appropriation Act approved  
March 1, 1899, reads as follows:

Sec. 8. That hereafter all Indians, when they shall arrive at the age of eighteen years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office.

All Disbursing Officers making annuity payments to Indians will govern themselves accordingly.

Please acknowledge receipt of this letter.

Very respectfully,

W. A. Jones.

Commissioner.

GRC

(Endorsed) Union Agency # 26, received Mar. 11, 1899, Office of U. S. Ind. Inspector for I. T. Washington, March 7, 1899, Commissioner. Indians over 18 years to receive and receipt for moneys.



## DEPARTMENT OF THE INTERIOR

Washington  
March 13th, 1899.

Mr. J. George Wright  
U. S. Indian Inspector for  
the Indian Territory  
Muscogee, I. T.

Sir:-

The Department is in receipt of your communication of the 24th ultimo, in which reference is made to departmental telegram of the 23rd ultimo, advising you in reply to yours of the same date, relative to the destruction of your offices by fire, that "important instructions heretofore given will be mailed to you," and in connection therewith you suggest "the advisability of removing the headquarters of this (your) office and the Indian Agent to Ft. Smith Arkansas, which adjoins and a portion of the city is within the limits of this Territory. The fact that a portion of Ft. Smith is in the Indian Territory would, it is believed, remove any possible obstacles that might arise in connection with the 27th Article of the Curtis Bill, which provides for the location of an Indian Inspector in the Indian Territory."

The Acting Commissioner of Indian Affairs in transmitting your report concurs in said recommendation, and quotes the provisions of Section 2160 of the Revised Statutes of the United States as follows:

"Every Indian shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the president may designate, and shall not



depart from the limits of his agency without permission."

The statements made in your letter relative to the desirability of the change have been carefully considered by the Department, and it is believed that under the provisions of Section 27 of the Act of Congress approved June 28, 1898 (30 Stat., 495), which reads as follows:---

"That the Secretary of the Interior is authorized to locate one Indian Inspector in the Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law, relating to affairs therein."---

The office of the Indian Inspector for the Indian Territory ought not to be, and cannot legally be, located at Ft. Smith, Arkansas. It is believed that in the near future, the improvements at Muscogee recently destroyed by fire will be replaced by better and more substantial buildings, and while much inconvenience may be occasioned in the meantime, in the long run it will be far better to have the offices of the Agent and Inspector as well as the Superintendent of Schools in Indian Territory located at Muscogee.

With reference to instructions desired by you, the Department has already mailed to you the most important instructions and in case there shall be need for copies of others, not already sent to you, they will be forwarded immediately.

Respectfully

Ind. Ter. Div.  
628-1899

Tho. R. Ryan Acting Secretary

No. 42

Endorsement: 3/13/1899 Office of inspector cannot be located at Ft. Smith, Ark.

Copied GBD 3/27/34



41

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
Washington, March 16, 1899.

J. George Wright,  
U. S. Indian Inspector,  
Muscogee, Indian Territory.

Sir;

Herewith appended, you will find the information desired  
by your letter of the 9th instant, in regard to the annual in-  
come of the Cherokee and Creek Nations, Viz:

CHEROKEE NATION:

Interest on Asylum Fund, -----	\$ 3,207.36
# " National Fund, -----	71,427.16
" " School Fund, -----	43,522.40
" " Orphan Fund, -----	18,733.96
T o t a l -----	<u>\$136,890.88</u>

CREEK NATION:

Fulfilling treaties with Creeks, - -b- \$	49,968.40
Interest on Creek General Fund, - - - -	73,678.14
T o t a l - - - - -	<u>\$123,646.54</u>

Very respectfully,

A. C. Tonner.

Assistant Commissioner.

J. B. C. (G)

(Endorsed) Union Agency # 49, received Mar. 20, 1899. Office of U.  
S. Indian Inspector. for I. T. Washington, March 16, 1899. Commis-  
sioner. Tabular Statement of moneys due Cherokees and Creeks.



DEPARTMENT OF THE INTERIOR.

Washington.

March 18, 1899.

J. George Wright,

U. S. Indian Inspector for  
the Indian Territory,

Muscogee, I. T.

Sir:

Inclosed herewith you will find a copy of the opinion of the Assistant Attorney General for this Department on the question referred to him on December 8th last "whether the Secretary of the Interior is authorized to consider any applications that may be tendered by persons claiming to be citizens of either of the Five Civilized Tribes, whose applications are rejected by said Commission because not found on any tribal roll, or for any other reason whatever."

Said opinion was approved by the Department on the 17th instant.

Respectfully,

Thos. R. Ryan.

Acting Secretary.

Ind. Ter. Div.  
691-1899.  
1 Inclousre.

Through the Commissioner  
of Indian Affairs.

(Endorsed) Union Agency # 57, received Mar. 24, 1899, Office of U. S. Ind. Inspector for I. T. Washington, 3/18/99 Secretary. Enclosed opinion of Asst. Sec. Gen. relative to rejected applications for citizenship.



DEPARTMENT OF THE INTERIOR.  
Office of the Asst. Attorney Gen.  
Washington.

968-1898.  
Ind. Ter. Div.

March 17, 1899.

\*\*\*\*\*  
Citizenship in the )  
Five Civilized Tribes.)  
:  
:  
:  
:  
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The Honorable,

The Secretary of the Interior,

Sir:

With your letter of December 8, 1898, you transmitted letters of the Commission to the Five Civilized Tribes and of the Commissioner of Indian Affairs relating to the question of citizenship in such tribes and the extent of the authority of said commission and the Secretary of the Interior in the premises. After referring to the letters submitted and the acts of Congress touching the question, your letter proceeds:

I have to ask that you will consider the acts referred to herein, the correspondence inclosed herewith, and advise the Department whether the Secretary of the Interior is authorized to consider any applications that may be tendered by persons claiming to be citizens of either of the Five Civilized Tribes, whose applications are rejected by said Commission because not found on any tribal roll, or for any other reason whatever. I desire to be further advised whether the Commission to the Five Civilized Tribes is authorized to receive the and file any application from any person claiming membership in either of the said Five Civilized Tribes whose name is not found by the said Commission on the rolls of the prospective tribe of which the person claims membership, and also whether under the provisions of said acts, or under his supervisory authority, the Secretary of the Interior may instruct the Commission to the Five Civilized Tribes to receive and act upon any application tendered to said Commission by any person or persons claiming membership under either of said Tribes and allow an appeal from the action of said Commission by the party or parties interested, adversely affected thereby.

To comply with these requests it will be necessary to examine the statutes prescribing the duties of the Commission to the Five Civilized Tribes respecting claims to citizenship.



Prior to the creation of this Commission the respective tribes controlled the question of citizenship, subject to the conditions of the various treaties between the United States and such tribes.

The Commission to the Five Civilized Tribes was created by the act of March 3, 1893 (27 Stat., 612, 645), "to enter into negotiations with" the indians "for the purpose of the extinguishment of the national or tribal title to any lands" within the Indian Territory held by them, which **extinguishment** was to be accomplished either by cession of the lands to the United States or by the allotment and division of the same in severalty among the indians entitled thereto, or by such other method as might be agreed upon, to be carried on under regulations and directions to be prescribed by the President, through the Secretary of the Interior, and the commissioners were to report their transactions and the progress of their negotiations to the Secretary of the Interior.

The act of June 10, 1896 (29 Stat., 321, 339), provides as follows:

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



and such court or committee shall determine such application within thirty days from the date thereof.

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

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

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

By the act of June 7, 1897 (30 Stat., 62,84), it was provided:

That the words "rolls of citizenship," as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls or each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this act. And any name appearing on such rolls and not confirmed by the act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation: Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the act of June tenth, eighteen hundred and ninety-six.



The act of June 28, 1898 (30 Stat., 495,502), further defined the duties of this commission as follows:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

\* \* \* \* \*

Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of the law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

\* \* \* \* \*

The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere.

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, that nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls. They shall have access to all rolls and records of the several tribes, and the United States court in Indian Territory



shall have jurisdiction to compel the officers of the tribal governments and custodians of such rolls and records to deliver same to said commission, and on their refusal or failure to do so to punish them as for contempt; as also to require all citizens of said tribes, and persons who should be so enrolled, to appear before said commission for enrollment, at such times and places as may be fixed by said commission, and to enforce obedience of all others concerned, so far as the same may be necessary, to enable said commission to make rolls as herein required, and to punish any one who may in any manner or by any means obstruct said work.

The rolls so made, when approved by the Secretary of the interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws.

In Indian Appropriation Act, approved July 1, 1898 (30 Stat., 571, 591), contains the following provision:

That said commission shall continue to exercise all authority heretofore conferred on it by law.

Appeals shall be allowed from the United States courts in the Indian Territory direct to the Supreme Court of the United States to either party, in all citizenship cases, and in all cases between either of the Five Civilized Tribes and the United States involving the constitutionality or validity of any legislation affecting citizenship, or the allotment of lands, in the Indian Territory, under the rules and regulations governing appeals in said court in other cases: Provided, That appeals in cases decided prior to this Act must be perfected in one hundred and twenty days from its passage; and in cases decided subsequent thereto, within sixty days from final judgment; but in no case shall the work of the commission to the Five Civilized Tribes be enjoined or suspended by any proceeding in, or order of, any court, or of any Judge, until after final judgment in the Supreme Court of the United States. In case of appeals, as aforesaid, it shall be the duty of the Supreme Court to advance such cases on the docket and dispose of the same as early as possible.

The Indian Appropriation act, approved March 1, 1899, (Public No. 104), also provides:

That said commission shall continue to exercise all authority heretofore conferred upon it by law.

The act of June 10, 1896, supra, contained no provision that the rolls of citizens made by the commission should be subject to the approval of the Secretary of the Interior. It provided that appeals might be taken to the United States District Court from the commission's decision upon any application for citizenship. This necessarily excluded any other mode of securing a review of the commission's action, and in the absence of an appeal to the court their decision was final. The rolls of citizens prepared



by the commission were by that act "made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts." The act further provided:

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

There can be no question as to the effect of this act. It made the commission's determination as to the names to be enrolled a finality, except where an appeal should be taken to the court, and there the court's decision was declared final. No other tribunal or officer had any authority to revise or change the rolls as prepared by the commission.

The act of June 7, 1897, supra, made no change in this point. It defined the words "rolls of citizenship," used in the act of 1896, provided that all names appearing upon the rolls and not **included** in the definition given, should be open to investigation by the commission for a period of six months after the date of said act, and that any name on said rolls not confirmed by the act of 1896 might be stricken off, the party having a right of appeal to the United States Court under the act of 1896.

The act of June 28, 1898, supra, prescribes the manner in which the commission is to make rolls of citizenship of the several tribes, and that all names found to have been placed upon the tribal rolls by fraud or without authority of law, shall be eliminated, and then declares:

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants ~~thereafter~~ born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

By the act of 1896, applications for citizenship were required to be made to the commission within three months after the passage of that act, and to be passed upon by the commission within



ninety days after made. Provision was also made for applications to the court or committee of the several tribes, which were to be presented within three months and passed upon within thirty days. After the expiration of six months, the commission was to make rolls of citizenship, adding the names of citizens whose right might be conferred under that act. After the expiration of the time fixed, no new application for citizenship could be received, and the action of the commission upon those made within the time fixed was final, in the absence of an appeal to the court. The act of 1897 did not provide for new applications for citizenship. It defined the words "rolls of citizenship," used in the act of 1896, and directed that all names appearing upon the rolls, not coming within that definition, should be open to investigation by the commission for a period of six months after the passage of said act. Neither did the act of 1898 make any provision for new applications for citizenship. The commission was authorized and directed to enroll the persons indicated and to investigate the right of all other persons whose names are found upon any tribal roll, and to omit all such as may have been placed there by fraud or without authority of law. They were not authorized to add any name not found upon some roll of the tribe, except those of descendants of persons rightfully upon some roll and persons intermarried with members of the tribes and therefore lawfully entitled to enrollment.

The rolls so made by the commission are to be final "when approved by the Secretary of the Interior." This approval being required to give the quality of finality to the rolls, it follows necessarily that the Secretary of the Interior is clothed with some legal discretion and authority in granting or withholding his approval, and that he has a power of supervision and review over



the action of the commission in preparing the rolls. This power of supervision and review extends to everything done by the commission in the way of placing names upon or withholding names from the rolls which depends for its final sanction and effect upon the approval of the rolls by the Secretary of the Interior, but it does not include or authorize a re-examination of a decision of the commission from which an appeal to the court was provided for, and which therefore became final in the absence of such an appeal, nor does it include or authorize a re-examination of a decision of the court upon such an appeal. It does, however, enable the Secretary to see that any individual entitled to enrollment under any such final decision is placed upon the roll, and that any name placed thereon in disregard of any such final decision is stricken therefrom.

In those cases which are appealed to the Supreme Court under the act of July 1, 1898, supra, the decision of the Supreme Court, or such decision as may be rendered by the District Court in pursuance thereof, becomes the final decision, notwithstanding the provision in the act of 1896 giving finality to the original decision of the District Court.

In the course of this opinion all the questions presented by your letter are believed to be answered.

The papers submitted are herewith returned.

Very respectfully,

Willis VanDeventer

Assistant Attorney General.

Approved, March 17, 1899:

Thos. R. Ryan.  
Acting Secretary.



Union Agency,  
Muscogee, I. T.  
March 20, 1899.

Mr. J. C. Drew,  
Blackburn, Mo.

Dear Sir:-

In reply to yours of late date, you are informed that there is no Government land that can be bought or sold in the Indian Territory. The land belongs to the Indians and every foot of it will be allotted to them, and after final allotment has been made and the Indians have received the patents therefor, it is probable that you might buy an allotment and that there will be some arrangement made by which you can purchase it.

The Curtis Act was a bill passed on the 28th of June, 1898, and is entitled "An Act for the protection of the people of Indian Territory and other purposes." If you will write to your Congressman, I suppose you can get a copy of it.

You cannot lease land from an Indian for a term of years, but you can rent land for one year and on just about the same terms that you can rent similar land in the state of Missouri. On much of their land the Indians have very valuable improvements, good dwelling houses, barns, fences, etc.

Very respectfully,

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

D. M. Wisdom,

U. S. Indian Agent.

(Endorsed) Union Agency-Muskogee, Oklahoma. Press book no. 1----  
letter 291.



52

DEPARTMENT OF THE INTERIOR,  
Washington.

March 22, 1899.

J. George Wright,  
U.S. Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:-

The Department is in receipt of a copy of the Department letter of the 9th instant to you, stating "that you will find a copy of the decision of the Department of the 6th instant, reducing the rate of royalty on coal in the Indian Territory, and the amendments to the regulations of the Department of October 7 and November 4, 1898, prescribed under the provisions of the Act of Congress approved June 28, 1898, (30 Stat., 495)." You request that you "be furnished with copy of decision therein referred to, with return of letter." Inclosed herewith you will find copies of orders of the Department amending the said regulations of October 7 and November 4, 1898, as requested by you.

Respectfully,

Thos. Ryan  
Acting Secretary.

Ind. Ter. Div.  
718-1899.  
3 inclosures.  
Through the Commissioner  
of Indian Affairs.

(Endorsed) Union Agency Number 59 Received Mar 27, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, March 22, 1899. Secretary.-----Encloses copies of regulations covering reduction of royalty on coal.-----



DEPARTMENT OF THE INTERIOR.  
Washington.

March 25th, 1899.

J. George Wright,

U. S. Indian Inspector  
for the Indian Territory,

Muscogee, Ind. Ter.

Sir:

I am directed by the Secretary to inclose herewith for your information a copy of departmental letter of the 24th instant, addressed to Hon. Tams Bixby Acting Chairman of the Commission to the Five Civilized Tribes, relative to the employment of counsel to investigate citizenship cases.

Respectfully,

Edward M. Dawson

Ind. Ter. Div.  
693-1899.  
1 Inclosure.

Chief Clerk.

Through the Commissioner  
of Indian Affairs,

(Endorsed) Union Agency # 74. Received Mar. 31, 1899, Office of U. S. Indian Inspector for Indian Territory. Washington. March 25, 1899. Secretary. Transmits Copy of a letter written Tams Bixby, acting Chairman Dawes Commission, as to employment of Counsel to investigate Citizenship Cases.



Union Agency,  
Muscogee, I.T.,  
March 27, 1899.

Prof. B.S.Perkins,  
Mountain, I.T.

Dear Sir:-

The Supervisor of Schools has arrived at Muscogee and opened an office here; his name is J. D. Benedict, and to whom any communication in reference to schools should be addressed.

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

Approved;

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



## DEPARTMENT OF THE INTERIOR

## OFFICE OF INDIAN AFFAIRS

Washington

March 31, 1899

J. George Wright,  
U. S. Indian Inspector  
Muscogee, Indian Territory

Sir:

You are hereby advised that the authority granted for you to expend \$450.00 in the open market purchase of two driving horses, one buggy, two horse blankets, lap robes and whip, to be delivered at Muscogee, I. T. has been modified to permit you to purchase the horses to be delivered in Kansas City, Missouri, and the buggy and harness to be delivered in Chicago, Illinois, and shipped to Muscogee, I. T., under government transportation contract.

Authority has also been granted for you to settle an indebtedness amounting to \$20.00, incurred by you for services of a stenographer in an investigation relative to coal leases, and a transcript of the proceedings, as requested and for the reasons stated in your letter and the account herewith enclosed for payment and file with your accounts.

In granting this authority, the Honorable Secretary calls attention to the proviso of section 9 of the Regulations governing mineral leases and other matters in the Choctaw and Chickasaw Nations, prescribed by the Department on October 7, 1898, which declares:

"That should there arise a controversy between two or



more corporations, the respective rights of each shall be determined after an investigation by the Inspector located in the Indian Territory, subject to the appeal to the Commissioner of Indian Affairs, and from him to the Secretary of the Interior, and where conflicting claims arise the parties thereto should be required to pay the costs thereof in accordance with the rules of practice relative to the taxation of costs in cases before the United States District Land officers."

A copy of said rules of practice was enclosed with said authority, which is herewith enclosed for your guidance in such matters.

Very respectfully

(Signed) A. C. Tonner

Acting Commissioner

Endorsement: Wash. Mar.31, 1899 Commissioner. Authority to purchase team of horses, etc. has been modified so as to permit purchase of horses in Kansas City, and the buggy etc. delivered in Chicago.

No.81  
L.S.

Copied GBD  
3/28/34



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

Gen. L.H.Colby,  
Beatrice, Neb.

Dear Sir:-

Your letter received and I was glad to hear from you, and delighted that you returned safely from the Cuban war. Capt. McCallom and Col. Govan were old Confederate friends of mine and I recall them very distinctly and kindly.

I send you at your request, a copy of the Curtis Bill and other rules and regulations of the Department.

I will be pleased to see you in the Territory at any time and renew our very agreeable acquaintance.

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



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

April 3, 1899.

The Honorable

The Secretary of the Interior.

Sir;

I have the honor to submit herewith a communication from the United States Indian Inspector for Indian Territory transmitting a report from the Superintendent of Schools in Indian Territory with reference to the result of his observations regarding the condition of Indian schools in the Choctaw, Creek, and Cherokee Nations, wherein he requests that he be informed specifically concerning the authority of the Government, or himself, in reference to the management of the schools in the Five Civilized Tribes.

In Section 1 of Additions and Amendments to the Rules and Regulations to Govern Miscellaneous Matters in Indian Territory, which additions and amendments have received the approval of the Secretary of the Interior, it is provided that it shall be the duty of the Superintendent of Schools in Indian Territory "to visit, inspect, and organize or reorganize the schools and orphan asylums located among the Five Civilized Tribes." The report of the Superintendent of Schools in Indian Territory indicates a most deplorable condition of affairs as existing in the control



and management of the schools and orphan asylums of these several nations, and in the opinion of this office immediate steps should be taken toward the eradication of the evils described in said report. Having in view this end, I have the honor to respectfully recommend that this office be authorized to apply the Regulations Concerning Education in the Indian Territory, which have received the approval of the Secretary of the Interior, to the various schools and orphan asylums of the Cherokee, Chickasaw, Choctaw, and Creek Nations in the Indian Territory.

A printed copy of the Regulations Concerning Education in the Indian Territory, above referred to, is herewith inclosed.

Very respectfully,

W.A.Jones,

Commissioner.

L.M.J.

A TRUE COPY:

Chief, Education Division.



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Union Agency,  
Muscogee, I.T.,  
April 4th, 1899.

Hon. George H. Small,  
U.S. Asst. Treas.,  
St. Louis, Mo.

Sir:-

I have the honor to transmit herewith St. Louis Exchange for \$8982.41, the same to be placed to my credit as U.S. Indian Agent.

I also send you herewith my official check #138963, payable to your order for \$18,787.21, the same being a deposit of royalties collected by me for the nations named below;

Choctaw Nation	\$ 13,866.58	
Chickasaw Nation	4,622.24	
Cherokee Nation	59.88	
Creek Nation	238.51	\$ 18,787.21

This last named amount is to be placed to the credit of the Treasurer of the U.S., for the nations and in the amounts named.

Very respectfully,  
Dew M. Wisdom.

Approved;  
J. Geo. Wright  
U.S. Indian Inspector.

P.S. Please send me the usual certificates of deposit.

(Endorsed) Union Agency press book no. 1 letter 449. Muskogee, Okla.



61

Union Agency,  
Muscogee, I.T.,  
April 5th, 1899.

Mr. H. J. McGehee,  
Cottonville, Ala.

Dear Sir:-

Yours received in which you state that you have read a letter of mine in the "Globe-Democrat" in regard to the public lands in the Indian Territory. I do not remember the letter, but I presume you misunderstood it: there are no public lands in the Indian Territory.

All the lands in said Territory belong to Indians and every foot of it will be taken in allotments by Indians. A white man coming into this Territory from the States can only rent land: at this particular time he cannot buy any land whatever. If therefore you expect to come to this country to homestead a place, you will find yourself mistaken, for there is no Land Office open where you could take land.

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 484. Muskogee, Okla.



62

Union Agency,  
Muscogee, I.T.  
April 5th, 1899.

Mr. H. J. McGehee,  
Cottonville, Ala.

Dear Sir:-

Yours received in which you state that you have read a letter of mine in the "Globe-Democrat" in regard to the public lands in the Indian Territory. I do not remember the letter, but I presume you misunderstood it: there are no public lands in the Indian Territory.

All the lands in said Territory belong to Indians and every foot of it will be taken in allotments by Indians. A white man coming into this Territory from the States can only rent land: at this particular time he cannot buy any land whatever. If therefore you expect to come to this country to homestead a place, you will find yourself mistaken, for there is no Land Office open where you could take land.

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 484. Muskogee, Okla.



63

Enclosure "B".

1, J. Geo. Wright, being duly sworn, depose and say:

That while acting in his official capacity and under authority from the Interior Department he rented a warehouse in San Francisco, Cal., and that he paid for rent of said building the sum of One Hundred and Fifty (\$150.00) dollars, and that the receipt taken therefore by an error read "Received from the Commissioner of Indian Affairs" while it should have read "Received from J. Geo. Wright," the error being caused by the fact that the form of receipts had previously been printed and the name "Commissioner of Indian Affairs" was printed, and at the time of this payment was by an oversight not corrected.

That such payment was made by check on the sub-treasury at San Francisco, and number of check stated on receipt, signed by J. Geo. Wright, S.D.O. & U. S. Indian Inspector, and that not knowing present address of party to whom such amount was paid it is impossible for him to obtain corrected receipts.

J. Geo. Wright

Subscribed and sworn to me this 6th day of April 1899.

J.W. Zevely,

Special Inspector.

(Endorsed) Union Agency No.12 Washington, Jan.30, 1899. Secretary----  
Addressed to Comm'r: Relative to exceptions taken to accounts  
of Inspector.-----



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DEPARTMENT OF THE INTERIOR  
Washington.

April 12, 1899.

J. George Wright,  
U.S. Indian Inspector  
for the Indian Territory,  
Muscogee, Indian Territory.

Sir:

I am in receipt of your communication of the 25th ultimo, submitting a report from John D. Benedict, Superintendent of Schools in the Indian Territory, dated the 24th ultimo, concerning the conditions of Indian schools in the Choctaw, Creek and Cherokee Nations, and stating that he "has a plan in mind, but do not deem it advisable to announce it throughout the Territory until I know the extent of the government's authority over the school affairs of the several Nations or Tribes."

Mr. Benedict further quotes from section 1 of the amendments to the rules and regulations prescribed by the Secretary of the Interior on November 4, 1898 under the title of "Education, which declares that -

"There shall be appointed by the Secretary of the Interior a capable, competent, and discreet person, to be designated as "Superintendent of Schools in Indian Territory," whose duty it shall be to visit, inspect, and organize or reorganize the schools and orphan asylums located among the Five Civilized Tribes. He shall administer the educational work of these schools and orphan asylums, prepare courses of study, and report to the Commissioner of Indian Affairs what, in his judgment, are the defects in them in system, in administration, or in the means for the most effective advancement of the pupils therein, and what changes are needed to remedy such defects as may exist, and to perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. He shall also assign the several supervisors to their respective duties."



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The Superintendent further states; "I desire to know as soon as possible whether or not the government is now prepared to take entire control of the schools of the Five Civilized Tribes. If not, then I am very desirous of the government defining its specific authority over the school affairs of each of these tribes." He further calls attention to the fact that each of said tribes has its complement of school officials regularly appointed or elected, according to the laws of said tribes; that said officials receive stated salaries, and under their local laws they have entire control of their schools; that very few of them "pretend to know anything about school management or supervision," and he desires to know "what if any, authority will these officials be permitted to exercise over their schools, and what authority the government will assume to exercise."

The Superintendent then proceeds to point out the principal defects in the administration of the school affairs in said tribes, as follows;

- "1st. Incompetency of school officials.
- "2nd. Favoritism in the matter of appointing teachers\* \* \*
- "3rd. Bribery. In some instances, teachers have obtained their positions by paying various sums of money either directly or indirectly to school officers.
- "4th. Carelessness or indifference in the expenditure of school funds."

He further declares that "One of the most deplorable facts noticeable is the almost total lack of any attempt toward industrial or manual training. The Superintendents and teachers, as well as the pupils, seem to be averse to any and every kind of manual labor," and the Superintendent concludes with the statement that he "might



note many other weak points and needed improvements, but these will suffice to show that there is an immense amount of work to be done here, and I believe the time is ripe for doing it, if we only have the authority;" and he also says that if the Department will define the authority of the government over the school affairs of said Nations he will take pleasure in submitting some plans of work for the approval of the Department.

In your said communication, attention is called to the provision in the agreement between the Commission to the Five Civilized Tribes and the Seminole Nation, which was ratified by the Act of Congress approved July 1, 1898, (30 Stat., 567), by which \$500,000. of the funds belonging to said Nation are required to be set apart as a permanent school fund for the education of the children of the members of said tribe to draw interest at 5% per annum, and directing how the interest shall be applied "by the Secretary of the Interior" after the extinguishment of the tribal government of said Nation; and you suggest that under said provision, so long as the tribal government of the Seminole Nation continues, it has the authority to supervise the affairs within its territory, and the interest of said fund is to be controlled by the Secretary of the Interior after the extinguishment of the tribal government of the Seminole Nation.

You further call attention to the conclusion of the Department heretofore reached after a conference with the tribal officials, that the schools in the Choctaw and Chickasaw Nations, supported by the revenues from coal and asphalt royalties, "are to be entirely under the control of the Secretary of the Interior;" and you also



state that the provisions of section 19 of the Act of Congress approved June 28, 1898, (30 Stat., 495), were considered in a conference by the Secretary of the Interior and others, at which you were present, and "it was considered that the above section provided authority for the Secretary of the Interior to assume charge of the schools in these nations, and the Honorable Secretary of the Interior so decided." You further state that if it be decided "that the Department has authority to assume full charge of the schools in the Creek and Cherokee Nations," you urgently recommend that the same be done.

The Commissioner of Indian Affairs, in transmitting said communications, recommends that the Indian Office-

"be authorized to apply the Regulations Concerning Education in the Indian Territory, which have received the approval of the Secretary of the Interior, to be various schools and orphan asylums of the Cherokee, Chickasaw, Choctaw and Creek Nations in the Indian Territory."

On the fifth instant, the Acting Secretary directed you by wire to "Instruct the Superintendent of Schools to proceed under regulations of March fourth, and transmit his recommendations for supervisors." When said regulations were prescribed it was an exercise of authority which the Department then determined that it had authority under the law to do. Said section 1 above quoted clearly defines the duties of the "Superintendent of Schools in the Indian Territory," so far as therein prescribed.

The provisions of said section 19 require that the payment of moneys due the Creek and Cherokee Nations shall be made under the direction of the Secretary of the Interior, and it is believed that



that section authorizes the Secretary of the Interior to see that the moneys paid out under his direction shall be properly disbursed, and for the best interests of the Indians. Moreover in the recent act of the Creek Council making an appropriation for the schools of said Nation it is provided "That the various sums herein appropriated for school purposes shall be paid out under such rules and regulations as the Secretary of the Interior may prescribe therefor," and the Department has heretofore held, as stated by you that the requirement in section 29 of said Act of June 28, 1898, that "the revenues from coal and asphalt, or so much thereof as may be necessary, shall be used for the education of the children of Indian blood of the members of said tribes," authorizes the Secretary of the Interior to determine the manner in which those revenues shall be disbursed.

With reference to the defects pointed out by the Superintendent of Indian Schools, it is to be regretted that the school officials are incompetent, and that favoritism exists in the matter of appointing teachers.

With regard to the crime of bribery which is alleged to exist, it may be observed that teachers who resort to that means of obtaining positions are clearly unworthy of the trust reposed in them, and that since the passage of said Act of June 28, 1898, persons found guilty of bribery can be punished by the United States Courts, and it is believed that a few convictions of persons guilty of the crime will have the effect of preventing the occurrence thereof in the future, and it should not be forgotten that parties offering bribes for



positions are equally guilty with those accepting them.

Said rules and regulations are applicable to the Cherokee, Creek, Choctaw and Chickasaw Nations, and you will advise the Superintendent of Indian Schools to submit his plan of work for the approval of the Department at the earliest practicable moment.

It is desirable that all officers of the government should cooperate so far as possible to secure a fair and impartial enforcement of the law in order that the civilization in said Territory may be improved.

A copy of said report of Commissioner of Indian Affairs is enclosed herewith.

Respectfully,

E.A.Hitchcock

Secretary.

Ind.Ter.Div.  
991-99.  
1 enclosure.

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency Number 105 Received Apr 15, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, April 12, 1899. Secretary.-----School regulations shall apply to Creek, Cherokee, Choctaw & Chickasaw Nations.-----



## DEPARTMENT OF THE INTERIOR.

Washington.

April 18, 1899.

J. George Wright,  
U. S. Indian Inspector  
for the Indian Territory,  
  
Muscogee, I. T.

Sir:

I am in receipt of your report dated April 7, relative to the request from W. A. Batman, Secretary of the Midland Gin Co., for permission to purchase timber to build a house in which to put machinery for ginning purposes, and requesting to be advised of the amount of timber that said company may be allowed to use and the royalty to be paid thereon.

In your said report you find "that the timber is desired for the purpose of erecting a gin house, as represented, and that the same is necessary." You also refer to the departmental letter of March 18, 1899, to you, in which you were advised that the Department had instructed Mr. Johnson Keel, of Oconee, I. T., relative to the cutting of oak timber for local improvements, such as building fences, houses on his farm, and also his neighbors' farms,

"that under the proper construction of said agreement section 29 of the Act of June, 1899), members of the Chickasaw and Choctaw tribes are permitted to cut or use from their own claims sufficient timber to make improvements thereon. The inhibition in said Agreement and the Rules and Regulations thereunder is against the cutting of timber for sale."

You state that said construction of the law and regulations has been followed by you in the numerous answers made to con-



stant inquiries made of you, and you further state that,

"While it might appear unreasonable to not grant this request, in view of the complications that would undoubtedly arise in granting requests of a similar nature, I (you) respectfully recommend that the same not be granted, unless it be considered by the Department that timber can be cut and so disposed of for building purposes generally in the towns within the limits of the Indian Territory."

You also request that reply to Mr. Batman be forwarded through your office.

The Commissioner of Indian Affairs, in forwarding your said report, refers to a former report of the Office of Indian Affairs, dated the 10th instant, transmitting a report from you, dated the 22nd ultimo, relative to the matter of cutting timber in the Chickasaw Nation for the purpose of cord wood to be used by a gin company in running its engines, in which it was suggested by the Indian Office, "that the public necessity of permitting the company to purchase cord wood from the Chickasaw domain was such as, in its opinion, authorized the Department to permit the same." It is further stated in the report of the Commissioner that,

"The timber now desired, however, is for an entirely different purpose, and would not, in the opinion of this office, come under any of the suggestions contained in the report of April 10, above referred to, and would be in violation of the law prohibiting the cutting or the destruction of timber on lands occupied by Indians - Section 5388 of the Revised Statutes, as amended by the Act of June 4, 1888, (26 Stats., 166)."

The Commissioner recommends, therefore, that you be advised that said company "will not be permitted to purchase timber for the purpose of erecting buildings in connection with its plant."



In view of the danger of the precedent set in this case, should permission be granted as requested, your recommendation and that of the Commissioner are concurred in by the Department. Of course, you will understand that the recommendation of the Commissioner must be taken in connection with the previous paragraph which refers to "the cutting or the destruction of timber on lands occupied by Indians" in violation of said section 5388 of the Revised Statutes. Under the ruling of the Department in the case referred to by the Commissioner, it will not be considered a violation of said section where the Indians have cut the timber for the purpose of clearing the land for cultivation in good faith to dispose of the same, but the inhibition under the law and the regulations, as stated in said departmental letter quoted by you, "is against the cutting of timber for sale," and not for the purpose of clearing the land in good faith for cultivation.

Respectfully,

Thos. R. Ryan

Acting Secretary.

Ind. Ter.Div.  
1097-99

Through the

Commissioner of Indian Affairs.

(Endorsed) Union Agency No.131. Received Apr.24,1899. Office of U.S.Indian Inspector for Indian Territory.Washington, April 18, 1899. -Secretary---Relative to timber for erection of building for Mid-land Gin Co.



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

May 1, 1899.

TO ALL DISBURSING OFFICERS OF THE INDIAN SERVICE:

By direction

of the Department, it is hereby ordered that from and after April 1, 1899, no further payments to notaries public, who are employed in any position in the Indian Service, will be allowed for administering oaths to any official papers pertaining to your office, nor will such notaries public be permitted to charge any Indian a fee for the administration of an oath to any official paper in which such Indian may be an interested party. Such notaries public will, however, be required to administer any and all oaths, as above referred to, whenever the same may be necessary.

Please acknowledge the receipt of this circular.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

GB

(Endorsed) Union Agency No. 164 Received May 5, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. May 1, 1899. Commissioner.----Circular (Sic) as to notaries public administering oaths.----



74

KANSAS AND TEXAS COAL COMPANY.  
Financial and Accounting Department.

W. P. Heath, Secy & Treas.  
LaClede Building,  
St. Louis.

May 2, 1899.

Mr. J. George Wright,  
U.S. Indian Inspector,  
Muscogee, I.T.

Dear Sir:-

Our company is operating certain coal leases in the Creek Nation and desires to file formal application for new leases in both the Cherokee and Creek Nations similar to the applications filed with you for the Choctaw Nation and inasmuch as I am unable to learn if any inspectors for the Creek and Cherokee Nations have been appointed for this purpose by the Interior Department I write to ask if you will kindly advise how we shall proceed in this matter. We had about concluded to file formal applications direct with the Interior Department at Washington, but it has occurred to me that perhaps you can advise us more properly in this matter. Thanking you in advance for the courtesy of an early reply, I remain.

Yours truly,

W. P. Heath.  
Secretary.

(Endorsed) Union Agency # 916 Received May 3, 1899. Office of U.S.



(Endorsed Con't) # 916 Indian Inspector for Indian Territory.

St. Louis, Mo., May 2, 1899. W. P. Heath, Secy., Kansas & Texas Coal Co. Wants information as to mineral applications, Cherokee and Creek Nations.



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Union Agency,  
Muscogee, I.T.,  
May 4th, 1899.

Messrs Bolles & Rogers,  
#142 Kinzie Str.,  
Chicago, Ill.

Gentlemen:-

Yours received in regard to hides. You perhaps do not understand the conditions at this agency, which has supervision over the Five Civilized Tribes and therefore covers a large amount of territory. The hides in this agency are bought by licensed traders, and they are not under the supervision of this agency at all. It would be impossible for me to give you a list of hides, but they amount in the aggregate to a very large number. There is a reliable hide dealer in this place by the name of Joseph Sondheimer, to whom you might write for full particulars.

The only hide I know of being taken in the last few weeks, is my own, and I have been skinned by the Department, a new agent having been appointed to succeed me; I weigh 250 lbs., and the hide is a large and likely one, and when properly salted down and cured, ought to bring a good price in the market. In case I receive no bid for the same from local dealers, a proposal of purchase from you will be duly considered. Perhaps, however, I may be able to sell it to some Republican official who is actively engaged at this time in "skinning Democrats"; One of whom I am which."

Very respectfully,

D.M. Wisdom,

U.S. Indian Agent.

(Endorsed) Union agency press book no. 2-letter 285. Muskogee, Okla.



SMITH BROTHERS,  
dealers in  
GENERAL MERCHANDISE

J.R.SMITH,  
J.A.SMITH,  
Notary Public,

De Queen, Ark., May 10, 1899

Hon.D.M.Wisdon;

I am living on an Indian's farm and he has a large amount of land he wants improved. I have improved some for him and he wants me to improve as much as 100 acres more, on the land he has taken for his allotment or intends to take. Now what I want to know is has he a right to sell the timber on the land which he wants me to clear, to pay for the improving of it, and if he has what would be the royalty on such as this, as most of the timber on the land is only fit for ties, such as pole ties and a few split ties, also if he can sell said timber to me would I have to give bond for the royalty.

Remember it is just strictly the land he wants to clear up and put in cultivation.

Please address me at De Queen Arkansas, as I am here at work and will be for several weeks., I am,

Respectfully yours,

E.G.Corder.

(Endorsed) Union Agency No.1008 Received May 12,1899 Office of U.S.Indian Inspector for Indian Territory.E.G.Corder DeQueen,Ark. May 10,1899.-----Relative to selling timber from prospective allotment for the purpose of clearing same.-----



May 11, 1899.

\*\*\*\*\*  
Mineral Leases,                   \*  
                                  \*  
          Indian Territory\*  
                                  \*  
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The Honorable,

The Secretary of the Interior,

Sir:

I have to acknowledge the receipt of your communication of the 2nd instant, reciting the provisions of the act of June 28, 1898 (30 Stat., 495), in relation to mineral leases in the Indian Territory, and saying:

I have to request that you will give your opinion whether under said act of June 28, 1898, the Secretary of the Interior can legally make a lease for more than one mine or claim of six hundred and forty acres of land to the same person or corporation: and also whether under the law the Secretary may legally lease any lands in the Cherokee Nation in such Territory containing oil, coal, asphalt or other minerals, until "the one hundred and fifty-seven thousand six hundred acres purchased by the Delaware tribe of Indians from the Cherokee Nation," referred to in said section 25, shall have been segregated from the other lands in said Nation.

The act of June 28, 1898, Supra (Sec.11), directs the allotment of lands in severalty to the members of the various tribes and has a provision as follows: "but all oil, coal, asphalt and mineral deposits in the lands of any tribe are reserved to such tribe and no allotment of such lands shall carry the title to such oil, coal, asphalt or mineral deposits." Section 13 of said Act, which contains the provisions as to mineral leases, reads as follows:



That the Secretary of the Interior is hereby authorized and directed from time to time to provide rules and regulations in regard to the leasing of oil, coal, asphalt, and other minerals in said Territory, and all such leases shall be made by the Secretary of the Interior; and any lease for any such minerals otherwise made shall be absolutely void. No lease shall be made or renewed for a longer period than fifteen years, nor cover the mineral in more than six hundred and forty acres of land, which shall conform as nearly as possible to the surveys. Lessees shall pay on each oil, coal, asphalt, or other mineral claim at the rate of one hundred dollars per annum, in advance, for the first and second years; two hundred dollars per annum, in advance, for the third and fourth years, and five hundred dollars, in advance, for each succeeding year thereafter, as advanced royalty on the mine or claim on which they are made. All such payments shall be a credit on royalty when each said mine is developed and operated and its production is in excess of such guaranteed annual advanced payments; and all lessees must pay said annual advanced payments on each claim, whether developed or undeveloped; and should any lessee neglect or refuse to pay such advanced annual royalty for the period of sixty days after the same becomes due and payable on any lease, the lease on which default is made shall become null and void, and the royalties paid in advance shall then become and be the money and property of the tribe. Where any oil, coal, asphalt, or other mineral is hereafter opened on land allotted, sold, or reserved, the value of the use of the necessary surface for prospecting or mining, and the damage done to the other land and improvements, shall be ascertained under the direction of the Secretary of the Interior and paid to the allottee or owner of the land, by the lessee or party operating the same, before operations begin: Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties as herein provided, when such leases are not operated, to the rate of royalty on coal mined, and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: And provided further, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of oil, coal, asphalt, or other mineral deposits, and possession has been taken thereunder and improvements made for the development of such oil, coal, asphalt, or other mineral deposits, by lessees or their assigns, which have resulted in the production of oil, coal, asphalt, or other mineral in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases of the leasing or renewal of leases of oil, coal, asphalt, and other mineral deposits preference shall be given to parties in possession who have made improvements. The rate of royalty to be paid by all lessees shall be fixed by the Secretary of the Interior.

There is no express limitation as to the number of leases

188 which may be made to any person or company. The only limitation is



as to the acreage to be covered by any one lease, and that is, that it shall not exceed six hundred and forty acres. It may be said that if one party may secure a number of leases, each covering six hundred and forty acres, it was useless to insert this limitation; that the only object of inserting it was to limit the quantity of land any one lessee might control; and that, therefore, by implication, if not by direct provision, the law prohibits the granting of more than one lease of six hundred and forty acres to any one person or corporation. A careful consideration of the act does not sustain this conclusion. The insertion of the limitation may be accounted for upon other reasonable grounds. It was evidently the intention to make the mineral lands productive and to insure a revenue therefrom; hence the provision requiring a substantial yearly payment from each lessee without regard to the development of his claim. This provision would be of little effect, however, if there were no limitation upon the quantity of land which might be included in one lease. In that event applicants might undertake to secure the control of large bodies of land to the exclusion of others and without any intention of immediately developing the mineral, and thus materially retard the development of the mineral resources of the Territory. The limitation upon the amount of land which may be embraced in one lease and the royalties exacted on each lease constitute a sufficient check upon such an undertaking and make sure a reasonable revenue for the tribe. This of itself may very properly have been considered a sufficient reason for the limitation.

Furthermore, there is a clear recognition of the authority to grant more than one lease to the same party. It is provided that parties already holding leases under the laws and customs heretofore existing, of different groups of mineral deposits upon



which improvements have been made by such lessees or their assigns, shall be given the preference in the making of new leases. It is also provided that in all cases of leasing or renewal of leases preference shall be given to parties in possession who have made improvements. From the papers submitted it appears that there was formerly no limitation as to the number of leases that might be given to one person or as to the quantity of land that might be covered by one lease.

Slight evidence of an intention to authorize the granting of more than one lease to one person is also found in the provision that "and all lessees must pay said annual advanced payments on each claim xxxxxx and should any lessee neglect or refuse to pay such advanced annual royalty xxxxxxxx on any lease, the lease on which default is made shall become null and void." It thus seems to be contemplated that the same lessee may have more than one lease and that he may make default in the payment of the advance royalty on one lease and not incur a default as to others.

This statute is much like the mining laws of the United States which restrict the amount of mining ground which may be included in any one claim, but place no limitation upon the number of claims which may be located and held by the same person.

After a careful consideration of this act I am of opinion that it contains no limitation in respect to the number of leases which may be given to one person or corporation, that matter being left to the sound discretion of the Secretary of the Interior, who may either grant or refuse to grant more than one lease to the same person, as to him may seem best.

A dispute had arisen as to the extent of the rights of the Delaware Indians who had settled in the Cherokee country, and by



section 25 of the act of June 28, 1898, the Delawares were authorized to bring a suit in the Court of Claims to determine their rights in and to the lands and funds of the Cherokee Nation. It was provided also that before any allotments should be made in the Cherokee Nation there should be segregated, in separate allotments or otherwise, the quantity of lands claimed by the Delaware Indians. It is now asserted in behalf of these Delawares that the granting of mineral leases in the Cherokee country prior to such segregation might injuriously affect their interests, and protest is made against the granting of any mineral leases in the Cherokee country "until the Delaware interests in lands are selected and segregated from that of the Cherokee Nation and until the suit now pending in the Court of Claims is fully determined as to the rights of said Delaware Indians."

The act contains no express inhibition against the making of mineral leases in the Cherokee Nation pending the segregation of lands claimed by the Delawares, as it does in respect to the making of allotments, and the inference to be deducted from this fact is, that it was not intended that action as to mineral leases should be suspended pending such segregation. Looking to the letter of the law, nothing is found that would prevent action at this time upon applications for mineral leases in the Cherokee Nation, and I am of opinion that "under the law the Secretary may legally lease any lands in the Cherokee Nation" of the character contemplated by said act.

If it shall be necessary or proper to protect the Delawares from any possible injury, that can be done by keeping a separate account as to the proceeds from any tract in any lease when it shall have been set apart for them, or by inserting in each lease a pro-



vision that it shall terminate as to all tracts set apart for the Delawares when so segregated.

The papers submitted are herewith returned.

Very respectfully,

Assistant Attorney General.

Approved:

May 11, 1899.

Secretary.

(Endorsed) Union Agency # 188, received Jun.1, 1899, Office of U. S. Indian Inspector for I. T. Washington, May 22, 1899. Secretary New regulations concerning mineral leases, Creek & Cherokee.



Muscogee, I.T. May 16th, 1899

Henry M. Gitt,

#1305 E. Street, N.W.

Washington, D.C.

Dear Sir:-

Enclosed herewith you will find Power of Attorney duly executed to you by Slater and William Cowart, which explains itself.

I have this day forwarded to Hon. John V. Wright, Washington D.C. check on the Hanover National Bank, New York, for \$1885.50 and payable to your order, which he has been directed to deliver to you when you turn over to him Treasury Warrant for \$3771.00 in favor of said Cowarts. I hope you will be able to settle the matter now without further difficulty.

Very respectfully,

D.M. Wisdom.



Union Agency,  
Muscogee, I.T., May 19th, 1899.

Cosar Fixicochee,

Thurman, I.T.

Dear Sir:-

Your letter of the 15th instant has been received. I have no advice from the Interior Department in reference to your letter or application to have the Old Treaty sustained. Should such letter be received by my successor, Mr. J. Blair Shoenfelt, who will take charge of this office on June 1st, he will doubtless communicate with you. Hereafter address all your letters to Mr. Shoenfelt, U.S. Indian Agent, Muscogee, I.T. I am going out of this office on June 1st and will no longer be U.S. Indian Agent.

I feel a deep solicitude for your welfare and in the future if I can serve you in any way, I will always be glad to do so.

Very respectfully,

D.M. Wisdom,

U.S. Indian Agent.

Approved;

J. Geo. Wright,

U.S. Indian Inspector.

(Endorsed) Union Agency; No. 2 press book-letter 399. Muskogee, Okla.



Land  
24524-99

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

May 29, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of April 24, 1899, transmitting a report of April 10, 1899, from Inspector Wright, relative to the matter of the expediency of putting into operation in the Cherokee and Creek Nations the provisions of Section thirteen of the Curtis Act and the regulations prescribed by the Secretary of the Interior on November 4, 1898, under said section, and to Department letter of May 22, 1899, to Inspector Wright, in which the determination is reached that applications will be received from parties who have occupied lands in said Nations under laws and customs existing therein prior to the Curtis Act, and improved the same and produced minerals in merchantable quantities, the office has received, by reference from Inspector Wright, a letter of April 25, 1899, from the Principal Chief of the Cherokee Nation protesting against the leasing of any lands for mineral purposes within that Nation under the Curtis Act.

The reasons given by the Principal Chief appear to be of a twofold character. First, that it is the desire of the Cherokee people that when allotments are made the allottee shall receive the whole title to his allotment,



including the minerals in the land; and second, that the parties who have heretofore had licenses or contracts for mineral purposes in the Nation have not expended money for improvements sufficient to warrant the Department in making the leases to them.

As to the first objection, the status of the lands in the Cherokee Nation is not changed by the fact that the Indians themselves want to have all the title in their allotments are completed and provision is made by law for the granting of title to the allottee. Under the Curtis Act the allottee gets no title except the use and occupancy and the right to lease the land, the minerals found in or under the lands allotted, under the present law, will remain the property of the Nation. Therefore, this objection can be obviated by following the instructions of the Department and inserting in each lease a provision for its termination on the completion of allotments to the Indians and the patenting of the same.

As to the second objection, the question of whether or not a certain applicant has made improvements sufficient to warrant the Department in recognizing his right to a lease at this time, is one of fact which may and must be determined by the Department in each particular case, in accordance with the directions given in its letter of May 22, 1899, to the Inspector for the Indian Territory.

Very respectfully,  
Your obedient servant,

A.C.Tonner,

Acting Commissioner.

K.S.M.(G)



Union Agency,

Muscogee, I.T. May 31st, 1899.

Hon. George H. Small,  
Asst. Treas. U.S.,  
St. Louis, Mo.

Dear Sir:-

I have the honor to transmit herewith, St. Louis Exchange payable to your order for \$11,890.35, which please place to my credit as U.S. Indian Agent and subject to my check only in that capacity.

Also please find my official check for # 170688, payable to your order, for \$11,890.35, which I wish deposited to the credit of the United States, the same being a deposit of royalties collected by me for the nations named below:

Choctaw and Chickasaw Nations	\$10,213.88	
Creek Nation -----	1,427.87	
Cherokee Nation -----	248.60	<u>\$11,890.35</u>

I also enclose herewith my official check #170689, payable to your order, for \$26451.76 which please place to the credit of the United States, the same being a deposit of the unexpended balance of public funds to my official credit on May 31st, 1899.

Please send me the usual certificates of deposit for these checks.

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

Approved:

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

(Endorsed) Union Agency Press Book No. 2 Letter 480 Muskogee, Okla.



EXECUTIVE MANSION,  
Washington, May 31, 1899.

My dear Sir:

To facilitate the handling and proper care of documents sent to the Executive Mansion for the President's signature, such as commissions and warrants, it is desirable that whenever feasible they be transmitted unfolded and unrolled.

While this is now done in some cases, the President has directed that the matter be brought to the attention of the members of the Cabinet, in order to secure a uniform practice throughout the Executive Departments.

It is suggested that this can be accomplished by the use of portfolios of sufficient size to contain the largest documents.

Very respectfully yours,

Geo. B. Cortelyou

Acting Secretary to  
the President.

Hon. E. A. Hitchcock,  
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,  
June 2, 1899.

Official copy for the information and guidance of  
THE COMMISSIONER OF INDIAN AFFAIRS.

Edward M. Dawson,  
Chief Clerk.

OFFICE INDIAN AFFAIRS,  
June 6, 1899,

Official copy for information of Inspector Wright.

A. C. Tonner.  
Acting Commissioner.

(Endorsed) Union Agency # 194, received Jun. 9, 1899, office of U.S. Indian Inspector for Indian Territory. Washington, June 6, 1899. Commissioner. Sends copy of President's letter as to manner of submitting documents.



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

Mrs. A. V. Johnson,  
#1505 E. 7th Str.  
Austin, Texas.

Madam;-

Your letter asking information as to how the colored schools will be conducted in the Indian Territory the ensuing year, has been received. You also ask when the examination for teachers will be held, what salary will be paid etc.

For full particulars on these points, I would advise you to write direct to Mr. J. D. Benedict, Supt. of Schools for Indian Territory, Muscogee, I.T., as the matter is not within the jurisdiction of this office.

Very respectfully,

D. M. Wisdom.

U. S. Indian Agent.

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



Union Agency,

Muscogee, Ind.Terry. June 1st., 1899.

I, J. Blair Shoenfelt, United States Indian Agent, Union Agency, Indian Territory, do hereby acknowledge to have received from Dew M. Wisdom, Late U.S. Indian Agent, Union Agency, Indian Territory, check book containing unused checks humbered 70690 to 171050, both numbers inclusive.

Very respectfully,

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

Muscogee, Indian Territory, June 1st, 1899

The Honorable,

The Asst. Treasurer of the United States,

Saint Louis, Mo.

Sir:-

I have the honor to state that I have this day turned over to J. Blair Shoenfelt, my successor as United States Indian Agent, Union Agency, Indian Territory, check book containing unused checks numbered from 170690 to 171050, both numbers inclusive, and hand you herewith his receipt for said book and unused checks.

Dew M. Wisdom.

(Endorsed) Union Agency Press Book # 3, Letter # 246. Muskogee.



92  
Union Agency,  
Muscogee, I.T., June 2nd, 1899.

J.W.Ellis,  
Capt. U.S.Indian Police,  
South McAlester, I.T.

Dear Sir:-

Referring to your letter of May 29th, in which you stated you had stored about 700 round cedar posts and about 2000 split cedar posts, property cut off of the public domain of the Creek and Choctaw Nations, I have to request that you inform me what percent belongs to the Creek Nation and what percent to the Choctaw Nation, in order to know how much to credit each of said nations when the posts are sold.

Very respectfully,

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

Approved:

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



93  
STATE OF NEW HAMPSHIRE.

House of Representatives.

Speaker, Frank D. Currier, Canaan.  
Clerk, Henry E. Brock, Conway.  
Assistant Clerk, William H. Topping, Manchester.  
Sergeant-at-Arms, Charles E. Buzzell, Laconia.

Lebanon, N.H. June 5th, 1899.

Mr. J. George Wright,  
Indian Inspector.

My dear Sir:

I am directed by the Honorable first Assistant Secretary of the Interior to report to you for duty as an Inspector of Revenue and Special Disbursing Agent, at Muskogee, I.T.

I have some personal business that I should like to adjust and beg leave to inquire how much time I may take for this purpose.

At present the nature of my duties in the department have not been made known to me.

Very respectfully

Frank C. Churchill.

(Endorsed) Union Agency No. 1262 Received Jun. 8, 1899 Office of U.S. Indian Inspector for Indian Territory. Frank C. Churchill, Lebanon N.H. June 5, 1899.-----Wants time to adjust some personal business before entering on duty.-----



94

MODERN WOODMEN  
of America

Fraternal  
and Beneficial Society

Rock Falls, Illinois

June 6th, 1899.

Secretary of the Interior,  
Washington, D.C.

Dear Sir:-

We are desirous of entering Indian Territory to do business with our society in the near future. We are a fraternal beneficiary society pure and simple, without a reserve fund, accident insurance features &c. and we should like to know what the requirements are for admission, and if you have any blanks, will you please mail us a set and give us such other information as you are able to give us concerning the requirements for admission as you are able, and greatly oblige,

Yours truly,

H.L.Sheldon.



Union Agency,  
Muscogee, I.T., June 7th, 1899.

E. R. Mortin,  
Montague, Texas.

Dear Sir:-

Replying to yours of the 3rd instant, I have to inform you that homesteads cannot be taken in the Indian Territory, as they were in Oklahoma Territory, as all the land will be allotted to the Indians. You can rent land for one year only from an Indian.

Very respectfully,

J. Blair Shoenfelt,

U.S. Indian Agent.

Approved:

J. Geo. Wright

U.S. Indian Inspector.

(Endorsed) Union Agency, Muskogee, Oklahoma, Press Book # 3,  
Letter # 32.



96

DEPARTMENT OF THE INTERIOR.  
Washington.

June 7, 1899.

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

Sir:

The Department is in receipt of your communication of the 29th ultimo, in response to departmental letter of the 15th of April last, in which you were directed to forward to the Department recommendation of the names of three district collectors of each Nation, in addition to the supervising inspector for each Nation, also to recommend to the Department the different districts into which said Nations should be subdivided. Accompanying your said communication is a copy of the map of the Creek and Cherokee Nations with the boundaries of the six districts marked thereon, numbered from 1 to 6 inclusive.

The names of the persons recommended by you for inspectors are as follows:

Horace B. Gray, of Tahlequah, district No. 1, Cherokee Nation;  
Bascom P. Rasmus, of Tahlequah, I.T., district No. 2, Cherokee Nation;

Wm. S. Irvin, of Nowata, I.T., district No. 3, Cherokee Nation;  
Wm. A. Porter, of Muscogee, district No. 4, Creek Nation;  
Almerine E. McKellop, of Sapulpa, I.T., district No. 5, Creek Nation;

James Alexander, of Holdenville, I.T., district No. 6, Creek Nation.

You recommend that said persons be appointed as designated and that each receive a salary of \$50.00 per month, together with necessary traveling expenses when away from their homes, including forage for teams when traveling over the country attending to re-



June 7, 1899.

quired duties and using their own horses.

You further state that Messrs. Gray and Rasmus are both now residents of Tahlequah, and are both highly recommended, and that Mr. Rasmus desires to locate permanently in the district assigned to him.

You further state that you have not been advised what salaries have been designated for the ~~supervising in~~ inspectors, but that you had recommended in a previous communication on this subject that they be allowed \$1,200 per annum, which should be in addition to their actual and necessary traveling expenses.

In one of your communications it was recommended that the inspectors receive \$1,500 per annum, but in the estimate given by you for the officers necessary to collect the revenue, the salary was recommended at \$1,200, and that is the amount that the Department has fixed for each of the ~~supervising~~ inspectors.

You recommend that the ~~supervising~~ inspector for the Creek Nation have his headquarters at Muscogee, and that the one for the Cherokee Nation be located at Sallisaw, or at such other point in that Nation as may be found most desirable.

You further state that it is important that these inspectors be assigned to duty as soon as possible, and you ask to be advised in reference thereto at an early date.

Your said recommendations are approved by the Department, and you will designate the ~~supervising~~ inspector for the Creek Nation, and direct him to make his headquarters at Muscogee, and you will also designate the other inspector to supervise the inspectors for the Cherokee Nation, and for the present make his headquarters at Sallisaw.



Your attention is called to the fact that under your recommendation said inspectors are paid a monthly salary, and if it shall be found that the duties of supervising the collection of the revenue can be performed by a less number of officers than those recommended by you, a reduction should be made, and of course the services of those least efficient should be dispensed with.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
1603-99

Through the Commissioner of Indian Affairs.

(Endorsed( Union Agency # 203, received Jun. 15, 1899, office of U. S. Indian Inspector for Indian Territory. Washington, June 7, 1899. Secretary. District revenue inspectors appointed.



99  
DEPARTMENT OF THE INTERIOR,

Washington.

June 9, 1899.

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

Sir.

Herewith you will find enclosed a communication from H.L.Sheldon, of Rock Falls, Illinois, dated the 6th instant, making inquiries relative to the requirements for the transaction of business by the "Modern Woodmen of America" in the Indian Territory. Said communication is referred to you for consideration and appropriate action.

Respectfully,

Tho.R.Ryan

Acting Secretary.

Ind.Ter.Div.  
1654-99.  
1 enclosure.

Through the Commissioner  
of Indian Affairs.

(Endorsed) Union Agency No.208 Received Jun.17, 1899 Office of U.S.Indian Inspector for Indian Territory. Washington, June 9, 1899. Secretary.-----Encloses letter of H.L.Sheldon relative to "Modern Woodmen of America".



DEPARTMENT OF THE INTERIOR.  
Washington.

June 20, 1899.

Mr. J. George Wright,  
Indian Inspector,  
Muscogee, Indian Territory.

Sir:

The appointments of the Revenue Inspectors, HORACE B. GRAY, BASCOM P. RASMUS, WILLIAM S. IRVIN, WILLIAM A. PORTER, ALMERINE E. McKELLOP and JAMES H. ALEXANDER, returned by you for the correction of clerical error in the title have been duly received. The corrections have been made so that in each case the title reads "Revenue Inspector", and the commissions are herewith transmitted to you to be delivered to the appointees.

Very respectfully,

Tho. R. Ryan.

First Assistant Sec.

(Endorsed) Union Agency, # 216, received Jun. 23, 1899. Office of U. S. Indian Inspector for Indian Territory. Washington, June 20, 1899. Secretary, Transmits Corrected Commissions of Revenue Inspectors.



101  
July 11, 1899.

Commissioner of Indian Affairs,

Sir;

The Department is in receipt of your letter of July 7, 1899, transmitting the report of the United States Indian Inspector for the Indian Territory and other papers in regard to the matter of the refusal of attorneys practicing within one Creek Nation to pay the tax of twenty-five dollars prescribed by the laws of that Nation.

Among the papers is a communication from Messrs. Hutchings and West, attorneys-at-law, Muskogee, Indian Territory, addressed to the Indian Agent, and one from a committee representing the bar association of that town.

The Creek law in regard to this matter is set forth on page 86 of the Compilation of the Laws of the Muskogee or Creek Nation, and provides as follows:

"Section 246. All persons who are not citizens by blood of the Muskogee Nation or Seminole Nation, or who have not been adopted by the Muskogee Nation, and whose names do not appear upon the authenticated citizenship rolls of the Muskogee Nation, who shall desire to engage in business in the Muskogee Nation, shall, before doing so, obtain from the United States Government license for that purpose; and all persons so licensed shall pay to the National Tax Collector, for the benefit of the Muskogee Nation, the annual tax hereinafter fixed, the same to be paid quarterly, in advance, on the first day of each quarter, beginning January, April, July and October of each year.

All legitimate business houses of whatsoever capacity or character, engaged in the sale of all manner of dry goods, provisions, hardware, lumber, drugs or any other article or articles known or designated as merchandise shall pay an annual tax of one-half of 1 per cent of the first cost of all goods on merchandise introduced into the Nation for trade,



to be ascertained by personal inspection by the Tax Collector of the original invoices of purchase.

The rate of taxation on all other classes of business shall be as follows:

\* \* \* \* \*

On each lawyer ----- \$25.00

\* \* \* \* \*

Section 247. If any person engaged in any of the classes of business enumerated above refuse to pay the tax, he shall be reported to the United States Indian Agent by the Tax collector for the enforcement of this law."

Both in your communication and in that of the Inspector the several contentions of these parties are disposed of seriatim and very conclusively.

In an opinion of the Assistant Attorney General of October 12, 1893, it was held that the rights of non-citizen lawyers to reside within the limits of the Creek Nation rested upon the permission of the Creeks and the United States, and it was stated that

"The right, on the part of the Indians, to give such permission implies the right to couple the permission with reasonable conditions, \* \* \* \*. The Creek Nation, through its National Council, has seen proper to impose a tax, which is not complained of as unreasonable - upon non-citizen lawyers residing within the limits of their country, the effect of which is that, if the tax is paid, permission is thereby given the taxpayer to remain, otherwise the permission is withdrawn."

No law has been passed by Congress since that time that would justify any other conclusion, though the parties contend that the authority conferred upon the Department by sections 13 and 16 of the Act of June 28, 1898, (30 Stat., 495), "negatives the power of the Department to control or collect any other taxes, rents or royalties than those mentioned."



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The Department has not so recognized it and on July 21, 1898, it informed you that the Indian Agent at the Union Agency should be instructed to collect the revenues due, as provided for in section 16 of said Act of June 28, 1898, and on July 28, 1898, you advised the Agent by telegram as follows:

"Secretary directs that instructions contained in my letter of July 23rd are to be understood as covering import taxes, per capita assessments or other charges upon cattle imposed by the laws of the respective tribes upon the basis of such laws until otherwise ordered."

The Inspector states that these instructions have always been understood to warrant the collection of all taxes of whatever nature imposed by the Creek laws, which were not modified by said Act.

As the Department holds that the permit laws of the Creek Nation are valid and that Congress has not repealed these laws, said attorneys are subject to the penalty for a failure to observe the law.

You state also that you are in receipt of a telegraphic report from Inspector Wright of July 6, 1899, asking that he be authorized to "direct Agent to remove traders in Chickasaw and Physicians in Choctaw Nation refusing to pay tribal tax," and stating that nearly all the traders and physicians have complied with departmental instructions, except some agitators who ignore repeated notices and advise others not to pay.

You are authorized to give the necessary instructions to the United States Indian Agent and the Inspector so that all



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lawyers refusing to pay the tax imposed by the laws of the Nation in which they are located, after having received due notice of such instructions as you may give, and all traders in the Chickasaw Nation, and all physicians in the Choctaw Nation, who refuse after due notice to pay the tribal tax mentioned by the Inspector, may be removed.

The papers received with your letter of July 7 are herewith returned.

Respectfully,

Acting Secretary.

Ind.Ter.Div.  
1916-99.  
6 enclosures.



103

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

July 15, 1899.

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

Sir:

On receipt of your report of July 1, 1899, relative to the permit tax imposed on the lawyers within the Creek Nation, and other persons, not citizens, residing and doing business in that and other nations, in the Indian Territory, the office on July 7, 1899, submitted the matter to the Department with its views and conclusions on the question, in which it was held that the permit laws of the Indian nations in the Indian Territory having been held valid by the Attorney General and this Department, and Congress having by no statute modified any of these laws, and the nations themselves not having repealed them, they are now in force and the parties living in the Indian Territory subject to permit taxes, are liable therefore.

I am now in receipt of a letter of June 11, 1899, from the Department, returning the papers transmitted with your report, and concurring in the views submitted by this office, in which the office is authorized to give the necessary instructions to



the U.S. Indian Agent and the Inspector so that all lawyers refusing to pay the tax imposed by the laws of the nation in which they are located, after having received due notice of such instructions as shall be given, and all traders in the Chickasaw Nation and all physicians in the Choctaw Nation, who refuse, after due notice, to pay the tribal tax mentioned by the Inspector may be removed.

Pursuant to Departmental authority, instructions are hereby given you, and through you the Indian Agent, in accordance with the direction of the Department, that is, to notify the lawyers and traders and physicians described, that they must pay the tribal tax, or suffer removal from the nation in which they may be respectively located.

A copy of office report of July 7, 1899, and a copy of Department letter above mentioned, are herewith enclosed for your full information in the premises.

Very respectfully,

W.S. Jones

Commissioner.

(K.S.M.)

P.



107  
Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington.

July 7, 1899.

The Honorable

The Secretary of the Interior.

Sir:

Enclosed, herewith, is a report of July 1, 1899, from Inspector Wright, submitting the question as to the collection of taxes or permit fees imposed by the laws of the Creek and other nations in the Indian Territory upon lawyers, traders, etc. Inspector Wright quotes the law of the Creek Nation which imposes on lawyers a fee of \$25., and states that the attorneys of Muscogee and other places protest against the collection of this fee, basing their contention on several grounds, the first of which is that lawyers are not traders within the meaning of the law which the Department of the Interior has undertaken to enforce. It will be observed that this ground has no application whatever to the question, inasmuch as the law does not tax lawyers as traders, but taxes them as belonging to "other classes of business".

The second contention is that by the Act of May 2, 1890, (26 Stats., 84), Congress put in force in the Indian Territory sections 406 to 430 of Mansfield's Digest of the laws of Arkansas which prescribe an exclusive method by which lawyers can be deprived of their right to practice in the United States courts in the Indian Territory.

The third contention is that the lawyers are officers of



the United States courts.

The fourth contention is that by providing for the incorporation of towns in the Indian Territory Congress has segregated the lands within the towns from the several Indian tribes, and thus taken the residents of the incorporated towns from under the operation of the licensed traders law, and placed them exclusively under the jurisdiction, dominion and control of the United States government and municipalities established in the incorporated towns.

The fifth contention is that the authority conferred upon the Interior Department in sections 13 and 16 of the Act of June 28, 1898, conclusively negatives the power of the Department to control or collect any other taxes, rents or royalties than those mentioned. Section 13, as the Department is aware, relates exclusively to royalties arising from mineral leases made by the Secretary under its provisions, and as stated by the Inspector, the Department has construed section 16 to apply to all revenues of whatever character payable to the tribes under their existing laws.

The sixth contention of these attorneys is that the penalty for not having a license to trade having been repealed by the Act of July 30, 1882, the requirement for a license fell with the repeal of the penalty for its enforcement. Inspector Wright quotes, in answer to this contention, section 520, page 95, of the regulations of the Indian Office, 1894, which seems to meet the conditions exactly.



The other contention of the attorneys is that while the Interior Department has the right to determine who are practicing attorneys residing in the Creek Nation and for how many years they have so resided and practiced law in that nation the question of the liability of said attorneys for permit tax imposed by the laws of the nation "as a condition of pursuing their profession is a question of law which must be determined by the courts".

As hereinabove stated, the first contention of the attorneys of Muscogee does not apply to the conditions, inasmuch as these parties are not held to be traders, and are not taxed as traders, but as lawyers.

As to contention two, what the attorneys say is true enough, in so far as their right to appear and practice in the courts for the United States in the Indian Territory is concerned, but it does not go to the question under consideration, which is involved in this matter of tax. There is no endeavor on the part of the Creek law to impose a condition on any one for a recognition of the right to practice his profession in the courts, but only to prescribe a tax for the privilege of residing in the Creek Nation, and this tax is fixed according to the business in which the persons seeking the right to reside in the nation is engaged. The framers of the Creek law by some method not known to the office, and which is immaterial, ascertained that if licensed traders or any person trading in that nation should be taxable at one per cent of the cost price of their goods it would be proper, comparing the



profits arising from the practice of the profession of law with the profits arising from the sale of goods, that all attorneys should be taxed at \$25 per annum. If a lawyer is not permitted to reside in the Creek Nation his right to practice law is not interfered with in any degree. A person who is a lawyer and a member of the bar of one State does not by that mere fact have the right to practice law in another State, and he is required to comply with certain formalities to acquire that right, as, for instance, an attorney of the bar of the District of Columbia is not entitled to practice law in the courts of Maryland until he has been admitted to the bar of that State. Formerly this might have been done by the mere motion of a reputable attorney of that bar, but now by the statutes of the State of Maryland it is necessary for him to pass an examination for admission. This would not be held to be in any manner an interference with his right as a lawyer to practice his profession, and the second contention, therefore, is without force.

The third contention that the lawyers are officers of the courts was dealt with fully in office report of September 20, 1893, on which the Assistant Attorney General for this Department rendered his opinion, dated October 12, 1893, which was transmitted to this office with the approval of the Department in letter dated October 16, 1893.

The fourth contention deals with a question which the Department, in its letter of March 4, 1899, has already rendered its opinion upon, viz., that the incorporation of



towns in these nations changed the status of the land and relieved persons within the corporate limits of liabilities to permit tax under the treaties between the Indians and the United States and the statutes of the respective nations. Aside from what the Department has already said on that question, the office is at a loss to know how the incorporation of a town within the exterior limits of a nation can change the liabilities of the inhabitants of such town living within such nation. It would be almost as reasonable to say that the Congress of the United States can pass a law taxing the inhabitants of Washington who live in rented houses, but cannot tax the inhabitants of the city who have purchased and own their houses. This contention seems to the office to have grown out of the misapprehension of the parties as to the situation. They seem to think that the status of the particular tract of land on which the party resides is the important element in this question. This is not true. The permit laws of the Creek Nation have always been held by this Department to be valid. There has been no action by Congress which would repeal those laws, and the nation itself has not repealed them. Here is a law in force within a prescribed territory. It is immaterial as to the status of the tract on which the person subject to this law resides in that territory. So long as such person is within the territory he is liable to the exactions of the law.

As to the fifth contention, as stated above, section 13 applies only to a peculiar class of royalties arising under contracts contemplated to be made by the Secretary of the Interior, and



the Department has already in letters of July 21 and 28, 1898, considered section 16 to apply to all classes of revenues collectible under the laws of the nations in the Indian Territory.

The sixth contention of these attorneys is without force because while Congress has repealed the penalty of \$500 for trading without a license from the Commissioner of Indian Affairs in accordance with the statutes, it has not repealed and does not relieve the person trading in the Indian Territory from the permit laws of the several nations, and those laws are in force in full effect and all persons coming within their provisions are liable for the tax assessed, or must suffer removal as an intruder in the Indian country under section 2147 and section 2149 of the Revised Statutes. This contention, however, does not apply to this case, as the parties who are defending themselves in the papers submitted with Inspector Wright's report are not traders, but are professional men, and taxed in a separate special class.

The seventh and last contention submitted by these attorneys is really to the effect that whether or not lawyers are liable to pay a permit tax is a question of law for determination by the courts. While this may be true, still the Department has the duty imposed upon it to execute the statutes of the United States as construed by it, and if any one should feel aggrieved at the action of this Department the courts are open to them, by injunction, or otherwise, to contest the law.



I am firmly of the opinion that these attorneys in the Creek Nation and the non-citizens trading in that nation, or in any other of the nations of the Indian Territory, are liable for the tax imposed upon them respectively, according to the local law, and I recommend that the Department authorize this office to instruct the U.S. Indian Agent to collect from all lawyers the permit tax prescribed by the statutes of the nation in which they may be located, in accordance with such statutes, and to remove from the Indian Territory all such as refuse to pay the same.

In connection with this matter the office has received a telegraphic report from Inspector Wright, dated at Muscogee, July 6, 1899, as follows:

"Recommend I be authorized to direct Agent to remove traders in Chickasaw and physicians in Choctaw Nation refusing to pay tribal tax. See Department letters March fourth and thirteenth on subject. Nearly all have complied except some few agitators who ignore repeated notices and advise others not to pay. Am convinced removal of several irresponsible parties can be easily accomplished and will have desired effect. Tribal authorities make repeated request for their removal. Answer".

From the statements in this telegram I am of the opinion that the continued residence of the persons described therein in the Choctaw and Chickasaw Nations would be detrimental to the peace and welfare of the Indians, and therefore recommend that the Department grant authority for me to remove all such as are described by Inspector Wright.

Very respectfully,  
Your obedient servant,

W.A. Jones,  
Commissioner.

(K.S.M.)

P.



114  
Union Agency,  
Muscogee, I.T. July 3rd, 1899.

The Honorable,

The Asst. Treasurer of the United States,  
Saint Louis, Mo.

Sir:

I have the honor to transmit herewith my official check No. 170727, payable to your order for \$181.95, the same being the unexpended balances of Public funds to my official credit at the close of the fiscal year ending June 30, 1899. Please place the proceeds of this check to the credit of the Treasurer of the United States.

I also send you with this letter St. Louis exchange for \$5,080.29, payable to your order for deposit to my official credit as United States Indian Agent and subject to my check only in that capacity.

There is also inclosed my official check No. 170728, payable to your order for \$5,080.29, the same being royalties collected by me for the Nations named below:

Choctaw and Chickasaw Nations	\$3,504. 02
Cherokee Nation	1,527. 24
Creek Nation	49. 03.

I would be pleased to have you place the proceeds of this last mentioned check to the credit of the Treasurer of the United States for the Nations named.

Please forward me the usual certificates of deposit.

Approved: J. Blair Shoenfelt, U.S. Ind. Agt.  
J. Geo. Wright, U.S. Ind. Insp.

(Endorsed) Union Agency Press Book # 3, Letter # 373, Muskogee.



115  
Union Agency,  
Muscogee, I.T.,  
July 11th, 1899.

Mr. A.A. Doherty,  
Austin, I.T.

Sir:-

I am in receipt of your letter dated July 8th, in which you state that the Kansas, Oklahoma, Central and Southwestern R.R. Co., are building their road through your farm and destroying your land, and you ask to be advised what steps you should take to procure damages.

Assuming that the R.R.Co. above referred to have acquired the requisite authority from the Honorable Secretary of the Interior to construct said railroad, you are informed that section 3 of the act of Congress of March 2nd, 1899, in part provides;

"Before any railroad shall be constructed through any land, claim or improvement held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken or damage done by reason of the construction of such railroad."

And further declares that in case of failure to make an amicable settlement with such occupant or allottee, such compensation shall be determined by three disinterested referees to be appointed by the Secretary of the Interior and should the referees be unable to agree any two of them are authorized to make the award, and either party being dissatisfied with the finding of the  
--press book no. 3. letter 499.



referees with the court to abide the judgment thereof, and the R.R.Co. may then enter upon the property sought to be condemned and proceed with the construction of said railway.

It would therefore seem that the above act of Congress provides a plain remedy and you should have no difficulty in establishing your rights, and it might be well for you to notify the R.R.Co., against whom you complain, that you desire to have referees appointed to appraise and estimate the value of the land which they propose to take and occupy for their right of way, and in case of failure on the part of said R.R.Co. to grant your request, it would be well for you to consult a competent lawyer who could advise you how to proceed further in the matter.

This office has no jurisdiction over the matter further than to advise you as a Cherokee citizen, as to the law governing the rights of way by R.R.Cos. through Indian Reservations.

Very respectfully,

J.Blair Shoenfelt

U.S.Indian Agent.

Approved;

J.Geo.Wright,

U.S.Indian Inspector.



Union Agency,  
Muscogee, Ind. Terry, July 12, 1899

The Honorable,  
The Asst. Treas. of the United States,  
Saint Louis, Missouri.

Sir:

I have the honor to state that under date of the 5th instant, the Honorable Commissioner of Indian Affairs caused to issue a requisition in my favor for \$50,000.00, the same to be placed to my official credit with you.

Kindly advise me by wire when the same has been placed to my credit.

Very respectfully,

J. Blair Shoenfelt

U.S. Indian Agent.

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



118  
Muskogee, I.T.

July 22, 1899

Hon. Commissioner of Indian Affairs

Washington, D.C.

Sir:

Your letter ("A"1899) of July 17 referring to my cash account for the 2nd fraction of the 4th quarter, 1899, has been received.

I offer the following explanations to the exteptions:

Voucher 2. Traveling expenses. Telegram to Commissioner May 9.

Explanation: At the time of sending the telegram I had no book of instructions, and knew no better than to pay for the message and charge it in my account.

Voucher 1. Per diem, 7 days.

Explanation: The period covered by these includes May 18, 19, 22, 23, 24, 25 & 26.

On May 23, I visited Eufaula (see voucher 2-traveling expenses).

May 22, I visited Col. Orphans Home (voucher 2).

The other 5 days I went in company with Supt. Benedict, to visit 5 different boarding schools. I had not received any funds; hence he paid the living bill.

Voucher 3. Per diem 14 days.

This time, includes May 31 and June 1 to 13 inclusive. On May 31 and June 1, I called on school Supt. Creek Nation and contractors to arrange to make trip to inspect boarding schools, repairs needed.



From June 2 to June 21 inclusive I visited six boarding schools (see voucher 4, traveling expenses).

Voucher 5. Per diem 9 days.

The following days are included in this period.

June 14. Reported to contractors of "Inspection trip."

June 15. Visited Harrel Institute.

June 16. Inspected Eufaula (voucher 6) High School.

June 22. Inspected neighborhood schools. (voucher 6.)

June 26, 27 & 28, visited neighborhood schools in vicinity of Eufaula. (see voucher 6.)

June 29 & 30, held Teachers Examination at Harrell Institute.

Voucher 7. Per diem 10 days.

Explanation: These 10 days include the time from Apr. 28 to May 15 inclusive (not included in other vouchers). During this time I was at Muscogee acquainting myself with the school situation in the Creek Nation; had not yet made Muscogee my headquarters.

My family did not come to Muscogee till the 16th of May.

My living expenses were as great as they would be any where in the field. Since my family is here I consider Muscogee my headquarters and have kept my per diem account accordingly.

I trust the foregoing explanations are satisfactory.

Very respectfully,

Calvin Ballard.

Supv. & Spl. D.A.



Land  
37816-1900

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, August 4, 1900.

J. George Wright, Esq.,  
U.S. Indian Inspector  
for Indian Territory,  
Muscogee, I.T.

Sir:

The office is in receipt of your telegram of August 3, 1900, in which you requested to be furnished with the addresses of the officials of the new railroads mentioned in Department letter of July 26, 1900.

In reply, you are advised that the addresses of the officials of said new roads with whom this office corresponds are as follows:

J.H. Atterbury, Esq., Secretary St. Louis, Oklahoma and Southern Railroad Company, Litchfield, Illinois.

H.B. Dexter, Esq., President Shawnee, Oklahoma and Missouri Coal and Railway Company, Shawnee, Oklahoma.

J.M. Bayless, Esq., President Arkansas and Oklahoma Railroad Company, Bentonville, Arkansas.

Sam H. West, Esq., General Attorney Arkansas and Choctaw Railroad Company, St. Louis, Missouri.

Charles C. Godman, Esq., President Arkansas Western Railroad Company, Waldron, Arkansas.

George Hayden, Esq., President Fort Smith and Western Railroad Company, Ishpeming, Michigan.

Very respectfully,

A.C. Tonner

Acting Commissioner.

G.A.W. (L'e)

(Endorsed) Union Agency No. 976 Received Aug. 7, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, August 4, 1900, Commissioner.-----Addresses of officials of new railroads in Ind. Ter.



121  
DEPARTMENT OF THE INTERIOR.

OFFICE OF U.S. INDIAN INSPECTOR.  
FOR  
INDIAN TERRITORY.

Muscogee, Ind. T.,

Sept. 23, 1899.

The Honorable

Comptroller of the Treasury,

Washington, D. C.

Sir:

Referring to statement of differences (Sett. 24162) of the Auditor of the Interior Department in the settlement of my cash account as Indian Inspector and Special Disbursing Agent under bond dated April 27, 1896, wherein certain disallowances of your office, as shown by your certificate of differences upon revision, dated October 31, 1898, are still suspended, although specific authority of the Honorable Secretary of the Interior has been obtained, and wherein I am advised that the consideration of these items is beyond the jurisdiction of the Honorable Auditor, but that appeal may be made to you, I now have the honor to respectfully appeal from the ruling of the Auditor for the Interior Department in suspending items amounting to \$26.55, as per itemized statement herewith.

I also enclose herewith a copy of my explanations to these suspensions in reply to statement of differences (Sett. 19737) of the Auditor.

As ground for this appeal, I respectfully submit copies



of the authority granted by the Honorable Secretary of the Interior covering these expenditures, and inasmuch as all were incurred in traveling expenses while on official business in connection with the Indian Service, under orders of the Department, I respectfully ask that the same be allowed, the expenses being necessary to comply with orders from the Honorable Secretary of the Interior and expenditure authorized by him as shown by copies of letters from him submitted herewith.

Very respectfully,

J. Geo. Wright.  
U. S. INDIAN INSPECTOR.

(Endorsed) Union Agency # 21 Answers to Exceptions J. Geo. Wright.  
Indian Inspector September 22, 1899. (Expenses--Compensation).



EXPLANATIONS to exceptions and disallowances taken in the office of the Auditor for the Interior Department, and the Comptroller of the Treasury, in the settlement of the cash account of J. George Wright, U.S. Indian Inspector, and Special Disbursing Agent, from June 7, 1896, to June 30, 1899, under bond dated April 27, 1896.

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Disallowed by Comptroller on revision, as per his certificate dated October 31, 1898, appeal from Auditor's decision not allowing after authority of Secretary of Interior being furnished, herewith enclosed.

\$16.45

Lst Quarter, 1899.

|         |                                                                      |      |
|---------|----------------------------------------------------------------------|------|
| Vou. 5. | Street car fare. Appeal to Comptroller herewith enclosed.            | 6.50 |
| Vou.1.  | Street car fare-Washington. Appeal to Comptroller herewith enclosed. | 1.60 |
|         | Street car fare-Chicago. Appeal to Comptroller herewith enclosed.    | 2.00 |







12-5-  
Muscogee, Indian Territory.

September 23, 1899.

I certify, on honor, that traveling expenses shown under dates of December 15 and 16, 1898, by voucher No. 8, 3rd quarter, 1899, were actually incurred on December 17 and 18, 1898, the dates having been erroneously given in said voucher. XN

I further certify that this error was caused by the destruction of all sub-vouchers covering this expense by fire, as shown by certificate attached to said voucher. The voucher for the team was duplicated after the original was destroyed, and the same error made.

Inasmuch as I was actually enroute to Wewoka, and return, December 13 to 16, 1898, and as I immediately followed the trip by one to Ft. Smith, as shown by voucher 8, and as both trips were actually made on official business, I would respectfully request that the allowance (Dis) of \$8.27 on account of conflicting dates be removed.

J. Geo. Wright.

U.S. Indian Inspector.



126

DEPARTMENT OF THE INTERIOR,  
Washington.

December 12, 1899.

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

Sir:

The Department is in receipt of your communication of the 1st instant, in which reference to made to (Sic) the applications for leasing mineral lands in the Creek and Cherokee nations, which have not been acted upon by the Department, and you state that about a year ago you were authorized by the Department to permit citizens of said nations to mine coal upon lands in their possession for their own use without requiring them to pay any royalty, and also to permit them to supply the local towns in the vicinity of their residences by paying a royalty of ten cents per ton, the rate of royalty prescribed in formal leases, and that said parties were not required to enter into formal leases for a term of years where they had furnished evidence that they were citizens of the nation and were in actual possession and occupying the lands on which they desired to mine coal. You also report that one John Bullette, a Delaware Indian, who had previously procured a lease from the Cherokee Nation to mine coal in a certain locality had submitted an application for a renewal of said lease for a term of fifteen years under the provisions of section 13 of the Act of Congress approved June 28, 1898 (30 Stat., 495); that the tribal authorities



protested against the issuance of a formal lease, but stated to you that they had no objection to permitting Bullette to mine coal on the tract which he had hitherto used for the purpose of supplying the local demands of a railroad company in that section of country. You state that you have given said Bullette permission to procure coal, under a temporary permit, without entering into a formal lease, said permit to be subject to cancellation at any time. You further report that one W.S. Edwards, a citizen of the Cherokee Nation, has made a similar request to supply a railroad in the process of construction in his locality; that said request met the approval of the Principal Chief of the Cherokee Nation, upon the condition that neither Edwards nor Bullette should interfere with the claims or improvements of any citizen residing in that vicinity. You also state that certain communications from Messrs. John F. French, J.S. Davenport, and Pevehouse and King, protesting against the issuance of leases to the Horsepen Coal Company have reference to said applications of Mr. Edwards, who had requested that the five leases applied for should "be made in the name of the Horsepen Coal Company". You request that your action in the matter be approved and that you be authorized to permit the said John Bullette and W.S. Edwards to procure coal and furnish the railroads with their local demands, without entering into formal leases, such permits to be of a temporary character and subject to cancellation at any time. You further request that said letters of protest be returned to you, for further consideration, in order to protect the rights of the protestants in the premises.

The Commissioner of Indian Affairs on the 7th instant



forwarded your said communication and the inclosures with the recommendation that your action be approved, and that a royalty of ten cents per ton be paid by the parties mining coal under said permits.

Your recommendation, concurred in by the Commissioner of Indian Affairs, is approved, and you are authorized to issue said permits upon the conditions stated, namely; that they may be revoked at any time in the discretion of the Secretary, and that each party shall pay a royalty of ten cents per ton as prescribed in the general regulations.

Said papers are returned herewith as requested by you, and a copy of the report of the Commissioner of Indian Affairs is also inclosed.

Respectfully,

E.A.Hitchcock.

Secretary.

Ind.Ter.Div.  
3606-1899.  
20 Incs.

(Endorsed) Union Agency No. 462 Received Dec.19, 1899 Office  
of U.S.Indian Inspector for Indian Territory. Washington, Dec.  
12, 1899. secretary.-----Relative to coal permits in the Cherokee  
Nation.-----



129  
Ardmore Ind. Ter.

Dec. 13/99

To the Honorable Commission to the  
Five Civilized Tribes,  
Muscogee, I.T.

Dear Sirs:

Having received your letter of the 15th of last month, I discovered the fact that I omitted some questions of some importance and you will please excuse me for troubling you again in regard to the same. The questions are as follows.

Q.1. Has a non-citizen who occupies a lease, the right of renting the same to another non-citizen and collect the rents thereof?

A.1. No.

Q.2. Can a citizen enter on land not claimed by any one, make rental contracts with non citizens after Jan 1/1900 and collect rents thereof?

A.2. Yes, if contracts are made for proper proportionate share, in triplicate, and forwarded to this commission and thereafter approved by the Secy.

Q.3. Has any citizen the right to enter upon land on which the original leasor has failed to appear to make contracts for 1900?

We have a class of people here who threaten (Sic) to burn up and destroy everything, taking floors out of houses, taking wire off of fences and hauling off the rails and selling them if they are compelled to give up their leases. They claim that their lawyers advised them, that they have a right to do this,  
7571.



-2-

is there no remedy to stop this?

Thanking you kindly in advance for an early answer and for past favors. I remain-

A.3. As a general proposition-NO. The original lessor must be given ample time to appear and reclaim his property.

Respectfully, your humble Servant,

C. F. Ebisch.

Ardmore, I.T.

No. 7571

(Endorsed) Commission to Five Tribes, received Dec.14,1899.Ebisch, C. F. Ardmore, I.T. 12/13/99----Can non-citizen sub-rent and collect rental. Can citizen settle on land not claimed, and rent same after Jan. 1 with non-citizens where original lessor has failed to appear, has any citizen right to enter?----



131  
7-001.  
Twelfth Census  
of the  
United States.

DEPARTMENT OF THE INTERIOR,  
Census Office,

Washington, D.C.,  
December 13, 1899.

WFW

The Honorable

The Secretary of the Interior.

Sir:

In reply to your letter of the 12th instant, addressed to the Director of the Census, and by him referred to me, I have the honor to inform you that William H. Darrough, of Wyandotte, Crawford County, has been appointed Supervisor of Census in Indian Territory and will locate at Muskogee. The Territory has been divided by our geographer into 169 enumeration districts and for each of these an enumerator will be appointed on consultation with the Supervisor. Each enumerator will be charged with reporting the number of residents in his district, distinguishing Indians, whites and negroes, and, in general, the Twelfth Census will treat the Indian Territory as it does adjacent parts of the United States.

Very respectfully,

Fred. H. Wines,

Assistant Director.

(Endorsed) Union Agency No. 473 Received Dec. 26, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 19, 1899, Secretary.-----Transmits copy of letter from Asst. Director of Census.-----



132  
Antlers, Ind. Ter. Dec. 23, 1899.

Copy of Letters sent  
parties, Dec. 23, 1899  
Relates to estimating  
Pine timber.

Appraiser in Charge,

Dear Sir:

In the towns North of this locality there is said to be pine timber of commercial value, and a careful estimate of all such timber must be made, to comply with the rules adopted for grading and appraising the lands and timber.

In order to do this in a systematic and uniform manner, the following methods will be followed.

The appraisers will determine the location of such timber by forty acre tracts.

After finding the proper limits of each forty acre tract having such timber upon it, they will separate, each one taking a forty acre tract or less, as they may find convenient for doing the work rapidly and correctly, and each one will count the trees on the portion assigned him and will include all pine trees that have a diameter of eight (8) inches, fourteen (14) feet above the stump or larger.

They will estimate the mean diameter of all trees counted by them, taking one half of the sum of the top and obbom diameters, and will estimate the length of the marketable logs in each tree by even numbers of feet, beginning with fourteen (14) feet and adding to that length two feet in succession until the entire length of the log in each tree is expressed in one log of an even 8050.



number of feet in length and the mean diameter of the whole log will be given, the shortest log to be fourteen feet in length, as follows for example:

Description. N. E. 1/4 of N. E. 1/4 Sec.-----T.-----S. R.-----E.

| No of trees                       | : Length | : Mean Di- | : | No. Feet | : Remarks. |
|-----------------------------------|----------|------------|---|----------|------------|
|                                   | : Feet   | : ameter   | : |          | :          |
|                                   | :        | : Inches.  | : |          | :          |
| <del>1111</del> 111               | : 14     | : 9        | : |          | :          |
| 111                               | : 16     | : 24       | : |          | :          |
| <del>1111</del> <del>1111</del> 1 | : 28     | : 10       | : |          | :          |
|                                   | :        | :          | : |          | :          |
|                                   | :        | :          | : |          | :          |
|                                   | :        | :          | : |          | : &c. &c.  |

After the trees or logs on a forty acre tract are counted, each appraiser will compute the number of feet estimated by him, and all the memoranda connected with the estimate must be turned over to the clerk of the camp.

The lands will be graded according to schedule and the total amount of timber estimated on each tract will be noted in the remarks.

The clerk will report weekly as indicated in form #72.

(Endorsed) Union Agency No. 8050."Copies"----Letters of Hon. M.D.Kenyon to field parties.----(regarding the appraising of lands and timber).----



134  
DEPARTMENT OF THE INTERIOR,

Washington.

December 23, 1899.

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

Sir:

The Department is in receipt of your communication of the 4th instant, submitting for consideration and approval "together with such modifications or changes as may be deemed desirable a 'notice to noncitizen renters' now in the Indian Territory and occupying lands belonging to citizens of the respective nations under former leases, which under the provisions of the act of Congress approved June 28, 1898 become void on January 1, 1900. You state that the object of this notice is to acquaint all interested parties with the provisions "of this act giving them due notice that they will be required to vacate such lands on January 1, 1900 in order that the same may be allotted to citizens of the respective nations."

The Commissioner of Indian Affairs forwarded your said communication on the 9th instant, and states, "the office is of the opinion that proper notice should be given non-citizen renters in the Indian Territory that they will be required to vacate the land now occupied by them on or before January 1, 1900, and as it seems that the form enclosed herewith will serve the purpose the matter is respectfully submitted for such action as the Department may deem proper in the premises."



The notice transmitted is as follows:

"Notice to Non-Citizen Renters.

Notice is hereby given to the parties in possession of lands in the Indian Territory holding possession of the same under an agreement with any member of any of the respective tribes that section 23 of the act of Congress approved June 28, 1898, reads as follows:

That all leases of agricultural or grazing land belonging to any tribe made after the first day of January, eighteen hundred and ninety-eight, by the tribe or any member thereof shall be absolutely void, and all such grazing leases made prior to said date shall terminate on the first day of April, eighteen hundred and ninety-nine, and all such agricultural leases shall terminate on January first, nineteen hundred; but this shall not prevent individuals from leasing their allotments when made to them as provided in this Act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made.

Referring to that part of the above section which provides that individuals may lease their allotments when made to them or may occupy or rent their proportionate shares of the tribal lands until the allotments provided for are made, it is considered by the Department that such rent of proportionate shares of individuals (Sic) citizens applies only to citizens in actual possession of lands or their pro rata share or who have a certificate of possession from the Commission to the Five Civilized Tribes.

All persons are therefore hereby respectfully notified that they will be expected and required to relinquish possession of said lands on January 1, 1900, at which time all lands not already selected and occupied by citizens will be considered vacant and subject to allotment or selection by members of any tribe for allotment.

All persons being non-citizens in possession of such lands shall make preparation to vacate the same by January 1, 1900.

Any desired information concerning the further leasing of lands in the Indian Territory can be procured by communicating with the Commission to the Five Civilized Tribes and any other desired information on the subject should be addressed to the U.S. Indian Inspector for the Indian Territory.

(Signed) J. Geo. Wright

U.S. Indian Inspector for Ind. Ty.

Your attention is called to the fact that no reference is made to section 3 of said act of June 28, 1898, and especially to the proviso thereto, which reads as follows:



Section 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five Tribes, or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: Provided always, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January first, eighteen hundred and ninety-eight, may, as to the lands not exceeding in amount one hundred and sixty acres, in defense of any action for the possession of said lands show that he is and has been in peaceable possession of such lands, and that he has while in such possession made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such persons should be charged the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceed the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue.

The Department has uniformly ruled that this section must be administered by the courts, and not by the Department.

Your further attention is invited to that portion of said notice in the third paragraph, which states: "It is considered by the Department that such rent of proportionate shares of individuals citizens applies only to citizens in actual possession of lands or their pro rata share or who have a certificate of possession from the Commission to the Five Civilized Tribes."



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The language quoted contains no limitation as to the amount "of lands" in actual possession of a citizen of said nation, and the Department is of the opinion that the notice should be amended by striking out the word "or" after the word "lands" and inserting the word "of" in lieu thereof, and at the end of the paragraph on the first page insert. "This notice is not intended to infringe upon any rights that parties may have under the proviso to section 3 of said act of June 28, 1898".

Herewith you will find inclosed the form of notice, as amended, and also a copy of the report of the Commissioner.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
3609-1899.  
2 Inclosures.

(Endorsed) Union Agency No. 484 Received Dec. 30, 1899 Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 23, 1899. Secretary.-----Relative to notice to renters to vacate Jan. 1, 1900.



February 28, 1900

99.

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

N O T I C E.

It has come to the attention of this Commission that the corners established by the United States Geological Survey in this Territory, are being defaced, changed, removed or destroyed. Attention is called to Section 1 of an Act of Congress, approved June 10, 1896, which contains the following provision with reference to the survey of lands in the Indian Territory.

"That hereafter it shall be unlawful for any person to destroy, deface, change or remove to another place, any section corner, quarter section corner, or meander post, on any government line of survey, or to cut down any witness tree, or any tree blazed to mark the line of a government survey, or to deface, change or remove any monument or benchmark of any government survey. That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court, shall be fined not exceeding two hundred and fifty dollars, or be imprisoned not more than one hundred days. All fines accruing under this paragraph shall be paid into the treasury, and the informer in each case of conviction shall be paid the sum of twenty-five dollars."

(29 Stats., 343).



-2-

All violations of this Statute will be vigorously prosecuted.

TAMS BIXBY, Acting Chairman.

Muskogee, Indian Territory. February 28, 1900.

(Endorsed) Union Agency No.29 Relative----Notices-Removal of  
Land marks.-----



140  
April 27, 1900.

Hon. Commissioner of Indian Affairs.

Washington, D.C.

Sir:

In response to the letter (H.G.Jr sett.27655) from the Auditor, pertaining to my cash account, I beg leave to submit the following explanations:

Second Quarter 1900.

Voucher 3. Per diem and salary.

On Nov. 2, I visited the Public schools of Muscogee; was away from office (Supt. Benedicts office) on official business and think I am entitled to per diem for the day-----2.00.

Third Quarter 1900.

Voucher 1. Salary and per diem.

On Jan. 1, 2, 3, 4, 5, 6, 8 and 9, I was away from the office every day delivering books to the Post office and express office, to be sent to the neighborhood schools. At the beginning of the year I had just rec'd the new books for the neighborhood schools and for the eight days I packed and mailed the books per diem-----16.00

On Jan. 12, I visited the Checotah school, returning to Muscogee on evening train-----2.00

On Jan. 22, I spent the day at the Catholic school in Muscogee and charged per diem-----2.00

On Jan. 28, I was away from office arranging with the city Supt. and Principal of Dunbar school for a general meeting of



Colored Teachers of the Creek Nation. Charged per diem----2.00

Voucher 3. Third Quarter 1900.

Salary and per diem.

On February 23 and 24 I was at Eufaula High school and  
the National Colored School at Eufaula, returning to Muscogee  
evening of 24th.-----4.00

Explanations.

Respectfully submitted,

Calvin Ballard.

School Supv. & spl. D.A.



14 v

I N S T R U C T I O N S    T O    T O W N S    M A K I N G  
T H E I R    O W N    S U R V E Y S .

- - - - - 0 - - - - -

The act of Congress approved May 31, 1900; provides:

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

Towns desiring to so proceed will be guided by the following instructions:

T O W N    L I M I T S .    The surveying and platting of all towns will extend to the exterior limits as previously established under rules and regulations of the Secretary of the Interior, and approved by him.    The distances along the limit around the town from corner to corner must all be given on the plat, and all section or subdivision corners, whether on exterior limits or not, must be marked on the plat, "Stake," "Post," or "Stone," as the case may be, and located by actual measurements from block or lot corners, or street lines produced.

S E C T I O N    L I N E S .    Section lines and quarter section lines must be fully shown within the limits of the town, but may be broken where they would otherwise cover figures.    At section corners the numbers of the four sections will be given, and at center of section the section number.

S T R E E T S .    The streets within the town should be laid out as  
---press book no. 4 letter 260.--



existing at present so far as possible, and should be uniform in width throughout, except where material damage will be done to improvements, but in cases where they are irregular in width, report thereof should be made and instructions requested for final determination before proceeding with the permanent survey.

B L O C K S. Blocks may be in general three hundred by three hundred feet, or if the town prefers, they may be three hundred feet wide by four hundred or five hundred feet long. These dimensions need not be rigidly followed. The Government has no desire to be arbitrary in these matters, and where necessary to protect improvements existing conditions should be followed. In other words, the blocks may be wider or narrower,--shorter or longer. Alleys should generally be twenty feet wide, and unless there is a special reason to the contrary, every block should have an alley. Any block, however, which the town has specially arranged to buy for school, park or other public purposes, may be left as one lot, without any division whatever. The surveyor must set every block corner and every lot corner, and must measure the size of every fractional block, if any, around the town limits.

Stakes should not be smaller than 2" x 2" x 18", and preferably of oak or Bois d'Arc.

L O T S. The lots in any block may be of uniform width, or may be measured in accordance with present partition fences, as the town, where incorporated, may desire. Where the fences are nothing but barbed wire, or are ready to fall down, it will generally be advisable to square them up and make a respectable



looking plat. Where the present division lines are not followed each lot corner must be staked throughout the improved portion of the town. In the principal business district, lots may be 25 or 50 feet wide, or in accordance with present holdings. Business lots elsewhere should be 50 feet in width. Residence lots may have 50 or 100 feet front, as found most desirable.

THE MAP. The map should be made on mounted white drawing paper or tough manilla paper, on scale of 100 or 200 feet to an inch, according to the size of the town, with six inches margin all around. The length and width of every block must be given outside the block lines, and all the distances that go to make up the length and width must be marked inside the block lines. Every lot must have its width and length designated: in other words, along the four sides of every lot must be written its four dimensions, even if the lots be of uniform size. Where there are any angles which are not right angles they must be given, and if the same angle occurs several times it must be given in degrees and minutes each time. If blocks are at right angles to railroads, a note to that effect should be over the certificate on the map, even though the note may seem to the surveyor to be unnecessary. All distances must be in feet. All figures must be plainly legible, and no hair lines will be allowed, either in figures or drawing. The map, including the title, certificate, etc., must be finished in India ink, except as to buildings and fences, which should be correctly shown in red or blue ink. Unless specially authorized to do so, the surveyor will not trace the map, but where the surveyor can show himself competent to execute a satisfactory tracing there will be no objection to his

--press book no. 4 letter 260.--



doing so. The tracing, if made, will not show the buildings and fences, but the original in that case will be handed in with the tracing.

If the land embraced in the townsite is a forty, eighty, or one hundred and sixty acre tract, the certificate will contain the proper description, thus: "Ind. Ter. Embracing the S. E. 1/4 Section 15, Township 26 North, Range 10 East, and that - - - -." Otherwise a small map of the townsite will be added on a scale of one inch or two inches to the mile, but without having the scale designated. The townsite lands will be hatched in block, and tabular description with acreage will follow. The small plat, description and acreage must correspond with the main plat. If a cemetery selection is made, the small plat must show it and the acreage include it.

North should always be to the top of the map, and no arrows or north points should be used.

No borders should be drawn around the map.

The south and east lines of every block, half block and fractional block should be heavy lined. In general, if either the east or west end of the map has irregularities in boundary, the title should be on that end. The following form will be used for the title end of the plat, and plenty of room should be left for signatures.

- - - - -  
- - - - -



146

DEPARTMENT OF THE INTERIOR.  
Washington.

June 4, 1900.

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

Sir:

There are inclosed six copies of the Act of Congress of May 31, 1900, "An Act Making appropriations for the current and contingent expenses of the Indian Department", etc., (Pub. No. 131). Your particular attention is called to that portion on pages 18, 19 and 20, in regard to townsites in the Indian Territory.

You will transmit a copy of said act to the several townsite commissions, and call the attention of the commissions in the Choctaw and Chickasaw Nations to that portion which reads:

"Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said Act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said Nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof;"

and direct them not to enter upon, or proceed with, the work of surveying the exterior limits of any townsite, as directed by departmental instructions to the Commissioner of Indian Affairs of March 9, 1900, not undertaken prior to the date of said act. (May 31,)

You will please submit to the Department, as soon as practicable, your views as to the steps advisable to carry out the provisions of the law in regard to townsites, and give a list of the towns in the different nations in the order and manner in which, in your judgment, they should be surveyed, should the authorities of any town not desire to take advantage of that portion of the law which is as follows:



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

You will also ascertain, without delay, the condition of the work of surveying the townsite of South McAlester, and report in regard thereto, giving the time which you may estimate will be required to finish the work. There seems to be a long delay in the matter, and the Department wishes to be specifically informed in order that it may fix a time, the shortest possible, within which the plat must be submitted.

Respectfully,

Tho. R. Ryan.  
Acting Secretary.

Ind.Ter.Div.  
6 inclosures.

(Endorsed) Union Agency # 832 received Jun. 11, 1900 Office of U.S. Indian Inspector for I. T. Washington, D. C., June 4, 1900, Secretary. Transmits six copies of the Indian Appropriation Bill, with certain instructions relative to townsites.



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DEPARTMENT OF THE INTERIOR,  
Office of U. S. Indian Inspector,  
for  
Indian Territory,  
Muscogee, Ind. T.  
June 12, 1900.

The Commissioner  
of Indian Affairs:

Sir:

I respectfully transmit herewith a voucher showing the payment of \$22.50 to W. H. New, for special care and shoeing of two Government horses for use in connection with my duties as U. S. Indian Inspector for the Indian Territory. This indebtedness was incurred in order to properly care for these horses, as it is absolutely necessary that they be properly shod at all times, and as this climate is dry, it is necessary that special care should be given their feet. Also, during the recent epidemic among horses in this country, it was necessary to give them special treatment, as shown by the voucher.

I therefore have the honor to respectfully request that authority be granted for the settlement of this indebtedness, and that the voucher be approved and returned for file with my quarterly accounts; and as the present quarter and fiscal year closes with this month, I would respectfully request that the voucher be returned so that it may accompany my accounts for the quarter ending June 30, 1900;

Very respectfully,  
J. Geo. Wright,  
U.S. Indian Inspector, for  
the Indian Territory.

(Endorsed) Union Agency-Muskogee, Okla. press book no. 4-letter 5.



149

D E P A R T M E N T O F T H E I N T E R I O R.  
O F F I C E O F U . S . I N D I A N I N S P E C T O R .  
f o r  
I N D I A N T E R R I T O R Y .

Muscogee, Ind.T., July 9, 1900.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to respectfully invite attention to the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), the third paragraph of Section 15, relating to townsites, as follows:

"The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit in the United States Treasury, Saint Louis, Missouri, one-half of such appraised value; ten per centum within two months and fifteen per centum more within six months after notice of appraisal, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot."

The provisions of the agreement with the Choctaw and Chickasaw Nations, as set out in Section 29 of said Act, relative to the manner of payment of the purchase money for town lots, as found on page 15 of the pamphlet print of said Act, are as follows:

"The owner of the improvements on each lot shall have the right to buy one residence and one business lot at fifty per centum of the appraised value of such improved property, and the



remainder of such improved property at sixty-two and one-half per centum of the said market value within sixty days from date of notice served on him that such lot is for sale, and if he purchases the same he shall, within ten days from his purchase, pay into the Treasury of the United States one-fourth of the purchase price, and the balance in three equal annual installments, and when the entire sum is paid shall be entitled to a patent for the same."

In the Choctaw and Chickasaw Nations, under the Agreement above quoted, which provides that payments shall be made into the "United States Treasury", the purchasers of lots were instructed to make their payments to the U.S. Indian Agent at Union Agency, he in turn to deposit such payments to the credit of the Treasurer of the United States.

It is noted, however, that the original instructions of the Muscogee Townsite Commission, issued by the Indian Office under date of April 21, 1899, contemplate the making of the payments for lots in the town of Muscogee direct to the Assistant U.S. Treasurer at St. Louis, Mo., and for your information I would enclose herewith a copy of the notice prepared and furnished the Commission for use in notifying the owners of improvements of the appraisement of their lots and the manner in which to re-mit.

In view of the fact that the law as above quoted provides that such payments shall be made to the "United States Treasury, Saint Louis, Missouri", and that experience in the collections for lots in the Choctaw and Chickasaw Nations develops that a great many remittances are incorrect, and inasmuch as the U.S. Indian Agent at this place deposits his funds with the Assistant Treasurer at St. Louis, and in order that these payments may be



made with as little inconvenience for all concerned as possible, I have to respectfully suggest and recommend that the instructions of the Muscogee, and also the Wagoner, Townsite Commissions be changed so that the remittances will be made to the U.S. Indian Agent at this place for deposit with the Assistant U.S. Treasurer at St. Louis, as required by law, or rather that such payments be made "in the United States Treasury at Saint Louis, Missouri" through the U.S. Indian Agent for Union Agency.

This plan will greatly facilitate the keeping of the records of payments for two lots in these two towns, and save the annoyance of over-payments and underpayments which it is certain will occur if parties are allowed to remit direct to the Assistant Treasurer, and especially when the only way of ascertaining the correct amount will be by comparing with the record books as turned over by the townsite commissions.

The law requires that one receipt for such payments be deposited with the Secretary of the Interior and one with the authorities of the tribe, and it is submitted that this will not require that such receipt be a certificate of deposit of the Assistant Treasurer but that the Indian Agent could issue triplicate receipts for each separate payment, making his deposit with the Assistant Treasurer in the usual manner, and then the purchaser could make such disposition of the Agent's receipts as the law and the regulations of the Department requires.

I would respectfully urge early action in reference to this matter, and would suggest, if my suggestions meet with the approval of the Department, that the form of notice be changed accordingly, and that I be advised with reference thereto by wire,  
# 4-18-19-20



as the Muscogee Commission is ready to commence the preparation of these notices.

Very respectfully,

Your obedient servant,

J. Geo. Wright  
U.S. Indian Inspector, for  
the Indian Territory.

D.H.K.

(Endorsed) # 4, Office of Indian Inspector, Muskogee, Oklahoma  
Press Book # 4, Letter # 18-21.



153

DEPARTMENT OF THE INTERIOR.  
Washington.

July 10, 1900.

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

Sir:

I am in receipt of your communication of the 26th ultimo, calling attention to the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), applicable to townsites in the Creek and Cherokee Nations, wherein it is provided that--

"Said Commission 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 as 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."

Attention is also called to the provision in the Indian Appropriation Act for the fiscal year ending June 30, 1901, approved May 31, 1900 (Public 131), which declares:

"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."

You request to be advised whether cemeteries within the Creek and Cherokee Nations shall be included in the area set apart for the towns, and, if not, what area may be set aside for such purposes outside of the limits of such townsites. You also request to be instructed whether the townsite commissions for the Choctaw and Chickasaw Nations shall be directed to set apart such tracts as may be deemed necessary, and also whether or not in the future platting of the towns by surveyors parks may be established inside of the limits of the townsites.



The Commissioner of Indian Affairs in forwarding your said communication invites the attention of the Department to the report of the Indian Office dated June 25th, relative to the establishment of parks in townsites in the Choctaw and Chickasaw Nations, wherein he expressed an opinion that it would be a violation of the Choctaw and Chickasaw agreement to set aside land for park purposes in townsites in either of said nations. He further expresses the opinion that it was not the intention of the law to require that cemeteries must be located within the limits of townsites, and that if "in the judgment of the commission and the Department" it be for the best interests of the inhabitants of any town that cemeteries should be located outside of the exterior limits of such town, the same may be done.

He also expresses the opinion that the commission, whenever practicable, should select land for cemetery purposes that has been heretofore used for such purposes, and that in the Creek and Cherokee Nations the Department has authority to direct the setting apart of a sufficient area of land for cemetery purposes "as may be required for the present needs and reasonable prospective growth" of such town.

The provision of section 15 of said act of June 28, 1898, which is applicable to the Chickasaw, Choctaw, Creek and Cherokee Nations, except as modified by the agreement set out in section 29 of said act of Congress, declares that--

"Said commission shall cause to be surveyed and laid out town sites where towns with a present population of two hundred or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth."

In the agreement in said section 29 it is declared:



"If said agreement as amended be so ratified, the provisions of this Act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement."

It is also provided in said agreement that --

"Each of said commissions shall lay out town sites, to be restricted as far as possible to their present limits, where towns are now located in the nation for which said commission is appointed."

While it is true that the commission is not expressly authorized to set aside parks under the terms of said agreement, yet it is not believed that it would be a violation of the agreement if the provisions of said section 15, as modified by said Indian Appropriation Act, relative to the reservation for parks, be extended to the Choctaw and Chickasaw Nations. Moreover, the provision in said Indian Appropriation Act expressly declares:

"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 reasonable prospective growth of such towns."

On the 6th instant the Department considered your report dated the 26th ultimo relative to the execution of the provisions of said act of Congress approved May 31, 1900, relative to the surveying of townsites in the Indian Territory, forwarded by the Commissioner of Indian Affairs, and directed the Commissioner to prepare a draft of instructions "for the purpose of carrying said plan into execution" and to submit the same to the Department for its consideration at the earliest practicable moment. When said regulations are received and approved you will be further advised in the premises.



A copy of the report of the Commissioner is inclosed herewith.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind.Ter.Div.  
2253-1900.  
1 inclosure.

(Endorsed) Union Agency # 895 received Jul. 16, 1900 Office of U. S. Indian Inspector for I. T. Washington, July 10, 1900. Secretary. Relative to townsite matters in Creek and Cherokee Nations. (Parks and Cemeteries)



1937-1900.  
Ind.Ter.Div.

W.C.P.  
S.V.P.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney General,

Washington, July 13, 1900.

Five Civilized Tribes:  
Permit Tax.

The Secretary of the Interior,

Sir;

I am in receipt by your reference, with request for an opinion upon the legal matters presented therein, of a letter from the Indian Inspector assigned to the Indian Territory, setting forth that certain parties doing business in towns in the Indian Territory have refused to pay the permit tax or license fee imposed by the laws of the several nations, this refusal being based upon the claim that they have purchased town lots and by such purchase have acquired the right to reside within the limits of the nation in which such lots are situated, and upon the further claim that section 14 of the act of June 28, 1898, confers or recognizes such a right of residence within the limits of incorporated cities and towns in the Territory.

The question is not directly as to the right of these people, not citizens, to occupy the property they have bought, but is as to their right to carry on a business in one of those nations without first obtaining a permit therefor as required by the laws of the nation. The right of these nations or tribes to prescribe regulations requiring those not citizens engaging in business within the nation, to pay a permit tax or license fee has been recognized by this Department and sustained by the courts. In the case of Maxey V. Wright, decided January 6, 1900 (54 S.W.Rep., 807), the Court of Appeals



of Indian Territory upheld the right of the Creek Nation to require the payment of such a tax or fee and the power of this Department to take charge of the matter, collect the money and turn it over to the Indians or in case of refusal of any one to pay the same, to enforce the penalty of removal, prescribed by laws of the nation.

It seems that many persons engaged in business in these nations especially in the Choctaw and Chickasaw Nations have become purchasers of town lots at sales made under the provisions of the act of June 28, 1898 (30 Stat., 495), and now refuse to pay the tax or fee imposed by the laws of the nations upon non-citizens carrying on business there. Their position is not clearly set forth in the papers submitted but it seems to be that a lot so purchased is no longer the property of the tribe and that the owner may conduct on such lot any business that he may see fit to engage in. The purchase of a town lot does not make the purchaser a citizen of the nation within whose boundaries such town may be located, nor does it necessarily operate to confer upon him a license to follow a pursuit in disregard of the laws of the nation requiring a non-citizen to secure a permit before engaging in such business. In the case of *Maxey v. Wright*, supra, the court declared it unnecessary to then decide as to the effect of the law of June 28, 1898, authorizing the sale of lands in cities and towns upon this question, saying:

Nor does the fact that Congress by the provisions of the Curtis Bill has provided for the creation of cities and towns in this nation and the extinguishment of the Indian title to



the lands embraced within the limits of such municipal corporations alter the case because this provision of that bill has not yet been carried into effect. The Indian title to such lands still remains in them and it is yet their country. What effect the provision of this statute relating to cities and towns, when fully consummated, may have, we do not now decide.

Important changes have been made both as to the conduct of the internal affairs of these nations and as to their relations with the outside world. These changes are largely the result of the law of June 28, 1898, supra, which, among other things, provides a plan by which lands in cities and towns may be sold to others than citizens of the nation. As said before, a purchase of such lands does not, however, give the purchaser any special privilege or benefit in the matter of engaging in business in such nation. Such a purchaser bought the property with a knowledge of the provisions of the tribal law and the conditions imposed thereby upon any one wishing to engage in business in such nation and that he could remain within the boundaries of such nation and occupy the property thus purchased only in conformity to and compliance with the laws of that nation.

The contention that the purchase of a town lot in one of these nations exonerates a non-citizen, wishing to engage in trade or business, from compliance with the laws of such nation and gives him a license to engage in business therein in defiance of such laws, cannot be sustained. A non-citizen has, in this respect, the same status after such purchase as he had before and must afterwards, as before, meet the requirements of law if he desires to engage in



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business there. He is also subject to the same penalty for refusal to comply with the law after such purchase as he was before. If there is any hardship in the matter it does not grow out of conditions arising subsequently to his purchase as there has been no change in the laws of any of said nations in this respect since provision was made for the sale of town lots. He voluntarily placed himself in the position he occupies and must bear the incident responsibilities. The question as to the powers and duties of this Department in the premises is necessarily presented. Relative to that question the court in the case of *Maxey v. Wright*, supra, used the following language:

On the whole case we therefore hold that a lawyer who is a white man, and not a citizen of the Creek Nation is, pursuant to their statute, required to pay for the privilege of remaining and practicing his profession in that nation the sum of \$25; that if he refuse the payment thereof, he becomes by virtue of the treaty an intruder and that in such a case the government of the United States may remove him from the nation: and that this duty devolves upon the Interior Department. Whether the Interior Department or its Indian agents can be controlled by the courts by the writs of mandamus and injunction is not material in this case, because as we hold, an attorney who refuses to pay the amount required by the statute by its very terms becomes an intruder, whom the United States promises by the terms of the treaty to remove, and therefore in such cases the officers and agents of the Interior Department would be acting clearly and properly within the scope of their powers.

At another place the court said:

We are of the opinion, however, that the Indian Agent, when directed by the Secretary of the Interior may collect this money for the Creeks. . . . In this case the Indian agent was acting in strict accordance with the directions and regulations of the Secretary of the Interior, in a matter clearly relating to intercourse with the Indians. And when it is remembered that up to the time that the United States courts were established in the Indian Territory the only remedy for the collection of this tax was by removal, and that the Indian Nations had no power to collect it except through the intervention of the Interior Department,



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it was deemed wise to take charge of the matter, and collect this money, and turn it over to the Indians it had the power to do so, under the superintending control of the Indians, and the intercourse of white men with them granted by various acts of Congress; and in our opinion that power has not been taken away by any subsequent act of Congress or treaty stipulation.

The powers and duties of this Department in the premises are so fairly set forth and defined by this language as to justify its adoption by the Department as a correct statement thereof. The statements are as applicable now as when that decision was rendered, and are as true of all the nations as of the Creek.

Section fourteen of the act of June 28, 1898, authorizes the incorporation of cities and towns in the Indian Territory, making the provisions of Mansfield's Digest of the Statutes of Arkansas applicable, and further provides, as follows:

All elections shall be conducted under the provisions of chapter fifty-six of said digest entitled 'Elections,' so far as the same may be applicable; and all inhabitants of such cities and towns, without regard to race, shall be subject to all laws and ordinances of such city or town governments, and shall have equal rights, privileges and protection therein. Such city or town governments shall in no case have any authority to impose upon or levy any tax against any lands in said cities or towns until after title is secured from the tribe; but all other property, including all improvements on town lots, which for the purposes of this act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the councils of such cities and towns, for the support of the same and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection annually of a tax upon such property, not to exceed in the aggregate two per centum of the assessed value thereof, in manner provided in chapter one hundred and twenty-nine of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

These are provisions for establishing and maintaining municipal governments enacted to meet the changed conditions



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in the Territory, and while they recognize the right of persons not citizens of the tribe or nation to reside in such towns, to participate in such governments, to enjoy the benefits and protection thereof, and also their liability to contribute by payment of taxes to the expenses of such government, they do not relieve such persons from observance of and compliance with the laws of the nation. The payment of a license fee imposed by a municipal government upon a certain occupation would not relieve one of the obligation to pay a like fee imposed by the State government. While the relations between these municipal governments and the Indian Nation are perhaps not precisely the same as those ordinarily existing between a city and the state, yet, they are so similar that the same rule obtains. As said before, the question is not as to the right of non-citizens to reside in these towns but is as to their right to carry on a business in the nation in violation of the laws thereof. The provisions of said section fourteen do not in my opinion operate to relieve inhabitants of cities or towns in these nations, from the payment of the permit tax or fee prescribed by the laws of the nation in which such city or town may be located.

The papers submitted are herewith returned.

Very respectfully,

Willis Van Devanter,

Assistant Attorney-General.

Approved: Thos. Ryan,

Acting Secretary.

July 13, 1900.

(Endorsed) Union Agency No. 271 Received Jul. 20, 1899 Office of



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U.S. Indian Inspector for Indian Territory. Washington,  
July 15, 1899. Commissioner.----Non-citizen lawyers,  
merchants, etc. must pay tribal tax or suffer removal.----



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DEPARTMENT OF THE INTERIOR,  
Washington.

July 26, 1900.

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

Sir:

The Department is in receipt of your communication of the 17th instant marked "Special", referring to your communication of the 10th instant, concerning the decision of Judge Townsend, of the Southern District of the Indian Territory, regarding town-sites, and inclosing therewith a copy of a communication from Mr. C. L. Herbert, of Ardmore, Indian Territory, in reference to the matter, who appeared as counsel for plaintiffs in the case before Judge Townsend, through the courtesy of the United States Attorney.

You also forward a letter from United States Attorney W. B. Johnson, dated the 9th instant, in which he states that in compliance with your request, as directed in departmental telegram of the 10th instant, the case decided by Judge Townsend would be appealed, but that a hearing could not be had before October, and an opinion would not be rendered until April, 1901. Mr. Johnson suggests that in the meantime parties building said town can be removed from the Territory, and also recommends that the Department notify the railroad company that they cannot



build a depot at any of these points, and that the railroad company would not attempt to build depots where towns are being unlawfully built if it was advised that such action would be against the desire of the Department.

You also transmit a letter from the United States Attorney dated the 13th instant, inclosing a copy of the contract or lease used, which is, in fact, a sale conditioned only upon the location of the railroad depot, the time of the lease being made to suit the purchaser and the prices fixed ranging from \$250 to \$750 for business lots.

You state that you are not inclined to recommend the action suggested by the United States Attorney to remove persons attempting to lay out said towns, "especially for doing what the court holds they have a right to do."

You further suggest that, if it be proposed to establish a depot or station at the proposed town by the railroad company, it might be properly held that stations can only be established at such points as are set apart by the Department, as provided for in the act of Congress approved May 31, 1900 (Public 131), and such tracts so set apart as townsites would not be subject to allotment and therefore could not be sold or leased by any prospective allottee. You further state that you understand that the plats of "such stations as are or shall be established "in conformity with law on the line of any railroad which shall "be constructed or be in process of construction in or through "either of said nations prior to the allotment of lands therein,"



have been filed in the Department, and you recommend that the Commission to the Five Civilized Tribes be requested by telegraph to recommend the setting aside of 160 acres for townsite purposes, and not subject to allotment, at such stations as they may deem advisable, and that in order to do so copies of the plats on file in the Department showing the location of stations authorized by law be furnished said Commission, as you are advised by the Acting Chairman that it now has none but that as soon as the same were received the Commission could then proceed at once to submit its recommendations before beginning allotment work.

You further desire to be advised if the character of contracts or leases above referred to does not properly come under the provisions of section 2103 of the United States Revised Statutes, and you request to be instructed in the premises, and that you be directed to notify all interested parties that new towns otherwise established will not be recognized by the Department.

The Acting Commissioner of Indian Affairs forwarded your said report and inclosures on the 24th instant, and after quoting therefrom in extenso and also from the letter from Mr. Herbert, he states that -

"The following named railroad companies have recently obtained rights of way through certain portions of the Indian Territory under the Act of Congress approved March 2, 1899, (30 Stats., 990) and have filed maps of definite location, to wit, the Shawnee, Oklahoma and Missouri Coal and Railway Company, the Arkansas and Oklahoma Railway Company and the Arkansas Western Railway Company. The St. Louis, Oklahoma and Southern Railway Company recently obtained rights of way under the Act approved



March 30, 1896, (29 Stats., 80) and has filed maps of definite location. The Arkansas and Choctaw Railway Company has also recently obtained rights of way under the Act of Congress approved January 28, 1899, (30 Stats., 806), and has filed maps of definite location and the Ft. Smith and Western Railway Company has obtained rights of way under the Act of Congress approved March 3, 1899, (30 Stats., 1368) and has filed maps of definite location.

"None of the above mentioned roads, however, have filed maps showing the location of station grounds. Section eight of the regulations of April 18, 1899, concerning the right of way for railroads etc., is in part as follows:

"Grounds desirable for station purposes may be included in map of location of the road, but separate plats of such grounds must be filed and approved."

The Acting Commissioner further states that it has been the practice of the Department not to require the railroad companies to file maps showing their station grounds at the time of the filing of their maps of definite location, but that owing to the change in the townsite law in said act of May 31, 1900, which authorizes the Commission to the Five Civilized Tribes prior to any allotment "to set aside and reserve from allotment any lands "in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres "in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which "shall be constructed or be in process of construction in or "through either of said nations prior to the allotment of "the lands therein, and this irrespective of the population "of such townsite at the time," it would be well to request the several railroad companies which have not heretofore



filed maps of their station grounds to do so at an early date, and also to request said companies in the selection of such station grounds not to establish a station at any place where a prospective allottee has laid out, or attempted to lay out a townsite.

The Acting Commissioner comments upon the opinion of the court in the case of the United States and others versus I.O.Lewis and others, and refers to section 2118 of the Revised Statutes of the United States, and recommends that if the Department shall consider that said parties should be prosecuted under the provisions of said section the United States District Attorney for the Southern District of the Indian Territory should be requested, through the Department of Justice, to commence proceedings against said parties in accordance with the provisions of said section. He also recommends "that the Post Office Department be advised of "the establishment of the town of Madill; that said town "was established in violation of law and that said Department "be requested not to establish a postoffice at said town, "should the residents thereof so petition."

The Department concurs in the recommendation of the Acting Commissioner relative to said railroad companies, and you are directed to request said companies mentioned in the Acting Commissioner's report to file the maps of their station grounds at an early date, and you are instructed also to request said companies not to establish a station at any



place where a prospective allottee has laid out, or attempted to lay out, a townsite prior to the setting apart of the land in conformity to said provision of the act of May 31, 1900, by the Commission to the Five Civilized Tribes.

The Department also concurs in the recommendation of the Acting Commissioner relative to the prosecution of said parties under the provisions of section 2118 of the Revised Statutes.

It is not, however, deemed advisable to make any recommendation to the Post Office Department relative to the establishment of a postoffice at the town of Madill, because there may be good reasons why the Post Office Department should establish a postoffice at that place, irrespective of the action of the allottee in attempting to lay out said townsite.

With reference to the necessity for the approval of rental contracts under section 2103, your attention is invited to the ruling of the Department heretofore made, based upon the opinion of the Assistant Attorney General dated April 4, 1900, that the Secretary of the Interior is not authorized or required to approve rental contracts made by members of the Five Civilized Tribes of their prospective allotments.

Respectfully,

Tho. R. Ryan

Acting Secretary.

Ind. Ter. Div.  
2452-1900.

(Endorsed) Union Agency No. 964 Received Aug. 3, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, July 26, 1900, Secretary. ---- Request R.R. companies building in I.T. to file maps of station grounds, and not establish a station on land where prospective allottee has laid out, or attempts to lay out, townsite. Also prosecute under Sec 2118 R.S.U.S., etc.



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DEPARTMENT OF THE INTERIOR

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T.,

August 6, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Referring to recent authority from the Department to submit the name of a suitable person to act as clerk for the Revenue Inspectors for the Creek and Cherokee Nations, at One Thousand Dollars per annum and two dollars per diem when away from the Muscogee office on official business, I have the honor to report that the name of a suitable person for such position will be submitted within a few days.

As authority is granted to employ a policeman when needed at not exceeding \$2.00 per day and necessary traveling expenses in lieu of the present district inspectors, and as this will materially increase the duties of the revenue inspectors, I have the honor to recommend that the compensation at present allowed Messrs. Frank C. Churchill and Guy P. Cobb, Revenue Inspectors for the Cherokee and Creek Nations, respectively, be increased from \$1500 per annum and \$2.00 per diem (the amount at present allowed) to \$2000 per annum, and \$2.00 per diem while on duty in the field and away from the Muscogee office.

The present revenue inspectors have proven themselves men of ability, and their services during the past year have rendered them  
--press book no. 4. letter 239.--



very valuable. Furthermore, they are and will now be required to be absent almost continually in the field, and subject to additional discomforts. I therefore respectfully ask that the increase in compensation herein suggested be approved by the Department to date from August 1, 1900, and that the necessary additional funds be placed to the credit of the revenue inspectors.

Of the six district revenue inspectors heretofore employed (three in the Creek and three in the Cherokee Nation) at \$50 per month and necessary traveling expenses, two have been relieved in the Creek Nation and one in the Cherokee Nation. It may be necessary to retain one of these men in each nation, but the second one now employed in the Cherokee Nation will be relieved within a short time, as soon as the hay shipping season is over, both men now being required to give this matter their undivided attention, in order to see that the royalty of twenty cents per ton, due the nation, is paid on all hay shipped.

Very respectfully,

Your obedient servant,

J. Geo. Wright,

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



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Edwin C. Madden,  
Third Asst. P. M. General

POST OFFICE DEPARTMENT,

Office of the Third Assistant Postmaster General,  
Washington, D. C.

I. 137, Vol. 55.

August 7, 1900.

Hon. Thomas Ryan,

Acting Secretary of the Interior.

Sir:

By direction of the Postmaster General, I have the honor to acknowledge the receipt of your letter of the 31st ultimo, transmitting copy of a communication from the U. S. Indian Inspector for the Indian Territory, under date of July 14, together with a copy of the report of the Acting Commissioner of Indian Affairs, dated July 28.

The request of the Indian Inspector, to be permitted to have his official mail registered free, cannot be complied with, inasmuch as the law limits the privilege of free registration to matter mailed by the Executive Departments and offices and bureaus thereof at the City of Washington, except matter relating to the Census or to the official business of the Postoffice Department.

His request to be permitted to use, without charge, the necessary box or boxes for the mail of his office and the other offices under his supervision, will be answered by the First Assistant Postmaster General.

Yours respectfully,

E. B. Kellogg,

Acting Third Assistant Postmaster  
General.



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(Endorsed) Union Agency No.1003 Received Aug.14,1900 Office  
of U.S.Indian Inspector for Indian Territory. Washington,  
August 9, 1900. Secretary.----Postoffice Department decline  
to allow Inspector privilege of free registry. Encloses letter  
from P.O.Dept.-----



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

Muscogee, Ind.T.,

August 7, 1900.

7006-7092-921-1900.

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

Sir:

Referring to Departmental letter of July 26th, 1900, (Ind.Ter. Div.2261, 2315-1900), in reference to township plats of the Indian Territory requested by Supervising Engineer Hinckley, to be furnished by the General Land Office, wherein I was advised that the supervising engineer should be requested to furnish the General Land Office a specific list of townships in which townsites are located, to the end that copies of such townships as may not be of service to him may be retained in the files of the General Land Office, unless the same could be procured from the Commission to the Five Civilized Tribes, I have the honor to state that I am advised by the said Commission that they are unable to furnish these plats, having need for all they have on hand.

I am also advised by the Supervising Engineer that he will need two complete sets but can get along with one set, if necessary.

I therefore respectfully request that I be furnished, for the use of Supervising Engineer Hinckley, a complete set of township plats covering the territory occupied by the Choctaw, Chickasaw, --press book no. 4-letter 254.--



Creek, Cherokee, and Seminole Nations.

Very respectfully,

Your obedient servant,

U.S. Indian Inspector,

for Indian Territory.



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DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, August 15, 1900.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the fact that the U. S. Indian Agent, Union Agency, I. T., has been very much embarrassed during the past year whenever Mr. J. Geo. Wright, U. S. Indian Inspector for the Indian Territory, has been absent from his office for the reason that the office at such times has been left in charge of the chief clerk. It appears to me that the dignity of the office of U. S. Indian Agent is somewhat lowered by the fact that he is made subservient to the chief clerk of the Inspector's office, and in order that further embarrassment in this direction may be avoided, I have the honor to recommend that an order be issued to the effect that whenever Inspector Wright is absent from his office and it is essential that the duties of the office should devolve upon any other person, that the U. S. Indian Agent at the Union Agency shall be considered as in charge of the said office.

Very respectfully,

W. A. Jones

Commissioner.

(L.)

A.C.T.

(Endorsed) Union Agency # 1041 received Aug. 25, 1900 Office of U. S. Indian Inspector for I. T. Washington, Aug. 20, 1900.

Secretary.--Relative to duties of Inspectors office devolving upon Agent during Inspector's absence.



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POST OFFICE DEPARTMENT,

Office of the Third Assistant Postmaster General,

J.  
A.L.S. Washington, D.C., Aug.20, 1900.  
I 137, Vol.55

Hon.Thos Ryan,

Acting Secretary of the Interior.

Sir:

At the request of the Acting First Assistant Postmaster General I have the honor to communicate to you, for transmission to the U.S.Indian Inspector referred to, the decision upon the request, under date of July 14th, from the U.S.Indian Inspector for the Indian Territory, as transmitted by you, that he be permitted to use, without charge, the necessary post office box or boxes for the mail of his office and the other offices under his supervision.

The Acting First Assistant Postmaster General says:

"This Office cannot assign a box to the use of any individual, family, firm, corporation or public official, other than the agents of the Post Office Department, until rent thereon shall have been paid in advance for one quarter or the unexpired portion of a quarter. (See Sec.4061, R.S.) The Department cannot authorize the violation of an Act of Congress nor can it establish a precedent which would cause much annoyance to the Department and dissatisfaction to the public."

Yours respectfully,

E.B.Kellogg

Acting Third Assistant Postmaster General.

F.

(Endorsed) Union Agency No.1049 Received Aug.23, 1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Aug. 23,1900. Secretary.----Letter from Postmaster General--Cannot furnish P.O.box without charge.----



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DEPARTMENT OF THE INTERIOR.

Washington.

August 31, 1900.

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

Sir:

On August 22, 1900, calling attention to departmental letter of July 26, 1900, in reference to new towns being built along the line of railroads in the Indian Territory, you stated that you have been informed that the plats of the station grounds along the line of the St. Louis, Oklahoma and Southern Railroad "will be ready about the 27th instant," and you have requested the company to immediately thereafter forward same to you, to be transmitted to the Department.

You state that the Acting Chairman of the Commission to the Five Civilized Tribes has informed you that the Commission could attend to the setting apart of 160 acres at each of the stations, and submitting such selections to the Department, between September 1st and 10th; that subsequent to the latter date the entire time of the Commission was taken up by other matters.

You recommend that in view of the complicated condition of affairs along the road, and as people are constantly going in and locating in the vicinity where station grounds are proposed to be established, and erecting buildings thereon, as



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soon as the plats are submitted to you, you be authorized to refer them to the Commission to the Five Civilized Tribes, requesting that it "designate and recommend 160 acres at each station to be set aside for a townsite, as provided for by recent legislation," and that the same be submitted to the Department for consideration at the earliest practicable date.

The Acting Commissioner of Indian Affairs calls attention in his letter of August 29, 1900, transmitting your report, to departmental letter of August 25, 1900 (copy inclosed), transmitting to the Commission to the Five Civilized Tribes twenty incomplete plats of station grounds informally filed by the St. Louis, Oklahoma and Southern Railroad Company in accordance with departmental instructions to you.

The acting Chairman of said Commission was advised by wire August 29th, at St. Paul, Minnesota, that these plats had been sent to the Commission.

While the maps sent the Commission are deemed sufficient, should the company file with you any map in regard to said stations you are authorized to transmit them to the Commission to aid it, if necessary, in making its recommendations as required by the act of May 31, 1900 (Public No. 131).

A copy of the Acting Commissioner's letter is inclosed. You will also find herewith for your information a copy of departmental letter of August 25, 1900, to the Attorney General,



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in regard to individuals surveying and laying out townsites.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
2892-1900.  
3 inclosures.

(Endorsed) Union Agency No. 1091 Received Sep. 7, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 31, 1900. Secretary.-----Relative to Dawes Commission recommending townsites along new Frisco road; enclosing copy of letter to Atty. Genl. asking suspension of suits against Lewis, et al.-----



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

September, 4, 1900.

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

Sir:

With your letter of August 22, 1900, you transmitted a communication of August 16, 1900, by the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, protesting against the action of the Department in its efforts to carry out the provisions of the act of May 31, 1900 (Public 131), in regard to townsite matters in said nations, which act they undertake at considerable length to show is "illegal and void."

You state that it is your understanding, if the Department persists in enforcing the law, the executives of these nations will bring action in the United States courts in the nature of injunction proceedings.

The Acting Commissioner of Indian Affairs in his report of August 29, 1900, accompanying your letter, invites attention to departmental letters of August 2, 16, and 23, 1900, to you, wherein the position of the Department is defined as to the matter of detailing townsite commissioners to fix the exterior boundaries of towns in said nations, and he states that it is apparently unnecessary for his office to make any recommendation in the premises; that the townsite commissioners must of course obey the instructions of the department.

He quotes from your instructions to Supervising Engineer Hinkley of August 2, 1900, and recommends that you be advised that your action in this connection is approved.



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The Department concurs in said recommendation, and said instructions are accordingly approved.

The Department has given due consideration to the joint communication of the executives of said nations, concerning the invalidity of the townsite provision in said act of May 31, 1900, and is clearly of the opinion that no good reason is shown why the provisions of said act should not be executed. It is manifestly the duty of this Department to enforce the legislative will as expressed in an act of Congress, unless duly restrained by judicial authority.

The Department does not concede that the provision of said act of May 31, 1900, is, as stated by you to Governor Johnston, "A technical violation of the agreement" contained in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495 ). It is the province of the Legislative Department to make the law and of the Executive Department to enforce it in accordance with the legislative will.

You will please advise the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation of the views of the Department as above expressed.

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

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.

2926-1900.

1 inclosure.

(Endorsed) Union Agency # 1105, received Sep. 14, 1900. Office of U. S. Indian Inspector for I. T. Washington, Sept. 4, 1900. Secretary. Has considered joint letter of Choctaw executives and knows of no reason why Indian Appropriation Act should not be carried out.



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

October 4, 1900.

Mr. J. George Wright,  
Indian Inspector,  
Muscogee, Indian Territory.

Sir:

In compliance with your request of the 25th ultimo, and on the recommendation of the Commissioner of Indian Affairs, you are hereby authorized to grant leave of absence with pay to officials and employees connected with your office, including townsite commissioners and surveyers, if they are entitled thereto, not exceeding seven (7) days, for the purpose of going to their homes to vote.

You will make immediate report in each case and submit it for approval.

Very respectfully,

Tho. R. Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency # 1177 received Oct. 11, 1900 Office of U. S. Indian Inspector for I. T. Washington, Oct. 8, 1900, Commissioner. Transmits authority from Department to grant leaves of absence to officials and employees to go home to vote.



Land  
Authority-67687

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, October 18, 1900.

J. George Wright, Esq.,  
U.S. Indian Inspector,  
Muscogee, Indian Territory.

Sir:-

You are hereby advised that the Acting Secretary of the Interior, on October 15, 1900, granted authority for the Kansas, Eastern Oklahoma & Texas Railroad Company to locate and survey a main line of railroad and branch lines through the Indian Territory and through Indian lands in Oklahoma Territory, an estimated length of 550 miles, the main line to commence at or near the city of Coffeyville, Kansas, and to run in a south-westerly direction through the Cherokee Nation and the Osage Indian Reservation, and through or into the Counties of Pawnee, Payne, Lincoln, Pottawatomie and Cleveland, in Oklahoma Territory, and through or into the Chickasaw Nation and the Kiowa and Comanche Indian Reservation, and thence into the State of Texas, at a point at or near the city of Henrietta; the branch line running east to commence at some point on the main line either in Lincoln or Pottawatomie County, Oklahoma, and to extend thence easterly to the east line of Oklahoma Territory; thence through the Seminole, Creek and Cherokee Nations to a point on the west line of Arkansas or Missouri north of the city of Fort Smith in the State of Arkansas; the branch line extending west to commence at some point on the main line of the road in Lincoln or Pottawatomie County, Oklahoma, and to extend in a



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west or northwesterly direction through the Counties of Lincoln, Pottawatomie, Logan, Noble, Garfield, Grant and Woodward, said authority being granted under the provisions of the Act of Congress of March 2, 1899 (30 Stats., 990).

Said authority was granted, however, with the express proviso that if the line of located road shall lie within 10 miles on either side of a railroad that has heretofore been constructed, or is in actual course of construction, the maps of definite location will not be approved until the Company shall have made the proper showing to the satisfaction of the Secretary of the Interior that public interests will be promoted thereby.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

O.M.M. (H)

(Endorsed) Union Agency No. 1220 Received Oct 22, 1900 Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 18, 1900. Commissioner.-----Department has granted authority for Kansas, Eastern Okla. & Texas R.R. to survey and locate line through Chickasaw Nation.-----



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DEPARTMENT OF THE INTERIOR.  
Washington.

October 18, 1900.

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

Sir:

The Department is in receipt of your communication of the 6th instant, stating that your attention has been called to the fact by the Department that sometimes communications from Townsite Commissions and others have not been forwarded through your office as required by departmental regulations, and suggesting that all communications to the several officials under your supervision be forwarded through your office. You state that said communications were addressed "through the U. S. Indian Inspector" and doubtless were inadvertently mailed direct.

You state that as these communications frequently are in connection with matters on which you have reported it is desirable that you be advised of the instructions issued.

The Acting Commissioner of Indian Affairs in forwarding your said communication states that "It may be possible that communications have in some instances gone from this (Indian) office directly to officers under the supervision of Inspector Wright, but if so, such direct transmission has been caused by inadvertence." He calls attention also to the fact that your suggestions "are directed to the Department."

In reply, you are informed that the Department desires and expects the regulations prescribed relative to correspondence to be complied with, and doubtless it will only be necessary for you to

call the attention of the officers under your supervision to said



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instructions. The townsite commissions have heretofore been directed to report directly to you, and you were advised to forward their reports whenever deemed necessary by you.

With reference to the statement of the Acting Commissioner that your suggestions are directed to the Department, it is only necessary to say that such action on your part was correct, and your communications should be transmitted through the Commissioner of Indian Affairs as heretofore directed, in order that the Department may have the benefit of any suggestions or report he may make relative to action thereon.

Respectfully,

E. A. Hitchcock.

Ind.Ter.Div.  
3448-1900

Secretary.

(Endorsed) Union Agency # 1231 received Oct. 22, 1900. Office of U. S. Indian Inspector for I.T. Washington, Oct. 18, 1900. Secretary. Relative to all communications being sent through Inspector, and Inspector's correspondence being directed to Department through Indian Office.



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DEPARTMENT OF THE INTERIOR,  
Washington,  
October 25, 1900.

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

Sir:

The Department is in receipt of your communication of the 19th instant, referring to departmental letter of June 12th last, directing you "to advise the Department of the title in full of the case, its purpose, etc.," whenever the United States Attorneys in the Indian Territory have been called upon to represent the officers in the Indian Territory, under the direction of the Attorney General dated June 6th last.

You report that since said date you have requested the United States Attorney for the Southern District of the Indian Territory to appear in the interest of the Government in one case, viz:- United States et al vs. I. O. Lewis, et al, now pending in the Court of Appeals in Indian Territory, in which it was sought to enjoin defendants from selling Indian Lands for purpose of townsites.

You also state that, at your request, the United States Attorney for the Northern District of the Indian Territory has appeared in the interest of the Government in the following cases:

N. B. Moore vs. Dwight W. Tuttle, Benjamin Marshall and John



Adams.

Suit in equity to restrain defendants from advertising for sale, or selling, or attempting to sell, or conveying or in any manner interfering with certain lots in the town of Muscogee, the property of plaintiff.

Principal Chief Porter filed petition on behalf of the Creek Nation to make said Nation party plaintiff.

United States vs. Neal H. Lipscomb, et al.

Suit to recover penalty for violation of section 2117 R. S. U. S., introducing cattle into the Cherokee Nation.

Fred L. Kelly vs. J. George Wright, et al.

Suit in equity to restrain defendants from interfering with, seizing, or undertaking to collect in any manner the royalty demanded by the Interior Department on hay shipped by plaintiff out of the Cherokee Nation.

S. W. Kelly vs. Chas. Howell and Frank C. Churchill.

Suit to replivin ten tons of hay seized by United States Indian Agent at Bluejacket, account royalty not paid as provided by Cherokee law. This case heard before United States Commissioner Don Carlos.

United States vs. H. S. Dees.

Suit to recover penalty for violation of Section 2117, R.S.U.S.

Fred L. Kelly vs. Missouri, Kansas and Texas Railroad Company.

Petition for madamus to compel railroad company to receive shipments of hay before payment of royalty.

W. C. Rogers vs. Frank C. Churchill, et al.

Injunction to restrain defendants from collecting Cherokee tribal tax on mercantile business of plaintiff and closing his store on account of refusal to pay.

Your said report was forwarded by the Commissioner of Indian



Affairs on the 24th instant. In said departmental letter of June 12th you were informed that "the Acting Attorney General states that the request will be complied with, and desires that whenever said attorneys are called upon by said officers to take action under the authority given by the Department of Justice, the Attorney General shall be advised, through the Secretary of the Interior 'of the title in full of the cause, its purpose, etc., in order that the proper entries may be made upon the dockets maintained in this (his) Department'". You were instructed to advise the Department in accordance with said request of the Acting Attorney General.

Hereafter you will make the report called for in duplicate, and it should show, in addition to the matter called for by the Acting Attorney General, the date when the suit was commenced and what action, if any, had been taken at the date of your report. The Department of Justice will then be enabled to keep its dockets so that they will show the exact condition of the litigation in which the District Attorneys have been requested to appear.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
3551-1900.

(Endorsed) Union Agency No. 1261. Received Oct. 30, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Oct. 25, 1900. Secretary----Relative to report of cases appeared in by U.S. Attorneys, and requests other information in future.

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Refer in reply to the following:

Land  
56648-1900

Department of the Interior  
Office of Indian Affairs,

Washington, November 17, 1900.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of November 15, 1900, authorizing Inspector Wright to enter into contracts with L. F. Parker of St. Louis, Missouri, for the surveying, laying out, and platting of the following towns in the Creek Nation, to-wit: Beggs, Mounds, Alabama, Wetumka, Winchell, Henriette and Yager; and towns in the Chickasaw Nation as follows:- Francis, Scullin, Bryant, Helen, Woodville and Gray, I have the honor to inclose a report from Inspector Wright dated November 17, 1900, transmitting a contract entered into in triplicate November 16, 1900, between the Secretary of the Interior, through his authorized representative Inspector J. George Wright and Mr. Parker, by the provisions of which Mr. Parker agrees to survey, lay out and plat into lots, blocks streets and alleys the townsites above named, the limits of which have been approved by the Department and the lands segregated from allotments in accordance with the provisions of the Act of Congress approved May 31, 1900 (31 Stats., 221).

The contracts also provides for the surveying, laying out and platting of the towns of Okmulgee and Holdenville in the Creek Nation and Ada, Roff, Ravis and Madill in the Chickasaw Nation as soon



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as the exterior limits of said towns shall be established by the Department providing the same is done prior to May 31, 1901. The contract provides for full compensation for services and material furnished by Mr. Parker the sum of \$75.00 for each of said towns which shall be in full payment, and further provides that no part of said sum shall be paid in any instance until the plat prepared by him, or under his supervision, shall have been approved by the Department.

The contract also provides that the laying out and platting of all of said towns shall be completed by June 30, 1901, unless the limits of some of said towns shall not have been established prior to May 31, 1901, in which event the towns of which the limits have not been so established are exempted from the operation of the agreement.

The Inspector states that Holdenville is an old town; that the railway station is located within the limits of the same, and that the limits of the town should be established. He recommends that as Mr. Parker proposes to complete the work at as early a date as possible, he be authorized to establish the limits of towns along the line of the St. Louis, Oklahoma & Southern Railway in the Creek and Chickasaw Nations of which the limits have not yet been established and submit the same to the Department for early consideration.

Okmulgee and Holdenville in the Creek Nation and Ada, Roff and Ravia in the Chickasaw Nation, are old towns and the limits of the old town in each instance have not yet been established. The Dawes Commission in each instance, except the town of Holdenville, recom-



mended the setting aside of 160 acres of land adjoining the old town so that the station grounds would be included within the limits of the townsite.

There is also inclosed a schedule marked "A" in which is given the legal description of the lands recently segregated from allotment and set aside for townsite purposes by the Department.

The office recommends the approval of the contract and concurs in the Inspector's recommendation that he be authorized to have the exterior limits of the town sites along the line of said railroad of which the exterior limits have not yet been established, established at an early date and submitted for the consideration of the Department.

Very respectfully,  
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W. (H)

(Endorsed) Union Agency No. 1345. Received Nov. 24, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Nov. 17, 1900. Secretary---Contract with L.F. Parker for surveying Frisco towns approved; authorizes establishment exterior limits of others along that line.



194  
November 28, 1900.

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

Gentlemen:

The Department is in receipt of your communication of the 20th instant acknowledging "receipt of eleven Departmental letters under date of October 26th," advising the Commission of the Department's approval of its recommendation as to the location of certain towns mentioned therein on the line of the St. Louis, Oklahoma and Southern Railway, and directing that notation thereof be made upon the plats of the Commission.

You call the attention of the Department to the fact "that the Commission's recommendation is concurred in not only by the Indian Office but by the United States Indian Inspector located in Indian Territory," and you state that you are at a loss to understand by what manner the concurrence of said Inspector could have been given to these reports; that it would seem that through some error said recommendation was mailed through or delivered to the United States Indian Inspector. You state "that if such a course was followed it was wholly unintentional on the part of the



Commission" and you do not "understand that this is a matter over which the United States Indian Inspector has any jurisdiction."

In reply, you are informed that under date of September 13th the United States Indian Inspector for the Indian Territory made a general report, stating that during the week previous he "accompanied Mr. Tams Bixby of the Commission to the Five Civilized Tribes across country through the Creek and Chickasaw Nations from Sapulpa on the line of the St. Louis and San Francisco Railroad to Denison, Texas, along the line of the St. Louis, Oklahoma and Southern Railroad now being constructed, such trip being for the purpose of setting aside not exceeding 160 acres at each proposed station for a townsite, as provided by recent legislation." He also states that he made the trip "for the purpose of ascertaining conditions at the various points." This general report contains statements relative to the towns recommended to be established by your Commission. The report was sent in the usual manner through the Commissioner of Indian Affairs, and in the separate report upon each town made by the Commissioner he states therein the action recommended by the Indian Inspector.

While it is true that under the act of Congress approved May 31, 1900 (31 Stat., 221-236), "The Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the



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Choctaw, Chickasaw, Creek or Cherokee Nations not exceeding one hundred and sixty acres in any one tract," upon the recommendation of the Commission to the Five Civilized Tribes, yet there does not seem to be any objection to the Department's receiving any information that it may deem pertinent, and inasmuch as the United States Indian Inspector has been directed to supervise the surveying and platting of towns under said act there was manifestly no impropriety in his making a report upon the general condition relative to the same without any special directions from the Department so to do.

It does not appear that the reports of your Commission were transmitted through the United States Indian Inspector, but they were received in the office of the commissioner of Indian Affairs at the same time as the report of the Indian Inspector, and hence mention was made by the Commissioner of Indian Affairs and the Department of the views of the Inspector.

Respectfully,

Acting Secretary.

Ind.Ter.Div.  
3887-3498-1900.

(Endorsed) Union Agency No.1414 Received Dec 7,1900 Office of U.S.Indian Inspector for Indian Territory. Washington, Nov.30, 1900. Secretary.-----Sends copy of letter to Dawes Commission concerning Inspector's report relative new Frisco towns.-----



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, D. C.

December 4, 1900

J. George Wright,  
United States Indian Inspector  
Muscogee, Agency.  
Indian Territory.

Sir:

The explanations submitted by you, under date of November 28, 1900 to exceptions taken in the examination of your cash account as United States Indian Inspector for the Indian Territory for the 1st quarter, 1901, have been examined and referred to the Honorable Auditor for the Interior Department, with the information that they are deemed sufficient to remove the **suspensions** to said account,

Respectfully,

A. C. Tonner.  
Assistant Commissioner.



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T R E A S U R Y   D E P A R T M E N T  
Office of AUDITOR FOR THE INTERIOR DEPARTMENT.

WASHINGTON, D. C. December 4, 1900.

H.G.  
Sett. 31086

Mr. J. George Wright,  
U.S. Indian Inspector,  
Care of Commissioner of Indian Affairs.

Sir:

Your cash accounts as Special Disbursing Agent, under bond dated April 27, 1896, from June 7, 1896, to April 29, 1900, have been readjusted in connection with explanations filed, and deposits made by you, and being found balanced, were so certified to the Secretary of the Treasury.

Your accounts for the above service now stand, therefore, balanced and closed.

Respectfully,

Wm. Youngblood.

Auditor.  
S. W. F.

Through the Office of Indian Affairs.

(Endorsed) Union Agency # 1411 Received Dec. 7, 1900. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 4, 1900. Commissioner. Explanations to Inspector's exceptions deemed sufficient.



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

United States Indian Service.

Supervising Engineer, Indian Territory Townsites,  
South McAlester,

Ind.Ter. December 9, 1900.

Surveyor General,

Washington, D. C.

Sir:

In sub-dividing to establish the exterior limits of townsites in the Indian Territory, I find that there is a conflict of opinion among the local authorities. I would, therefore, like to have you advise me which is the proper way to sub-divide the lots lying along the west side of a township.

Should they be divided into halves and quarters of equal area, or should the east half of these fractional lots be made full and of even area, and the fractions be thrown wholly on the west tier?

Your very early reply will oblige, and any printed instructions which you may have on this subject will be gratefully received by,

Respectfully,

H. V. Hinckley  
Supervising Engineer.  
Muskogee, I. T.

P. S. In addition to advising me as to which is the proper method of sub-division, you might also say what of the other methods is allowable, or whether work done by the other method would be turned down at headquarters.

H.V.H.



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

DECEMBER 20, 1900.

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

Sir:

On the 19th instant the Commissioner of the General Land Office referred to the Department a communication from Mr. H. V. Hinckley, townsite supervising engineer, addressed to the "Surveyor General, Washington, D. C.," in regard to subdividing "lots lying along the west side of a township," and enclosed a circular of his office of October 16, 1896, on restoration of lost or obliterated corners, apparently considering that this may be of some service to the superivsor.

Neither the Land Office nor the Department understands the Supervisor's inquiry.

Surveyors General are located in certain States and Territories, none in this city.

The Superivsor's letter and said circular are enclosed. You will inform him that he should not communicate with the officers of this Department or any other branch of the Government except through your office, and your attention is invited to the enclosed circular of December 9, 1899.

Respectfully,

Thos. Ryan.  
Acting Secretary.

Ind.Ter.Div.  
3 Enclosures  
4185-1900.

(Endorsed) Union Agency # 1519 received Dec. 26, 1900 Office of U. S. Indian Inspector for I. T. Dept of the Interior December 20, 1900. To the matter of a communication addressed to the "suveyor general Washington, D. C." by H. V. Hickley, Sup. Engineers.



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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 22, 1900.

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

Sir:

The Department is in receipt of a communication from the Commissioner of Indian Affairs dated December 18, 1900, transmitting therewith a letter from the Commissioner and Special Disbursing Agent for the Choctaw Nation dated December 11, 1900, wherein he states that on December 8th, same year, he received a communication from you as follows:

"Until further advised, you are hereby instructed to continue the payment of the salary and expenses of the surveying parties under the supervision of the Supervising Engineer, Mr. Hinckley, in accordance with instructions heretofore given, whether such parties remain in the Choctaw Nation or not, except when they are in the Chickasaw Nation, when they will be paid by the Chairman of the Chickasaw Townsite Commission.

It is contemplated to move four of these parties from the Choctaw Nation to the Cherokee and Creek Nations at once, and this communication is sent you in order that there may be no delay in the payment of their salary and expenses."

The Disbursing Agent states that he regards said instructi-



ons sufficient to warrant him in paying "Supervising Engineer Hinckleys forces while working in the Cherokee Nation and the Creek Nation."

The Commissioner states that on July 24, 1900, the Department advised you that "The expenses incurred in surveying and platting said towns will until further orders be paid by the disbursing officer of each of the townsite commissions for said nations"; that his office is unable to find any departmental instructions which would seem to extend the authority of said Disbursing Agent, and that it is doubtful if he is at present authorized to pay the expenses of the townsite commissions now at work in the Cherokee and Creek Nations. He recommends that said disbursing agent "be advised by wire that he is authorized to pay Supervising Engineer Hinckley's Townsite forces while at work in the Creek and Cherokee Nations," and also that you be so advised by letter.

Said disbursing agent was appointed under the agreement set out in section 29 of the act of Congress approved June 28, 1898 (30 Stat., 495), for the Choctaw Nation, and it is not considered advisable that he should be directed or authorized to pay the expenses of said "forces" while employed in the Cherokee Nation and Creek Nation. The officers of the Townsite Commission at Muskogee have been indefinitely furloughed, and no townsite commissions have been appointed as yet for the Creek and Cherokee Nations. Under the conditions now existing the Department considers it advisable that the United States Indian Agent for the Union Agency shall pay the expenses of laying off the towns in the Creek and Cherokee Nations



under the provisions of said act of May 31, 1900, except of course the salary and personal expenses of the Supervising Engineer. On the 20th instant you were advised by wire in accordance with the view above expressed.

It does not appear that the letter of the Special Disbursing Agent came through your office. You will call his attention to the fact that he has been heretofore instructed to make his reports to you, and you are also advised that any change in the instructions heretofore given to the disbursing agents should not be made by you unless expressly directed by the Department.

Respectfully,

Thos. Ryan.

Acting Secretary.

Ind.Ter.Div.  
4201-1900.

(Endorsed) Union Agency # 1536 received Dec. 31, 1900. Office of U.S. Indian Inspector for I. T. Washington, Dec. 22, 1900. Secretary. Not deemed advisable that Choctaw Commission pay townsite expenses, Creek and Cherokee Nations; Indian Agent should do so.



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DEPARTMENT OF THE INTERIOR,

Office of U.S. Indian Inspector,

For

Indian Territory,

Muscogee, Ind. T., July 16, 1900.

D876-'00

6867-'00

The Honorable,

The Secretary of the Interior.

Sir:

Replying to Department letter of the 6th instant, requesting me to report whether Supervising Engineer Howard V. Hinckley has severed his connection with all business enterprises in the Indian Territory, and whether he has devoted all his time and attention to the duties of his office since his appointment thereto, I have the honor to report that from all information at hand Mr. Hinckley has severed his connection with all business enterprises in the Indian Territory, and in substantiation of this, I have a letter from him, dated the 12th instant, in which he states;

"Answering yours of 10th; With the exception of Muscogee Water Works, on which I may need to spend 2 or 3 evenings next winter, or after ratification of Creek Treaty, to save a \$2000.00 fee already earned, I have severed all connections with business enterprises in the Territory. I refused last week a job in O. T. with a \$3000.00 fee attached to it.

"I have devoted my whole time and attention since (and including) June 4 to the duties of the office."



Since Mr. Hinckley's appointment on June 4, 1900, he has devoted his whole time to the duties of the office.

Very respectfully,

Your obedient servant,

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



C 206

First Quarter 1900

Voucher 3. Supv. salary & per diem. \$163.40. You state that I paid myself \$3.00 per diem for Aug. 1st instead of \$2.00.

Explanation: Referring to voucher 3, you will find that I paid myself for per diem 18 da. (17 da. @ 2.00 and 1 @ 3.00) \$37.00

I also show on same voucher the days for which I am entitled to per diem. These days include July 31, \$3.00 and 17 da. in Aug. @ 2.00.

Possibly per diem for July 31 should have been included in voucher 1, but I had to leave early on Monday July 31 and I made out voucher 1 on July 29 and failed to include July 31.

Voucher 4. Traveling expenses.

On returning from Bacone University and Ft. Gibson on Aug. 17 (sub. voucher 12) Mr. New was not at his barn. His hired man who was authorized, signed receipt. I attach herewith receipt signed by Mr. New.

Voucher 7. Traveling expenses.

J. E. Tiger, interpreter for 2 days @ \$2.50---\$5.00

John C. West, Policeman, R.R. fare from Muscogee, I.T. to Eufaula and return \$3.05 and breakfast and dinner \$.50----\$3.55

I enclose affidavits as required by Indian Office.



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Refer in reply to the following:

Land.  
509-1901.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

January 11, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated December 31, 1900, from Inspector Wright, acknowledging receipt by Department reference of December 24 for consideration, report and recommendation, of a communication dated December 20, 1900, from Mr. J.S. Standley, Delegate representing the Choctaw Nation, in which he gives the various reasons why in his opinion the offices of the Department in the Indian Territory should be moved from Muscogee to South McAlester.

The Inspector states, without entering into a discussion of the various reasons assigned by Mr. Standley why this in his judgment should be done, that the U.S. Indian Agence (Sic) has been located at Muscogee for a long time; that new offices for the agent as well as for the Inspector, have recently been erected, and that he does not know of any suitable offices in the town of South McAlester that could be secured. Inspector Wright also states that there is much more detailed work to be performed in the Creek and Cherokee nations by the Inspector and the Indian Agent than there is in the Choctaw and Chickasaw Nations, and that he does not think that a



change in the location of the offices should be considered at this time.

The office concurs in the Inspector's suggestion that the office of the Indian Agent and <sup>of</sup> the Inspector be not removed from Muskogee at the present time.

Very respectfully,  
Your obedient servant,

W. A. Jones,  
Commissioner.

(G.A.W.)

P.

(Endorsed) Union Agency No. 1776. Received Feb. 10, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, February 11, 1901. Secretary----Government offices will remain at Muskogee.



Mc K I N N I S   &   R I G G S

REAL ESTATE, FARM AND CHATTEL LOANS.

SHAWNEE. OKLA.   Jan. 20, 1901

To the Hon. Secretary of the Interior,

Washington, D. C.

Dear Sir:-I have just returned from a trip through the Indian Territory and find a spirit on the part (Sic) of certain individuals to retard the progress and development (Sic) of towns by holding the property at fabulous prices. I desire to know if the department has commissioned (Sic) any one or recognized by treaty or otherwise to sell possession to the unimproved property within the limits of Town-sites designated and set apart by the government? If not can any one settle upon and improve vacant lots without being amenable to the law as an intruder? I also desire to know if any land has been set apart for Town-site purposes at the station of Wetumka, Creek Nation Indian Territory and what tract? Also what does "right of occupancy " or "occupancy right" mean?

Yours truly,

Geo. E. McKinnis.

(Endorsed) Union Agency # 1661 received Jan. 22, 1901 office of U.S. Indian Inspector for I. T. Shawnee. O. T. Jan. 20, 1901. McKinnis, Geo. E. Asks if the dept. has commissioned any one to sell unimproved townsites in the Ind. Ty? If one can settle upon unimproved town lots? If land has been set apart for townsite at Wetumka, Creek Nation, and asks for a definition of "right of occupancy" or "occupancy Right"?



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON. January 24, 1901.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on January 11, 1901, by J. George Wright, U. S. Indian Inspector for the Indian Territory, showing the progress of the townsite work in the Indian Territory during the month of December 1900.

The report shows that the townsite work is well in hand and that rapid progress is being made in the establishment of the exterior limits of towns as well as in the matter of surveying and platting those towns where the exterior limits have been surveyed.

It is respectfully recommended that the Inspector be advised that his report is approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

W.C.V.(E'e)

(Endorsed) Union Agency # 1731 received Feb. 12, 1901. office of U. S. Indian Inspector for I. T. Washington, February 1, 1901. Secretary. Approves townsite report for December 1900.



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D E P A R T M E N T O F T H E I N T E R I O R.  
O F F I C E O F I N D I A N A F F A I R S .  
W A S H I N G T O N .

February 16, 1901.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on Feb. 14, 1901, by J. George Wright, U. S. Indian Inspector for the Indian Territory, stating that in connection with the mining applications, leases, and operations in the Indian Territory it is frequently desirable and necessary that the U. S. Mine Inspector for the Indian Territory, Mr. L. W. Bryan, visit his office for a conference and that it is also frequently desirable that Mr. Bryan accompany him in making personal investigations of mining operations and inspecting tracts for which applications for leases are being considered and he also states that Mr. Bryan has had many years' experience and his advice is in many instances valuable.

He therefore requests that Mr. Bryan be authorized to report for such purposes when desired.

In the opinion of this office the Inspector should have and is entitled to assistance and advice of an experienced Mine Inspector when he deems such assistance and advice necessary. It is therefore respectfully recommended that his recommendation be approved.

Very respectfully,  
Your obedient servant,

W.A. Jones.

Commissioner.

W.C.V.(L'e)  
(Endorsed) Union Agency # 1848 received Mar. 14, 1901 office of U. S. Indian Inspector for I. T. Washington, Feb. 27, 1901. Secretary. **Authorizes** Mine Inspector to report to Inspector for Territory in connection with lease matters.



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

WASHINGTON.

February 25, 1901.

Mr. J. W. Zevely,

Special Inspector.

Anadarko, Oklahoma Territory.

Sir:

As soon as you have completed your duties in Arizona you will proceed to Muskogee, Indian Territory, and assist the United States Attorney for either of the districts in said Territory, in the prosecution of any cases pending in the courts thereof for the violation of any of the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), or any other statutes of the United States Indian Inspector for the Indian Territory. Said Inspector will advise you with reference to the matter upon your arrival at Muskogee. He will be informed of the substance of this letter to you by the Department.

Respectfully,

(Signed) E. A. Hitchcock.

Ind.Ter.Div.

Secretary.

(Endorsed) Union Agency # 1846 received Mar. 4, 1901 office of U. S. Indian Inspector for I. T. Washington, Feb. 25, 1901. Secretary. Copy of instructions to Inspector Zevely to return to Muskogee after finishing in Arizona.



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

Muscogee, Ind. T., March 1, 1901.

Circular to Employes:

From March 1, 1901, the office hours of clerks in the Inspector's and other connecting offices will be from 8:30 A.M. to 5 P. M., with one hour at noon.

It is desired that all records to be placed in the vault each night be so deposited by 5 P. M. promptly, and that work be suspended at that hour when possible in order that offices may be cleaned by janitor.

All clerks will be expected to be on duty during the hours above mentioned.

J. Geo. Wright,

United States Indian Inspector for  
the Indian Territory.

D.H.K.

Employes will sign below:

- |                        |                         |
|------------------------|-------------------------|
| 1. Dana H. Kelsey.     | 12. Guy P. Cobb.        |
| 2. Arthur L. Dahl.     | 13. Alice M. Robertson. |
| 3. N.S. McIntosh.      | 14. Pearl M. Eidaluman. |
| 4. Lyman K. Lane.      | 15. Blanch Oppenheimer. |
| 5. J. Fentress Wisdom. | 16. Marian B. Sawyer,   |
| 6. C.J. Ohnhaus.       | 17. Frank C. Churchill. |
| 7. R.B. Eisenberg,     | 18. George Bixby.       |
| 8. D.W. Muir.          | 19. N.T. Wall.          |
| 9. Henry Vold.         | 20. H.V. Hinckley.      |
| 10. John D. Benedict.  | 21. D.A. Cobb.          |
| 11. Harry Maxey.       |                         |

(Endorsed) Union Agency (No. Minus)-year 1901----Hours for work.----



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F.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

March 14, 1901.

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

Sir:

Inclosed herewith you will find act of Congress approved March 3, 1901, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," Public 137.

Your attention is specially invited to the following provisions of said act: page 17, under head of "General Incidental Expenses of the Indian Service," fifth paragraph making an appropriation of \$18,000.00 for general incidental expenses of the Indian Service in said Territory, including incidental expenses of your office, and for pay of employes.



Your attention is further called to the third paragraph on page 20, making an appropriation of \$150,000.00 to pay all expenses incident to the survey, platting and appraisement of townsites in the Choctaw, Chickasaw, Creek and Cherokee Nations, Indian Territory, under existing law. Your attention is specially called to the proviso in said paragraph which declares, "That hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a townsite commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the town-site commissioner appointed by the chief executive of the Choctaw or Chickasaw Nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created."

You will call the attention of the chief executive of said nations to said provision and report to the Department what action, if any, should be taken under said provision at the present time.

Your attention is further called to the fourth paragraph on page 22, relative to the submission of the acts, ordinances, or resolutions of the Creek or Cherokee tribes, except resolutions for adjournment, to the President. You will also call



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the attention of the Principal Chiefs of the Creek and Cherokee Nations to the provisions of said paragraph.

Your attention is also called to section 3 of said act authorizing the Secretary of the Interior to grant right of way in the nature of an easement for the construction, operation and maintenance of telephone and telegraph lines, and offices for general telephone and telegraph business through any Indian reservation, etc., and you are requested to report what regulations in your judgment should be issued in order to carry out the provisions of said section.

An early report upon the matters herein referred to is desired.

The Department has heretofore sent you ten copies of said act and you will forward one copy to each of the chief executives of said tribes.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
991-1901.  
1 inclosure.

(Endorsed) Union Agency No. 1936. Received Mar. 19, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, March 14, 1901, Secretary----Calls attention to Ind. Apprn. Act for 1902, and requests report with suggestions as to regulations necessary to carry same into effect.



DEPARTMENT OF THE INTERIOR,  
Washington,

March 25, 1901.

The Secretary of War.

Sir:

I am in receipt of your communication dated March 20, 1901, referring to previous correspondence concerning the recent disturbances in the Indian Territory, and inclosing a copy of a communication from the Commanding officer of the United States troops at Muskogee, Indian Territory, dated March 10, 1901, in which he reports the final disposition of the cases which called for the presence of troops in support of the civil authorities, and also the suggestion of the General Commanding the Department of the Missouri, which includes the Indian Territory, and inviting my special attention to said suggestion "that apparently the troops may now be returned to their station, Fort Reno, where they are much needed for the proper protection of public property."

You state that the Department would be glad to have my views at as early a date as practicable concerning the propriety of withdrawing the troops from Muskogee and returning them to their military duties at Fort Reno.

In reply, I have the honor to state that on March 6, 1901, the United States Indian Inspector for the Indian



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Territory reported to the Department that he had been recently informed by the officer in command of said troops that his present orders were to remain in the Indian Territory for an indefinite period, as requested by the Inspector, and said officer desired, if possible, some intimation of the probable length of time the presence of said troop would be required. He reports that the United States Marshal, who was present at said interview, deemed it advisable that said military force be kept in the Indian Territory for at least six months, in which opinion the Inspector concurs. He further reports that,

"In view of the fact, however, that this military force is now stationed here and it is considered advisable by all concerned that they should remain for some months at least, I would respectfully state that, in my judgment, it would be desirable that at least one troop of cavalry be permanently located in the Territory, either at this point or at Fort Gibson during the transition period now taking place and until all lands are allotted as in the enrollment of the Indians and the allotment of these lands there will be some opposition and I believe that the presence of this military force will produce a good effect throughout the Territory."

He further states that this opinion is concurred in by the United States Marshal for the Northern District, which embraces the Cherokee and Creek Nations, and also by members of the Commission to the Five Civilized Tribes.

The Commissioner of Indian Affairs in forwarding said report of the United States Indian Inspector, recommends



that if the Department deems such action proper "the Secretary of War be requested to direct that a troop of cavalry be stationed in the Indian Territory for at least six months."

The Department is obliged to rely in a great measure upon the views of its officers in the Indian Territory, relative to the necessity of keeping a military force therein, and from the above statements it seems to be the unanimous opinion of the members of the Commission to the Five Civilized Tribes, who are specially charged with the duty of making rolls of said nations and allotting the lands therein to the members thereof, that troops should remain for a period of at least six months, which opinion is concurred in by the United States Attorney for the Northern Districts, who represents the Department of Justice, and by the United States Indian Inspector who is stationed in the Indian Territory under the provisions of section 27 of the "Curtis Act" to "perform any duties required of the Secretary of the Interior relating to affairs therein" under his authority and direction.

I have, therefore, to request that the company of troops will be directed to remain in Said Territory for a period of six months, and if in the meantime it shall be found that their presence is unnecessary further action can be taken in the premises.

Respectfully,

Ind.Ter.Div.  
1150-1901.

E. A. Hitchcock,  
Secretary.

(Endorsed) Union Agency No.1987.Received Mar.30,1901.Office of U.S. Indian Inspector for Indian Territory.Washington, March 25, 1901. Secretary-----Encloses copies correspondence with War Dept., rel. removing troops from Ter.



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D E P A R T M E N T O F T H E I N T E R I O R.  
W A S H I N G T O N.

April 26, 1901.

U. S. Indian Inspector

for the Indian Territory,

Muskogee, Ind.Ter.

Sir:

I am directed by the Secretary to enclose herewith, for your information, a copy of departmental letter of April 24, 1901, to the Commission to the Five Civilized Tribes, instructing said commission relative to the cancellation of preliminary allotments in cases where lands have been segregated for townsite purposes.

Respectfully,

Edward M.Dawson.  
Chief Clerk.

Ind.Ter.Div.  
1617-1901.  
1 inclosure.

(Endorsed) Union Agency # 2099 received Apr. 30, 1901 office of U.S. Indian Inspector for I. T. Washington, April 26, 1901. Secretary.  
Encloses copy of letter to Dawes Commission rel. cancelling allotment selections.



DEPARTMENT OF THE INTERIOR,  
Washington.

May 20, 1901.

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

Sir:

The Department is in receipt of your communication dated May 9, 1901, referring to departmental letter dated April 29, 1901, in reply to your communication of April 16, 1901, concerning the collection of tribal taxes by the United States Indian Agent, Union Agency, in the Creek and Cherokee Nations, and referring to the recent act of Congress entitled "An Act to amend section six, chapter 119, United States Statutes At Large, No.24," approved March 3, 1901 (31 Stat.,1447), which confers United States citizenship upon "every Indian in Indian Territory, \* \* \* without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property."

You requested that the order given by the Indian Office on August 22, 1899, pursuant to departmental direction dated January 31, 1899, to deposit in the Sub-Treasury at St.Louis, Missouri, at the end of each week all moneys received by him on account of tribal revenues, be modified so far as it relates



to permit taxes received by said Agent in the Creek and Cherokee Nations, and that said Agent be authorized and directed to retain said fund as cash on hand "until the matter is decided in the courts as to whether or not the collection of such taxes, since the Indians have been made citizens of the United States, was legal, in order that the Agent might return the same to the parties from whom it was collected should it be decided that such collection was without authority of law."

You were advised by the Department in said letter of April 29, 1901, that -

"The matter reported upon by you has been carefully considered by the Department, and it does not perceive that any good reason exists for modifying its instructions to the Commissioner of Indian Affairs dated January 31, 1899, directing that the moneys be transmitted by the Indian Agent at the end of each week to the Assistant Treasurer of the United States at St. Louis."

The acting Commissioner of Indian Affairs forwarded your said communication on May 15, 1901, and renews the recommendation made by him on April 23rd last.

The matters stated in your said communication of May 9th have been carefully and thoroughly considered, and the Department finds no good reason for changing its views as expressed in said letter of April 29, 1901, and must decline to reconsider or modify said instructions.



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You will therefore direct the United States Indian Agent for the Union Agency to deposit the money collected by him with the Assistant Treasurer of the United States as heretofore instructed by the Department.

A copy of the letter of transmittal of the Acting Commissioner is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
1911-1901.  
1 inclosure.

(Endorsed) Union Agency No. 2202 Received May 27, 1901 Office of U.S. Indian Inspector for Indian Territory Washington, May 20, 1901. Secretary.-----Agent will be directed to deposit Creek and Cherokee moneys collected by him with Assistant Treasurer.-----



DEPARTMENT OF THE INTERIOR,  
Washington.

May 22, 1901.

United States Indian Inspector

For the Indian Territory, Muskogee, I.T.

Sir:

The department is in receipt of your communication dated April 24th, 1901 enclosing therewith a letter dated April 22nd from the Superintendent of Schools in the Indian Territory requesting that authority be given him to expend a sum not exceeding two hundred dollars for a suitable driving team, and additional authority to expend twenty dollars per month for feed and care of said team. You report that on account of the statements of the Superintendent and since he is required to make long drives it would seem to be more advisable that he have a team at his disposal at all times for this purpose. You further report that the Superintendent has informed you "that he personally owns a suitable vehicle which he can use without expense to the government at this time" and you recommend that the authority asked for by him be granted at an early date. The Acting Commissioner of Indian Affairs forwarded your said communication and enclosure on May 20th, 1901 and recommends that authority be granted as requested "payment therefor to be made from the appropriations 'Indian Moneys, Proceeds of Labor, Choctaw, Chickasaw, Cherokee and Creek'". On April 30th last the department acknowledged the receipt of a communication from the Acting Commissioner dated April 26th, 1901 recommending that authority be granted for the United States Indian Agent



at the Union Agency, Indian Territory to expend the sum of twenty dollars per month, or so much thereof as may be necessary, for the purpose of feed and care of two horses required for the Agent's use in the discharge of his official duties at said agency for the reasons stated in the Agent's letter of April 5th, 1901 inclosed therewith. In said communication of the Agent he stated that in connection with the work of suppressing the spread of smallpox in the Indian Territory it became necessary for the Board of Health in the Choctaw Nation to purchase two horses, that when said board finished its labors in the Nation the horses were turned over to him and that he has taken them up and will account for them on his return of property for the third quarter of 1901. The commissioner was informed that the recommendation of the Acting Commissioner was concurred in by the department, and that he should "advise the agent that it may be necessary hereafter to direct that said horses be turned over to the Superintendent of Schools for the Indian Territory for his use in connection with his official duties." The necessity has apparently arrived and you will therefore direct the United States Indian Agent for the Indian Territory to turn over said horses to the Superintendent of schools for his use in connection with his official, duties and take proper receipts therefor.

The authority is granted to the Superintendent of Schools to expend a sum not to exceed twenty dollars per month for feed and care of said horses, payment therefor to be made from



the appropriations "Indian Moneys, Proceeds of Labor, Choctaw, Chickasaw Cherokee and Creek."

A copy of the letter of the Acting Commissioner is enclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

Ind. Ter. Div.  
1967-1901.  
1 inclosure.

(Endorsed) Union Agency No. 2234 Received June 1, 1901 Office of U.S. Indian Inspector for Indian Territory. Washington, May 29, 1901, Commissioner.---- Rel. to appropriation, from

Indian Moneys, Proceeds of Labor, Choctaw, Chickasaw, Cherokee and Creek., being used by Superintendent of Schools, for a suitable driving team and feeding and care of same.----, not to exceed two hundred dollars for team, and twenty dollars per month for care of team, additional.----



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D E P A R T M E N T O F T H E I N T E R I O R.  
WASHINGTON.  
OFFICE OF INDIAN AFFAIRS.

June 1, 1901.

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

Sir:

Owing to a ruling just made by the Civil Service Commission, in which it is held that the employment of the so-called irregular clerks in your office and that of the Agent at Union Agency, I. T., is in violation of the Civil Service rules, and therefore illegal, it will be necessary to relieve the employes in question and fill their places at the earliest practicable date either by the transfer of persons who are already in the classified service or by appointments from the Civil Service register. It is realized that such a reorganization of the clerical force will cause considerable embarrassment to yourself and the agent, and the difficulty of securing properly qualified and suitable persons under Civil Service rules to take the places of the present "irregular" clerks is fully appreciated, but since the contention of the Commission that the employment of the latter is contrary to the letter and spirit of the rules is undeniably correct, there is absolutely nothing to do but comply with its requirements in the premises.

All of the clerical positions in the two offices will therefore be authorized as "regular," commencing with the first of July, and the new positions will be filled as rapidly as possible under



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Civil Service rules. In view of this action, it is thought possible that you may wish to revise your estimate of the positions and salaries for the next fiscal year, and my recommendation to the Secretary will be held in abeyance until you can be heard from further on the subject. Please give this your immediate consideration, as the season is now approaching when the question of what employes are to be authorized for the next year must be settled.

In this connection, you are informed that I am not willing to recommend an increase in the salary of the chief clerk in your office from \$1500 to \$1800 per annum, in accordance with your estimate of the 16th ultimo. It may also be well to state that in making the changes above referred to every effort will be made to avoid crippling the service any more than necessary, and to that end the irregular clerks will be employed in the regular positions under temporary or emergency appointments, which are permissible under the rules, until their places can be filled with regular appointees. If you know of any clerks anywhere in the service whom you would like to have transferred to your office and that of the agent, a recommendation to that end will be given due consideration. If no such recommendation is received within a reasonable time, steps will be taken to make the appointments from the eligible register of the Civil Service Commission.

Very respectfully,

W. A. Jones.  
Commissioner.

(Endorsed ) Union Agency # 2246 received Jun. 5, 1901. Office of U.S. Indian Inspector for I. T. Washington, June 1, 1901, Commissioner. Order to relieve Irregular Clerks in offices of Inspector and U.S. Indian Agent, and fill their places with Civil Service employes.



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

June 1, 1901.

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

Sir:

On April 16, 1901, you reported to the Department concerning the effect of the recent act making Indians in the Indian Territory citizens of the United States, that pending a settlement of the question in the courts you had, in pursuance of my verbal instructions given you at St. Louis, "directed that no further demands be made for the payment of tribal taxes in the Creek and Cherokee Nations either by the Revenue Inspectors or the United States Indian Agent, but to accept such payments as are tendered, and to hold the same subject to the action of the court."

On April 29th last you were advised, among other things, to "direct the Indian Agent to deposit the money received by him for the benefit of said nations as heretofore directed by the Department. With reference to the collection of taxes in said nations, which you state has been suspended, the Department will further instruct you when duly advised of the action of the Creek and Cherokee Nations upon the recent agreements."



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The Department has been advised that the Cherokee Nation has rejected the agreement made with said nation as amended and ratified in the act of Congress approved March 1, 1901 (31 Stat., 848); that the agreement made with the Creek Nation as amended by the act of Congress approved March 1, 1901 (31 Stat., 861), has been duly ratified by the Creek National Council.

There appears now to be no good reason why the revenues of the Cherokee Nation should not be collected under the rules and regulations heretofore prescribed by the Department, and also those of the Creek Nation except so far as modified by said agreement.

You have this day been advised by telegram to cause the revenues of said nations to be collected as heretofore.

The act of the Creek National Council ratifying the agreement as amended in said act of Congress of March 1, 1901, has not yet been received by the Department. It should be promptly forwarded in the usual manner for departmental action, with such recommendations as you deem advisable concerning any changes made by said agreement relative to the status of said nation and the duty of the Department in the enforcement of the provisions of law concerning the affairs of said nation.

The Department also desires a report from you concerning the action, if any, taken by the National Council relative to making an



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appropriation for the salary and expenses of the inspector of revenue for the Creek Nation.

Respectfully,

E. A. Hitchcock.

Secretary.

Ind.Ter.Div.  
1643-1901.

(Endorsed) Union Agency # 2258 received Jun. 8, 1901 office of U.S. Indian Inspector for I. T. Washington, June 1, 1901. Secretary. Taxes in Creek and Cherokee Nations should be collected as heretofore. Asks that Creek act ratifying agreement be forwarded.



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DEPARTMENT OF THE INTERIOR,  
Washington.

June 28, 1901.

Mr. J. George Wright,  
Indian Inspector,  
Muskogee, Indian Territory.

Sir.

Mr. Luke W. Bryan has sent me his resignation as Mine Inspector for the Territory, stating that his private interests demand his attention. I regret this, as Mr. Bryans services have been entirely satisfactory, and I desire to retain him where he is. Before acting on his resignation, I have to request you to ask Mr. Bryan if he cannot see his way to withdraw his resignation.

Also, noting your request of January 21st, to be given an opportunity to advise the Department concerning applicants for the place, in case of a change, I would say that the recent applicants are

William Cameron of Krebs, Indian Territory,  
G. H. Witte of Potean, (Sic) Indian Territory,  
John R. Murphy, writing from Ola Mines, Indian Territory,  
Michael Torry of Grand Junction, Colorado.

Very respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) Union Agency No. 2358 Received. Jul. 2, 1901 Office of U. S. Indian Inspector for Indian Territory. Washington, June 22, 1901. Secretary. ---- Asks that Inspector see Mr. L. W. Bryan with a view to having him withdraw his resignation. ----



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DEPARTMENT OF THE INTERIOR.

Accounts,  
33574-1901

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. July 10, 1901.

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

Sir:

With reference to the letters from yourself and the Agent at Union Agency, dated June 20, 1901, I have to advise you that no steps will be taken to appoint the two clerks at \$1,000 per annum, who are to be employed in connection with the townsite work, from the Civil Service register, but authority is hereby granted for their employment as irregulars, to be reported from month to month, as was done during the last fiscal year. As the transfer of Miss Oppenheimer and Mr. McIntosh, now carried as clerks, to two of the positions authorized under the designation of stenographer, is recommended, only two stenographers will be appointed from the Civil Service Register. I am expecting certifications for these places every day, and when they are furnished no time will be lost in making the selections and getting the appointees on duty, Please instruct the agent to submit a report showing the relief of Miss Oppenheimer and Mr. McIntosh as clerks and their entrance upon duty as stenographers, for approval.

It will not be possible to secure the non-competitive examination of Mr. Lyman K. Lane for the position of principal bookkeeper, but I have recommended to the department that a special examination for said position be held, and although such examination will be competitive, if Mr. Lane will take and pass it I believe he will



stand a good chance of receiving the appointment. I have also asked for authority for the temporary appointment of Mr. Lane for three months, or such a part thereof as may be required to fill the position by a regular appointment. The agent should submit his nomination as a temporary employe, commencing July 1, 1901, on form 5-240, for approval. If the recently appointed bookkeepers have entered upon duty, a report to that effect should also be forwarded.

In regard to the question raised in your letter, as to whether the employes in your office can properly be considered as being in the classified service, you are informed that they are undoubtedly so, notwithstanding the fact that there is no specific provision to that effect in the Act making appropriation for their salaries.

Very respectfully,

W. A. Jones.  
Commissioner.

)Endorsed) Union Agency # 2417 received July 14, 1901. Office of the U.S. Indian Inspector for I.T. Washington, July 10, 1901. Commissioner. May employ two irreg. townsite clerks, relative to examination for bookkeeper L. K. Lane.



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON. July 25, 1901.

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

Sir:

Referring to the position of bookkeeper at Union Agency, I. T. held by Mr. Lyman K. Lane under a temporary appointment, you are informed that the Civil Service Commission has expressed a disinclination to either give Mr. Lane a non-competitive examination on the lines indicated by this office for the purpose of establishing a register of eligibles. It has therefore been decided that the best thing to do in the circumstances is to change the title of the position to bookkeeper and **cashier** and request the President to except it from the requirements of examination and certification by the Civil Service Commission. To this end it is suggested that you submit a formal request for such action to this office and, after conferring with the agent, make a full and complete statement of the duties and responsibilities of the position, as well as the reasons why it ought to be placed in the excepted class.

Very respectfully,

W.A. Jones, Commissioner

(Endorsed ) Union Agency # 2463 Received Jul 20, 1901. Office of Indian Inspector for Indian Territory Washington July 25, 1901. Commissioner. Relative to position held by L. K. Lane being put in excepted class.



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DEPARTMENT OF THE INTERIOR,

I. T. D. Washington.  
3077-1901.  
File 561-1898.

July 26, 1901.

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

Sir:

The Department is in receipt of your letter of July 13, 1901, concerning the matter of recognizing the right of way of the Arkansas & Choctaw Railway Company through the Indian Territory in the preparation of townsite plats of the towns through which said proposed railway runs.

In reporting upon the matter on July 20, 1901, the Commissioner of Indian Affairs states that, in reply to your letter of January 25th, he advised you that "there are no approved plats of station grounds on file in this office, but that the map of definite location of the entire line of railroad is on file and that a blue print copy thereof has been made agreeably to your request which is this day transmitted under separate cover," that on June 13, 1901, you stated that the maps of definite location of certain roads had been furnished you, among them that of the Arkansas & Choctaw Railway Company.

The Commissioner also refers to his letter of June 8, 1901,



informing you that maps of the approved rights of way of railroads in the Indian Territory had been forwarded to the Commission to the Five Civilized Tribes; that it was then thought that you could secure all the information you desired from the blue prints furnished the Commission.

He recommended that you be directed to instruct the townsite surveyors to correctly show the right of way of the Arkansas & Choctaw Railway Company through the towns of Ardmore and Durant. In this the Department concurs.

As to Ardmore, your attention is called to departmental letter of July 23, 1901, and as to Durant, to departmental letter of July 22, 1901.

Respectfully,

Thos. Rayn,

Acting Secretary.

(Endorsed) Union Agency No. 2494. Received Aug. 5, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, July 26, 1901. Secretary.-----Directs that Arkansas and Choctaw R'y. be shown on Ardmore and Durant plats.

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DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D.  
3427-1901.

August 9, 1901.

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

Sir:

The Department is in receipt of a communication from the Acting Attorney General, dated August 6, 1901, acknowledging receipt of departmental letter of July 31, 1901, transmitting a copy of your communication of July 17th.

The Acting Attorney General states

"that the United States marshal and his deputies will assist in the removal of intruders upon the Indian lands, so far as they are required or authorized to do so by process of court, but this Department cannot require the marshal or his deputies to perform mere police duty. However, if found practicable and you shall so desire, the proper district attorney will be directed to institute legal proceedings in order that the marshal may have process directing him to remove intruders. This Department will assist you in this matter so far as it can do so lawfully."

You will take notice of the statement made by the Acting Attorney General and be governed accordingly.

Respectfully,

Thos. Ryan.  
Acting Secretary.

(Endorsed) Union Agency No. 2552. Received. Aug. 16, 1901. Office of U.S. Indian Inspector for Indian Territory. Washington, Aug. 9, 1901, Secretary----Quotes statement of Attorney General rel. to U.S. Marshal and deputies assisting in removal of intruders, etc.



Finance  
44565/1901  
47833/1901  
57950-55256/1901

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington, October 22, 1901.

2 inclos.

The U.S. Indian Inspector

for the Indian Territory,

Muscogee, Indian Territory.

Sir:

SOLICITATION: that authority be granted for the Superintendent of Schools in Indian Territory to expend the sum of \$340.00 for horses, buggy, set of harness, lap-robe and buggy whip, and a sum not exceeding \$24.00 per month for feed of team.

I transmit herewith a letter from the Honorable Secretary of the Interior addressed to you, in which he states that upon further consideration of the matter it is deemed inadvisable at the present time to authorize the expenditure requested and that it is considered best for the Superintendent of Schools to hire the transportation it is necessary for him to have in the discharge of his official duties.

Very respectfully,

W.A. Jones.

WL(W)

Commissioner.

(Endorsed) Union Agency No. 2900 Received Oct. 26, 1901 Office of U.S. Indian Inspector, for Indian Territory. Washington, Oct. 22, 1901. Commissioner.-----Transmits letter of Secretary declining to grant authority for Supt. of Schools to purchase team and buggy, and stating it is deemed best for him to hire transportation.-----



Little Rock, Ark. Nov. 4, 1901.

Hon. J. Geo. Wright,

U. S. Indian Inspector,

Muskogee, I. T.

Dear Sir:

Referring to the matter of the work which W. J. Scott, President of the Denison Northern Railroad Company pretends to have done on his pretended survey on our line of road, I enclose you herewith a letter from E. J. Beard, Principal Assistant Engineer of the Western Oklahoma Railroad Co., who had charge of the survey of our line and who now has charge as engineer on the ground of the construction of the road. This letter of Mr. Beard's gives all the information we have on the subject.

It appears that R. F. Thompson is a drayman living at Kiowa. Mr. Beard does not know the present address of Jim Hatfield, who assisted Thompson. You can also get the testimony if you desire of Mr. R. B. Eggleston, our resident engineer, who I think is located near Kiowa; also that of W. H. Wood, Division Engineer, and E. J. Beard, Principal Assistant Engineer; also that of Ben Talley, sub-contractor for Mr. Corrigan. This work, it appears was done on that portion of the line embraced in Mr. Thompson's contract with Corrigan. Jack O'Grady, foreman of Mr. Talley, also appears to have heard the conversation with Thompson. I will state for your information that this pretended work was done on that part of our



line covered by the Denison Northern maps which were made up from information stolen from our survey. The Indian Office and the Department are entirely familiar with the history of this stolen survey. Sometime last fall W. J. Scott and R. L. McWillie an engineer at Denison, Texas, and who claimed to be chief engineer of the Denison Northern, went over our location and stole the numbers from our stakes, and then had all the data they could get from our survey ran on to maps and filed in Washington, which is the only pretense of a survey ever made by the Denison Northern between the points near Lehigh and Hartshorne.

These facts were clearly shown in the contest before the Department and are fully understood at Washington.

Very respectfully,

J. W. McLoud,

General Solicitor..

Copy to E. J. Beard,  
Prin. Asst. Engineer,  
Hartshorne, Ind. Ter.



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
Washington, December 20, 1901.

I.T.D.  
5447-1901.

The Secretary  
of the Interior,

Sir:

By your reference, I am in receipt of a copy of a letter, addressed to you by the Commissioner of Indian Affairs, under date of December 9, 1901, transmitting, with favorable recommendation, a communication received from the United States Indian Inspector for the Indian Territory, wherein the latter recommends the appointment of separate townsite commissioners to make appraisement of lots in the townsites of Marietta and Chickasha, situated in the Chickasaw Nation, plats of which have been approved by the Department.

You invite my attention to sections 15 and 29 of the act of Congress approved June 28, 1898 (30 Stat., 500, 505), and to certain provisions contained in acts approved May 31, 1900 (31 Stat., 221, 237), and March 3, 1901 (31 Stat., 1058, 1075), and request to be advised as to the number of commissioners requisite to constitute each separate townsite commission for towns in the Choctaw and Chickasaw nations, and whether, in appointing such commissions, the provisions of law referred to require that any of the members thereof be appointed by the President.

Section 15 of the act approved June 28, 1898, supra, contains the following provision:

That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property other than his home; one person to be



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appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior.

By section 29 of the same act, the agreement theretofore concluded with the Choctaw and Chickasaw tribes was amended and ratified, and it was provided that, upon the ratification of the amended agreement by said tribes, the provisions of that act should then only apply to those two tribes, in so far as the same did not conflict with the provisions of such agreement. The agreement, as amended, was subsequently duly ratified by the two tribes mentioned, and the provision therein contained relating to the appointment of townsite commissions is as follows:

It is further agreed that there shall be appointed a commission for each of the two nations. Each commission shall consist of one member, to be appointed by the executive of the tribe for which said commission is to act, who shall not be interested in town property other than his home, and one to be appointed by the president of the United States.

The act of May 31, 1900, supra, authorized the Secretary of the Interior, in his discretion, to appoint a townsite commission, consisting of three members, for each of the Creek and Cherokee Nations, at least one of whom should be a citizen of the tribe and appointed upon nomination of the principal chief, each of which commissions was to appraise and sell for the benefit of the two tribes, respectively, the town lots in the nation for which it was



appointed, and that act provided that-  
whenever in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee nation a separate townsite commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June twenty-eighth, eighteen hundred and ninety-eight.

By the subsequent act of March 3, 1901, supra, it was provided that--

hereafter the Secretary of the Interior may, whenever the chief executive of the Choctaw or Chickasaw Nation fails or refuses to appoint a townsite commissioner for any town, or to fill any vacancy caused by the neglect or refusal of the townsite commissioner appointed by the chief executive of the Choctaw or Chickasaw nation to qualify or act, in his discretion, appoint a commissioner to fill the vacancy thus created.

In determining the questions involved in your reference, it must be noted that section 15 of the act of 1898, supra, provided for the appointment of local townsite commissions only, and that while the language of that section in express terms embraced all of the Indian tribes hereinbefore mentioned, yet by conditions incorporated in section 29 of the same act, and by the subsequent ratification of the amended agreement therein set forth, the provisions, of the former section were rendered inapplicable, in so far as the same affected the Choctaw and Chickasaw nations, such



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agreement having made provision for the appointment of a tribal townsite commission, for each of said nations, whose jurisdiction in townsite matters was to be co-extensive with the nation for which it was appointed. It will be further noted that prior to the passage of the act of May 31, 1900, supra, there was no provision of law authorizing the appointment of tribal townsite commissions for the Creek and Cherokee nations. By that act provision was made for the appointment of such tribal commissions, and, in order that this provision might not be held to thereafter preclude the appointment of local commissions in the Creek and Cherokee nations, authority for which theretofore existed, and, in order also to provide for the appointment of such local commissions in the Choctaw and Chickasaw nations, for which there was then no provision in force, the Congress evidently enacted the further provision hereinbefore quoted found in that act, whereby the Secretary of the Interior was authorized, when in his judgment the public interests would be thereby subserved, to appoint local or separate townsite commissions in any of said nations "in the manner of provision in the act approved June twenty-eighth, eighteen hundred and ninety-eight". The only provision, relating to the appointment of local townsite commissions, contained in the act approved June 28, 1898, is the provision hereinbefore quoted, found in section 15, which specified that each commission shall consist of three members and definitely prescribes the manner of their appointment. The provision contained in section 29 authorizing the appointment of commissions consisting of two members, one of whom should be appointed by the President, relates exclusively to



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the appointment of tribal townsite commissions for the Choctaw and Chickasaw nations, and, when all the legislation to which reference has hereinbefore been made is considered, it is evident that the clause above referred to contained in the act of 1900, supra, requiring all separate or local townsite commissions in any of the four nations specified to be appointed in the manner provided for in the act of 1898, did not relate or have reference to the provision found in section 29 of that act. While the language employed in the act of 1900 expressly empowers the Secretary of the Interior to appoint the local commissions referred to, yet in view of the qualifying clause which follows the language thus used, specifying the manner of their appointment, I am of opinion that the power of appointment can only be exercised in accordance with the provision contained in section 15 of the act of 1898, supra, defining the manner in which local townsite commissions should be appointed. This construction of the act in question harmonizes with the provision subsequently incorporated in the act of March 3, 1901, hereinbefore quoted.

For the reasons stated, therefore, I am of opinion that local or separate townsite commissions for towns in the Choctaw and Chickasaw nations should consist of three members, none of whom are required to be appointed by the President. You are advised accordingly.



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Herewith are the papers.

Very respectfully,

Willis Van Devanter

Assistant Attorney General.

Approved, December 20, 1901.

E. A. Hitchcock,

Secretary.

(Endorsed) Union Agency # 3232 received Dec. 31, 1901. Secretary.  
Washington, Dec. 21, 1901. Encloses opinion of Asst. Attorney  
General holding that townsite commissioners must be appointed  
under section 15 of act of June 28, 1898.



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

Washington.

I.T.D. 5573-1901.

December 30, 1901.

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

Sir:

The Department has received a letter from Mr. Charles Payhe, Wichita, Kansas, dated December 18, 1901, referring to departmental letter of October 7, 1901, in which he was advised that the Five Civilized Tribes of Indians had stringent game laws which would prohibit the shipping of game, and calling his attention to the provisions of section 2137 of the Revised Statutes of the United States.

In his said communication of December 18 he inclosed a clipping from a newspaper in which it was stated that certain parties had received a permit from the U. S. Indian Agent to hunt in "the Kimschi and Cosharte mountains" in the Indian Territory. Mr. Payne complains that permits have been given to certain parties, while he has been refused a permit to hunt or secure game in the Indian Territory.

Said section 2137 reads as follows:

"Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties,



-2-

hunts or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars."

The Department has replied to numerous requests for permits to hunt in the Indian Territory, that in view of the provisions of said section no permits would be issued. You will therefore instruct the U. S. Indian Agent not to issue any permit to any one to hunt in the Indian Territory.

Respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) Union Agency No. 3262. Received Jan. 6, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Dec. 30, 1901, Secretary---Directed to instruct U. S. Ind. Agent not to issue any permits to hunt in Indian Territory.



250  
DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Washington, D. C.

January 2, 1902.

Sir:

I am in receipt of your estimate of funds required for the service in the Field Service, Ind. Ty., during the Second quarter, 1902.

I have this day caused a requisition to issue for the sum of \$2,250.00 for use during the Second quarter, 1902, to be placed to your credit with the Assistant Treasurer of the U.S., Chicago, Ill. from the appropriations and for the objects designated in the tabular statement herewith,--for the proper care and disposition of which sum you will be held to account under your bond.

Very respectfully,

A. C. Tonner.  
ASSISTANT COMMISSIONER.

The U.S. Indian Inspector  
Muscogee, I.T.

(Endorsed) Union Agency # 3263 Received Jan. 6, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 2, 1902, Commissioner. Has issued requisition for \$2,250.00 for 2nd Qr., 1902.



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DEPARTMENT OF THE INTERIOR,  
Office of the Assistant Attorney General,  
Washington,

Ind.Ter.Div.  
5521.1901.

January 2, 1902.

The Secretary  
of the Interior,

Sir:

I am in receipt of your communication of the 18th ultimo, inclosing a letter from the Indian Land and Trust Company, Muskogee, Indian Territory, to H. G. Lamson, Girard, Kansas, dated December 6, 1901, with request for my "opinion whether the proposition contained in the letter of said trust company is in violation of law, and what action should be taken by the Department with reference thereto".

The body of the letter referred to reads as follows:

Your letter of December 5, received; we send you with this our folder, and circular letter giving much information about our lands.

The largest body of fine land that we have is located about 60 miles south of Coffeetown, Kans. The town of Catoosa, which is on the Frisco R.R., is in the Cherokee Nation, and only two and half miles from the Creek Nation where our lands begin, you will find in that locality as good corn and wheat land as you can find on the best Crawford Co., land in which county I am acquainted.

If you want prairie land or part prairie and part timber, we advise you to go to Catoosa where you will find our agents there to show you the land, if you want heavy timber land come here to our office at Muskogee. Price for best timber land and prairie land is \$15 an acre, average price about \$12.50.

You invite attention to the legislation (25 Stat., 873; 26 Stat., 465 prohibiting the use of the mails in executing any



scheme or artifice to defraud.

The statements made in said letter are vague as to the purpose and plans of the writers. The folder and circular referred to were not forwarded with the letter, but a copy of a folder or pamphlet, apparently issued by said company, has been received from another source. One paragraph thereof reads as follows:

On February 27, this year, Congress ratified a treaty with the Creek Indians, allowing each Indian to select for himself 160 acres of land from the lands of the tribe to which he gets a fee simple title. The Indian is also made a full-fledged (Sic American citizen, with all the rights and privileges accorded any white citizen of the United States. He is allowed to sell 120 acres of each 160 to any one he pleases. The other 40 acres he is compelled to keep as a homestead for 21 years. He is allowed to lease his homestead for any length of time he desires.

The agreement referred to, which was ratified by the act of Congress approved March 1, 1901, (31 Stat., 861), does not authorize the Indian to sell his land, but, on the other hand, contains a provision (section 7, paragraph 1) as follows:

Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be incumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

There is no provision in the agreement making the Indians citizens of the United States. The statement that they are citizens is based upon the act approved March 3, 1901 (31 Stat.



1447). The fact that the individuals, among whom the lands of the tribe are to be divided, are citizens of the United States does not change or destroy the provision of the agreement under which the division is to be made, that they are to take their individual shares subject to the condition that the land thus received may not be alienated within the prescribed period except with the approval of the Secretary of the Interior. A condition of this nature is usual in cases of the partition of lands of the Indian tribes among the individual members of the tribe. The validity of such a condition, where the individuals because of the partition of their lands become citizens of the United States, has been upheld by the courts and this Department.

In Beck v. Flournoy Live-Stock and Real-Estate Co., 65 Fed. Rep., 30, this precise question was presented to and passed upon by the United States Circuit Court of Appeals, Eighth Circuit. Certain Winnebago Indians had been given portions of the tribal lands and patents therefor had been issued with an inhibition against alienation. Afterwards these Indians were, by the act of February 8, 1887 (24 Stat., 388), declared citizens of the United States. Certain of the Indians had attempted to oust the lessee from the lands thus attempted to be leased suit was brought to restrain him from interfering with the possession of the lessee. It was urged that the act conferring citizenship,



at the same time and of necessity removed the restriction upon alienation of their land, but the court denied the correctness of this contention, and held the leases absolutely void. In the course of the decision the court used language which is peculiarly appropriate in the present matter. It was said:

Citizenship does not carry with it the right on the part of the citizen to dispose of land which he may own in any way that he sees fit without reference to the character of the title by which it is held. The right to sell property is not dependent upon citizenship; neither does it detract in the slightest degree from the dignity or value of citizenship that a person is not possessed of an estate, or, if possessed of an estate, that he is deprived, for the time being, of the right to alienate it.

To the same effect are the decisions in *Smythe v. Henry* (41 Fed.Rep.,765); *United States v. Flournoy Live-Stock and Real Estate Co.* (69Fed.Rep.,886), *Pilgrim v. Beck* (69 Fed.Rep.,895); *United States v. Flournoy etc. Co.* (71 Fed.Rep.,576); *Eels v. Ross* (64 Fed.Rep.,417); *In re Coombs* (127 Mass.,278), and *United States v. Logan*, (105 Fed. Rep., 240). These are followed in my opinion of July 5, 1900, approved by this Department (30 L.D. 114), upon a question arising under the general allotment act of 1887.

For a further discussion as to the effect of a provision against alienation in conveyances made upon the partition of Indian lands reference is made to my opinions of October 18, 1899 (29 L.D.,239), and January 29, 1901 (30 L.D.,457), and authorities therein cited.



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In this case the status of the Individual as to citizenship does not control or affect the character of the title he is to receive. Under the terms of said agreement he will take a complete title to his share of the tribal lands, with the condition attached that such lands shall not be alienable before the expiration of five years from the date of said agreement, except with the approval of the Secretary of the Interior, and with the further condition, under another provision of said agreement, that the portion of his allotment amounting to forty acres selected as a homestead shall be inalienable for twenty-one years.

The statements apparently put forth by this company, as to the power of the Indian to sell and convey his land, are unauthorized by the facts and are misleading. But whether the mails have been used for the distribution of circulars containing these statements, and whether in any case the facts developed disclose a violation of the law respecting the use of the mails, are questions which should more appropriately be addressed to the Post Office Department.

I would suggest that further investigation be made to ascertain the facts. The company holds itself out as being incorporated and having an office at Muskogee, Indian Territory. It ought not to be difficult to obtain such information as to its purpose, plans, and manner of conducting its business as



will justify you in calling the matter to the attention of the  
Post Office Department or in taking other appropriate action.

The papers submitted are herewith returned.

Very respectfully,

Willis Van Devanter,

Assistant Attorney-General.

Approved, January 2, 1902.

E. A. Hitchcock,

Secretary.

(Endorsed) Union Agency No. 3354. Received. Jan. 18, 1902. Office of U.S.  
Indian Inspector for Indian Territory. Washington, Jan. 11, 1902.  
Secretary----Calls for report rel. to operations of Indian Land &  
Trust Co., of Muskogee.



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Relating to hay royalty at Coffeyville, Kans.

Department of the Interior,

U.S. INDIAN INSPECTION SERVICE,

Coffeyville, Kans. Jan. 2, 1902.

Mr. Guy P. Cobb,

Revenue Inspector,

Muskogee, I.T.

Dear Sir: I arrived at Coffeyville this morning, and find the Mo. Pac. R.R. here will not ship hay until released by our local collector, Mr. Chas. Carpenter.

This is in line with our agreement in August 1900, and I presume that the other stations between Chetopa and Caney, and inclusive are also standing by that agreement, also, but I will investigate later.

The "Katy" is giving the trouble. They have no such rule, and formerly shipped little hay, but now certain shippers have gone to them, and to the Santa Fe, and are avoiding the royalty. Mr. T. B. Fogg, of the Mo. Pac. says that it is working a hardship on his road and that we should require the "Katy"-and "Santa Fe" to hold until the royalty is paid. This I believe Mr. Frank B. Drew, Gen'l freight agent, at Parsons, Kansas, would do for the "Katy" and they are the chief offenders, if you would ask him.

B. A. Jarboe, non-citizens, has been doing a big business, shipping several hundred tons of hay from here to Kansas City, via the M. K. & T. The hay is hauled some miles from the southeast of this place in the Territory, where he has an immense ranch and hundreds of cattle. You will



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-2-

remember we visited him and his ranch the morning after we "camped out" in August of 1900 when we were rounding up cattlemen.

Mr. Jarboe lives here but is in Kansas City today. Will see him as soon as he returns. Think he has considerable hay yet in the Territory. I send this via Chetopa, hoping that you will get it directly and will send me orders to Coffeyville to call on Policemen if necessary.

Yours truly,

William S. Irvin.

(Endorsed) Union Agency No. 431 REVENUE INSPECTOR Coffeyville, Kansas, Jan. 2, 1902. Wm. S. Irvin, Dist. Rev. Insp. ---- Relative to shipment of hay without payment of royalty. ----



Land  
73410-1901

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington, January 3, 1902.

J. George Wright, Esq.,  
United States Indian Inspector,  
Muscogee, Ind. Ter.

Sir:

This office is in receipt of a letter dated December 18, 1901, from R.C. Adams, Esq., of this city, setting forth that he received information from Colonel Jackson, a Delaware Indian, who resides several miles south of Caney, Kansas, in the Cherokee Nation, to the effect that some Indians from the Wichita country have introduced a drug composed of mescal and "loko weed" among the Delawares, Osages and Shawnees and that while but a few of the Delawares have become addicted to the use of this drug, it is feared that its use will become general unless steps are taken to suppress it.

The Indians, it seems, have been told that the use of the drug, - the effect of which is said to be stupefying, - is not a violation of the liquor law. This office, however, is of the opinion that its sale or introduction to Indians is clearly in violation of said law and you are therefore requested to take such measures as may be practicable to suppress the use of the same among the Indians under your jurisdiction.

Recently certain Chinamen were convicted of selling opium to Indians in Nevada under the Act of January 30, 1897 (29 Stats.



506) and as mescal is thought to be similar to opium in its effect there would seem to be no good reason why the sellers and introducers of mescal should not be made to suffer the penalty of the law for their wrongdoing.

Very respectfully,

W.A.Jones,

Commissioner.

E.B.F.

C

(Endorsed) Union Agency No.3272 Received Jan.7,1902 Office of U.S.Indian Inspector, for Indian Territory.Washington,Jan.3,1902. Commissioner.-----Directed to take steps to stop use of a drug composed of Mescal and loco weed among the Indians.-----



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DEPARTMENT OF THE INTERIOR.

Washington.

I. T. D.

January 9, 1902.

133-1902.

File 522-1898.

To the United States Indian Inspector

for the Indian Territory,

Muskogee, I. T.

Sir:

The Department is in receipt of your communication, dated December 23, 1901, transmitting an application of the Kenefick Construction Company, of Fayetteville, Arkansas, for permission to enter into contract for the purchase of timber to be used in the construction of railroad lines, said timber to be procured from lands specifically described in the schedule attached.

Said company requests permission to enter into a contract with the United States Indian Agent at Muskogee, Indian Territory, for the purchase of not to exceed 475,000 oak railroad cross ties, 2,760 switch ties, 2,500,000 feet, board measure, of oak or pine timber for bridges, and 90,000 lineal feet of timber for piling.

The price proposed to be paid is 10 cents each for railroad cross ties; 15 cents each for switch ties; \$12.00 per thousand lineal feet for piling; and \$1.00 per thousand feet, board measure, for timber for bridges.

The applicant states that the timber will be taken from the public domain so far as possible and that no timber will be taken from the lands of Indians, or land claimed in good faith



by them as their prospective allotments, without first securing their consent.

Said timber will be used in the construction of the Ozark and Cherokee Central, and the Shawnee, Oklahoma and Missouri Coal and Railway Companies' lines, through the Creek and Cherokee Nations lands in the Indian Territory.

You report that the prices stated are in accordance with those which have heretofore been approved by the Department, and you recommend that said application be granted.

The Commissioner of Indian Affairs forwarded your said report on January 6, 1902, and concurred in your recommendation.

No legal or other objection appearing thereto, said application is approved and returned herewith for appropriate action, together with a copy of the letter of the Commissioner of Indian Affairs.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

(Endorsed) Union Agency No. 3333. Received Jan. 16, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 9, 1902, Secretary. Timber application of Kenefick Construction Co. approved.



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Refer in reply to the following:

Land.  
4550-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, January 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 21, 1902, by Inspector Wright. He states that in compliance with Departmental instructions he presents the matter of employment of counsel or attorneys by the various nations of Indians in the Indian Territory, and asks whether contracts for such employment are subject to Departmental approval under the provisions of section 2103 of the Revised Statutes.

The said section is as follows:

"No agreement shall be made by any person with any tribe  
"of Indians, or individual Indians not citizens of the United  
"States, for the payment or delivery of any money or other thing  
"of value, in present or in prospective, or for the granting or  
"procuring any privilege to him, or any other person inconsider-  
"ation of services for said Indians relative to their lands,  
"or to any claims growing out of, or in reference to, annuities,  
"installments, or other moneys, claims, demands, or thing, un-  
"der laws or treaties with the United States, or official acts  
"of any officers thereof, or in any way connected with or due  
"from the United States, unless such contract or agreement be  
"executed and approved as follows:



"First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

"Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

"Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

"Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

"Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

"Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present



"making the same; the source and extent of authority claimed at  
"the time by the contracting parties to make the contract or  
"agreement, and whether made in person or by agent or attorney  
"of either party or parties.

"All contracts or agreements made in violation of this  
"section shall be null and void, and all money or other thing  
"of value paid to any person by any Indian or tribe, or any one  
"else, for or on his or their behalf, on account of such ser-  
"vices, in excess of the amount approved by the Commissioner  
"and Secretary for such services, may be recovered by suit in  
"the name of the United States in any court of the United States,  
"regardless of the amount in controversy; and one-half thereof  
"shall be paid into the Treasury for the use of the Indian  
"or tribe by or for whom it was so paid."

The Inspector quotes from the act of June 28, 1898  
(30 Stats., 495), the agreement with the Creek tribe of Indians  
(31 Stats., 861) and the act of March 3, 1901 (31 Stats., 1051).  
The quotations are as follows:

"It is further agreed that no act, ordinance, or res-  
olution of the council of either the Choctaw or Chickasaw  
tribes, in any manner affecting the land of the tribe, or  
of the individuals, after allotment, or the moneys or other  
property of the tribe or citizens thereof (except appropri-  
ations for the regular and necessary expenses of the gov-  
ernment of the respective tribes,) or the rights of any  
person to employ any kind of labor, or the rights of any  
persons who have taken or may take the oath of allegiance  
to the United States, shall be of any validity until ap-  
proved by the President of the United States."  
(30 Stats., 495).



"No act, ordinance, or resolution of the national council of the Creek Nation in any manner affecting the lands of the tribes, or of individuals after allotment, or the moneys or other property of the tribe, or of the citizens thereof, except appropriations for the necessary incidental and salaried expenses of the Creek government as herein limited, shall be of any validity until approved by the President of the United States.

(31 Stats., 861.)

"That no act, ordinance, or resolution of the Creek or Cherokee tribes, except resolutions for adjournment shall be of any validity until approved by the President of the United States."

(31 Stats., 1058.)

The Inspector invites attention to the fact that a recent act of Congress made all Indians in the Indian Territory citizens of the United States. The tribal governments still continue in the Indian Territory and the Indians there are members of those tribes, and section 2103 provides that

"no agreement shall be made by any person with any tribe of Indians \* \* \* unless such contract or agreement be executed or approved as follows: \* \* \* "

then follows the method of submitting the agreement to the Department and directions for the action which should be taken thereon. There is nothing in any of the acts of Congress quoted by the Inspector so far as this office can ascertain, which repeals or modifies section 2103 so far as it applies to Indian tribes. The mere fact that the Indians in them Indian Territory are citizens of the United States in no manner affects their tribal relations -- they are still members of the Indian tribes and are subject to all the laws and regula-



tions directly affecting Indian tribes.

It is therefore respectfully recommended that the Inspector be advised that contracts made by Indian tribes in the Indian Territory for the employment of attorneys, must, in order to be valid, be submitted to and receive approval by the Secretary as provided in said section.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

Inclosure.

(Endorsed) Union Agency No. 3540. Received. Feb. 17, 1902. Office of U.S. Indian Inspector, for Indian Territory. Washington, Jan. 25, 1902. Secretary.-----Acts of the councils of nations in Indian Territory authorizing the employment of attorneys must be submitted for approval; also the contract between the attorney and the executive of the Nation; except Seminole Nation.



268  
CHICAGO, INDIANAPOLIS & LOUISVILLE RAILWAY CO.

MONON ROUTE

Louisville Ky. Station,- Jan.27,1902

Secty  
Department Interior  
Washington D.C.

My Dear Sir:

Would you kindly advise if it is  
a violation of law to get Indians from the Indian Ty.

I want several for a short time during summer and  
I know several of them personally. They said they could  
leave their homes and go with me, but I much prefer your  
advice in the matter. I will grant them transportation to  
and from the reservation or Ty, pay them a salary and board  
them, and accord them good treatment and properly care for  
them; as I am not familar with the law on this subject, would  
esteem it a great favor to receive your advice.

Awaiting your early reply, I am,

Very truly,

J.S.Shallcross

% C.I & L.R.R.

14 & Rewan.

(Endorsed) Union Agency No.3490 Received Feb.3,1902 Office  
of U.S.Indian Inspector, for Indian Territory.Washington,  
Jan.29,1902.Secretary.----Refers for appropriate action  
letter of J.S.Shallcross, C/O C.I.& L.R.R.,Louisville,Ky.,  
asking if he can secure several Indians during next summer by  
granting them transportation, paying them salary etc.----



269  
DEPARTMENT OF THE INTERIOR.

Washington.

I. T. D.  
485,998-1902.  
File 5437-1901.

February 12, 1902.

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

Sir:

Referring to your letter of January 14, 1902, transmitting therewith a communication dated January 11, same year, from Mr. N. A. Gibson, attorney for the Ozark and Cherokee Central Railway Company, relative to the acts of March 25, 1896, and March 2, 1899, in the matter of procuring rights of way of railroads through the Indian Territory. Mr. Gibson states that he is convinced that there is urgent necessity for the passage of an act providing for condemnation proceedings in the Indian Territory, and requests you to recommend to the Department that a bill be introduced in Congress to provide some adequate method for condemnation.

The matter was referred to the Assistant Attorney General for the Interior Department on January 25, 1902, and on February 10th he advised the Secretary that "without now considering whether existing legislation is deficient in the



respects indicated by Mr. Gibson, I beg to say that a general right of way bill (H.R.No.10065) is now pending before Congress, and if enacted into law will without question meet the suggestions of Mr. Gibson and of your reference."

The passage of said bill was recommended by the Secretary in a letter addressed to Representative Curtis of the Committee on Indian Affairs, House of Representatives, on the 8th instant.

You will advise Mr. Gibson of the action of the Department.

Respectfully,

Thos. Ryan,

Acting Secretary.

(Endorsed) Union Agency No.3544.Received.Feb.18,1902.Office of U.S. Indian Inspector for Indian Territory.Washington, Feb.12,1902. Secretary----Relative to matter of procuring rights of way of railroads through Ind.Ter. States a bill is now pending in Congress; directed to advise Mr. Gibson, Atty. for Ozark & Cherokee.



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DEPARTMENT OF THE INTERIOR.

I.T.D.133&  
1602-1902.

Washington.

March 14, 1902.

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

Sir:

On February 25, 1902, you transmitted a contract entered into January 23, 1902, by and between the U.S. Indian Agent at Union Agency and the Kenefick Construction Company, for the purchase of railroad cross ties, switch ties, oak or pine timber for bridges, and timber for piling, to be used in the construction of the Ozark and Cherokee Central railroad and the Shawnee, Oklahoma and Missouri Coal and Railway Company's line of railroad, such timber to be procured from lands in the Creek and Cherokee Nations specifically described in said contract and in the application of the construction company approved by the Department January 9, 1902. The prices named in the contract for the various kinds of timber agree with those in said application.

You also transmitted a bond guaranteeing the faithful performance of the obligations of the contract, in the sum of \$20,000, with the United States Fidelity and Guaranty Company of Maryland as surety. There were also inclosed copy of the articles of incorporation of the Kenefick



Construction Company and said application.

You recommend the approval of the contract and bond, in which recommendation the Commissioner of Indian Affairs concurs in his letter of March 11, a copy of which is inclosed.

Said contract and bond have been this day approved. Three copies of the contract and the approved application are herewith returned for appropriate disposition.

Respectfully,

Thos. Ryan

Acting Secretary.

5 inclosures.

(Endorsed) Union Agency No. 3734 Received Mar. 21, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington, March 14, 1902. Secretary.-----Approves timber contract of Kenefick Construction Co.-----



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

I.T.D. 3401-1902

June 2, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of a communication from the Acting Commissioner, dated May 29, 1902 (Land----), in which its attention is called to section 3 of the act of March 3, 1901 (31 Stat., 1083), authorizing the granting of rights of way for telephone and telegraph lines through Indian lands, and prescribing the limit of compensation to be paid for every ten miles, to the tribes in their tribal capacity.

The acting Commissioner states that said section provides an annual tax not exceeding \$5 for each ten miles of line constructed and maintained under the provision of said section, and recommends that "the rate of taxation be fixed at an early date in order that the companies and individuals now operating telephone lines in the Indian Territory may be required to pay the annual tax due for the fiscal year ending June 30, 1902."

A copy of the regulations is enclosed herewith, and you are requested to make immediate report as to what annual tax should be paid by said companies and corporations under said regulations.

/ Respectfully,

Thos. Ryan.

Acting Secretary.

1 enclosures

(Endorsed) Union Agency # 4199 received Jun. 10, 1902. Office of U.S. Indian Inspector for I.T. Washington, June 2, 1902. Secretary.

Calls for report relative to annual tax telephone and telegraph companies should pay the tribes for every ten miles of line.



Land  
17066-1902

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

March 29, 1902.

J. George Wright, Esq.,  
U.S. Indian Inspector,  
Muskogee, Indian Territory.

Sir:

The office is in receipt of a letter dated Washington, D.C., March 22, 1902, from one Philip B. Hopkins, who is understood to be an employe of the Commission to the Five Civilized Tribes, setting forth that, by reference to page 68 of the last report of the Commissioner of Internal Revenue, he found that special taxes were paid by dealers in Indian Territory during the fiscal year ended June 30, 1901, as follows: 111 retail liquor dealers; 94 retail dealers in malt liquors; and 9 wholesale dealers in malt liquors.

The writer states that "considering the laws in force in Indian Territory against the introduction, sale, barter or giving away of liquors or other intoxicants, and the fact that in all late agreements with the tribes the United States specially agrees to maintain such laws, it may be questioned whether the government is not placed in an incongruous attitude by the collection of the special taxes above referred to."

The matter is referred to you, with request for investigation and report.



It may be remarked incidentally that in the case of United States v. Ellis (51 Fed. Rep. 818), the court, in charging the jury, said that "the fact that the United States may have licensed this traffic (in liquors) in there (Choctaw Nation) has nothing to do with your or my enforcement of this statute, (Sec. 2139, R.S.). That comes under the revenue law. There is no provision of the revenue law prohibiting the issuing of licenses for the sale of whiskey in that country, but the fact that that may have been done cannot legalize the introduction of it into that country. It has nothing to do with this statute, (Sec. 2139, R.S.). It is not connected with it in any way, and the construction of the revenue law by the revenue department of the government is not to be taken as a construction of this statute. It does not look to this statute when it issues license, and its construction of it has no binding force upon this court, even as being advisory, because it is not a statute that that department of the government is called upon to administer."

Very respectfully,

W.A. Jones

Commissioner.

E.B.F.(G)

(Endorsed) Union Agency No. 3814 Received Apr. 3, 1902 Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 29, 1902. Commissioner.-----Relative to Internal Revenue being collected from liquor dealers in Ind. Ter., directed to investigate and report.-----



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D. 3190-1902.

May 21, 1902.

Commissioner of

Indian Affairs.

Sir:

March 19, 1902, it appearing that the St. Louis, Oklahoma and Southern Railway Company had failed to make amicable settlement with individual occupants along its line of road in the Indian Territory, for damages assessed under the act of March 30, 1896 (29 Stat., 80), aggregating \$16,712.28, you were requested to consider the question looking to the appointment of referees as provided in section 30 of said act, and to demand payment within twenty days of the company, allowing it, however, to show cause why payment within twenty days of the company allowing it, however, to show cause why payment should not be made, and why, if it refused to comply with your demand, referees should not be appointed.

May 19, 1902 (Land 16699), the Acting Commissioner reported, showing that the company's general attorney was advised March 25, 1902, in the matter, and that no response had been received. He recommended that referees be appointed under the provisions of said section 3 of the act of March 30, 1896.

The Department concurs in the recommendation and proper steps will be taken to have referees appointed.

Respectfully,

Thos. Ryan,

Acting Secretary.



Land.  
30367-1902.

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

May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commission to the Five Civilized Tribes, dated May 19, 1902 in which it is stated that the approved right of way map of the Chicago, Rock Island and Pacific Railway in T 5 N., R 7 W, shows on the S/2 of section 3 a right of way 400 feet and in section 15 a right of way 500 feet, and in the southeast corner of section 21, a right of way 400 feet, and SW/4 of section 33, right of way 500 feet.

The Commission invites attention to the act of Congress approved March 2, 1887 (24 Stats., 446) in reference to the width of right of way of the road referred to, and states that the said act apparently allows 300 feet as a maximum width for a right of way, and the Commission desires to know if there is any special legislation granting an additional right of way as shown by the approved map filed with that office, or whether such additional right of way has otherwise been legally acquired.

Sections 3 and 15 referred to, are shown upon the map approved February 19, 1892, and sections 21 and 23 upon the map



approved March 3, 1893. Both approvals are made subject to the "Conditions, limitations and requirements" expressed in acts of Congress approved March 2, 1887, (24 Stats., 446), and June 27, 1890 (26 Stats., 181).

Section 2 of the act of March 2, 1887, defining the width of right of way, limits the same to a maximum width of 300 feet. It would appear that this is the limitation referred to in said approvals, and that therefore the company is entitled to take but a maximum width of right of way of 300 feet.

It is recommended that the Commission be advised in accordance herewith.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

(Endorsed) Union Agency No. 9156 Received Jun. 6, 1902 Department, Ryan, Washington, D.C. May 29, 1902. ---Enc., for the information of the Commission, the report of the Commissioner of Indian Affairs relative to the width of the right of way of the Chicago, Rock Island and Pacific Railway through the Indian Territory. ---



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DEPARTMENT OF THE INTERIOR.  
Washington.  
I.T.D.3352-1902.

May 29, 1902.

The Commission

to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from the Acting Chairman, dated May 19, 1902, relative to the width of the right of way of the Chicago, Rock Island & Pacific Railway in the Indian Territory.

The Acting Chairman states that the approved map of said right of way in Township 5 North, Range 7 west, shows in the S/2 of section 3, a width of four hundred feet; in section 15, a width of five hundred feet; the S/E corner of section 21, a right of way of four hundred feet, and in the SW/4 of section 33, a right of way of five hundred feet.

The Acting Chairman further calls attention to the Act of Congress approved March 2, 1887 (24 Stats., 446), defining the right of way for said Railway, and states that said Act apparently allows three hundred feet as a maximum width for a right of way, and the Commission desires to be advised if there is any special legislation granting the additional right of way, or whether such additional right of way has otherwise been legally acquired.

The Acting Commissioner of Indian Affairs forwarded said  
9156.



communication on May 27, 1902, and states that sections 3 and 15, as shown upon the map approved February 19, 1892, and sections 21 and 33 upon the map approved March 3, 1893, are approved subject to the "Conditions, limitations and requirements" expressed in Acts of Congress approved March 2, 1887 (24 Stats., 446), and June 27, 1890 (26 Stats., 181); that under section 2 of said Act of March 2, 1887, the maximum width of the right of way is three hundred feet, and that this is the limitation evidently referred to in said approval, and therefore the Company is entitled to take but a maximum width of right of way of three hundred feet.

The Acting Commissioner recommends that your Commission be advised in accordance herewith.

The Department approves said recommendation and has directed the Commissioner of Indian Affairs to inclose a copy of said report for your information.

Respectfully,

Thos. Ryan

Acting Secretary.



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INTERNAL REVENUE SERVICE,  
District of Kansas,  
Deputy Collector's Office,

Oklahoma City, O.T.  
June 7th, '02.

Hon. Thos. Ryan,  
Ass't Sec'y Interior,  
Washington, D. C.

Dear Sir:

Some time ago, while riding through a part of the Indian Territory, in company with Mr. Wm. Higgins, noting and commenting upon the immense amount of Walnut timber that is being prepared for shipment, he remarked that you had written him about such timber cutting; but he explained a disinclination to communicate, and I take the liberty to address this to you and state, that in the performance of my official duties I have traveled all over Oklahoma and the Indian Territory for the last five years, and saw a few years ago regular lumber camps in the Creek country north of the Frisco R. R., where walnut timber of large size and deminsions was cut exclusively. At the present time, parties are engaged in cutting young walnut timber along the line of the Frisco R. R., south of Sapulpa and a great many logs of from twelve, and not exceeding sixteen inches in diameter, are lying near the stations ready for shipment.

In Oklahoma Territory, north and south of the Canadian and Washita rivers, Sugar and other creeks, and the canyons adjacent thereto, logs from two to three feet in diameter are being cut and shipped out of the country, not by the car load, but by the train load. This timber is obtained from the homesteaders by returning the equivalent of value in the way of fence wire, lumber, etc., in the way of improvements on the claims. Adjoining these homesteads

4227



are Indian Allotments that have valuable walnut timber, dead and down, which in some instances has been disposed of, and I doubt very much if proper, or I may say, any compensation has been received for it. But no matter what the arrangements, the country is being denuded of the walnut timber now standing and down, amounting to hundreds of thousands of feet.

This communication is not all intended to reflect or throw discredit upon any of your departments' officers, who, no doubt, have called your attention to this matter; but who, in a great measure, have to depend upon the statements of parties that have possibly an interest in concealing the facts which I give for the reason first stated in this letter. Farmers and others living adjacent to the Indian lands, perhaps actuated by personal interest, will not give the just amount of walnut being illegally cut and the very large amount still remaining on said Indian Allotments, hoping to make the same available for their own interests whenever the proper opportunity presents itself.

Thanking you to consider this confidential, I am, sir,

Chas. Howard  
Deputy Collector.

(Endorsed) Union Agency # 4227 received Jun 17, 1902. Office of U.S. Indian Inspector for I.T. Washington, June 13, 1902. Secretary. Refers for appropriate action letter of Chas. Howard, Deputy Collector, of Oklahoma City, O.T., relative to walnut timber being cut in Indian Territory for shipment.



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

June 10, 1902.

Mr. J. George Wright,  
Indian Inspector,  
Muskogee, Indian Territory.

Sir:

Inclosed is a copy of Department letter of the 21st ultimo to the Commissioner of Indian Affairs, stating that steps will be taken to have referees appointed to assess damages to individual occupants along the line of St. Louis, Oklahoma and Southern Railway in the Indian Territory. Section 3 of the Act of March 30, 1896 (29 Stat., 80) provides that the appraisement of damages shall be made by "three disinterested referees, to be appointed one (who shall act as Chairman) by the President, one by the Chief of the Nation to which said occupant belongs, XXXX and one by the said railway company." XXXX Each of said referees shall receive the sum of four dollars per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at five cents per mile."

In his letter of the 19th ultimo, the Acting Commissioner of Indian Affairs states that the damages are claimed by occupants of the Creek, Seminole and Chickasaw Nations; so under the law a referee must be appointed by the chiefs of said Nations, though only one referee need be appointed by the President, and only one by the railway company, each of the latter to serve with the Indian

4211



referees in turn in each Nation.

You will please recommend to this Department a properly qualified man, resident of the Territory, for appointment by the President, and request the three Chiefs to appoint their referees, and also request the railway Company to make its appointment. When you report who have been appointed, the appointment by the President will be made.

Very respectfully,

Thos. Ryan.

Acting Secretary.

(Endorsed) Union Agency # 4211 received Jun. 16, 1902. Office of U.S. Indian Inspector for I.T. Washington, June 10, 1902. Secretary. Should recommend man to be appointed referee to assess damages by reason of construction of St. Louis, Okla. & Southern Ry., through the Creek, Chickasaw and Seminola(Sic) Nations; also direct Chiefs to appoint referee on the part of the tribe, and ask railroad Co. to make appointment.



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

W A S H I N G T O N.

I.T.D.4187-1902.

July 12,1902.

UNITED STATES INDIAN INSPECTOR

For the Indian Territory,

Muskogee, I. T.

Sir.

There is inclosed herewith a copy of the letter of the Acting Commissioner of Indian Affairs of July 10, 1902, in which he recommends that the Indian Office be directed to take the necessary steps to require certain telephone companies and individuals to come within the provisions of section 3 of the act of March 3, 1901 (31 Stat., 1058-1083), and he requests that you be directed to advise the Indian Office what companies or individuals now own or are operating lines in the Indian Territory other than certain cases mentioned by him, recognized by the Department under the provisions of said act.

You are requested to investigate the matter and furnish the desired information.

Respectfully,

i inclosure.

E. A. Hitchcock,  
Secretary.

(Endorsed) Union Agency No.4440.Received.Jul.19,1902.Office of U.S. Indian Inspector for Indian Territory.Washington July 12,1902. Secretary.-----Directs Inspector to investigate and report relative to companies or individuals owning or operating telephone lines in the Indian Territory.



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

August 2, 1902.

Mr. J. Geo. Wright,

U. S. Indian Inspector

for the Indian Territory.

Sir:

It is observed from the reports of irregular employees submitted by the U.S. Indian Agent, Union Agency, for agency and townsite work, that while large sums of money were expended during the fiscal year 1902 in the employment of irregular labor, no Indian labor whatever was employed for any purpose except in connection with the payment made to the destitute Cherokee Indians, and which involved a comparatively small amount.

The law requires that in the employment of clerical, mechanical and other help on reservations and about agencies, preference shall at all times, as far as practicable, be given to Indians. (Act Mar. 3, 1875, sec. 5, 18 Stat., 448; Act Mar. 1, 1883, sec. 6, 22 Stat., 451) At other agencies Indians are employed in various capacities, as clerks, laborers, axemen, chainmen, etc., and I have to request that you submit a full report to this office as to the practicability of employing Indian labor on the townsite work under your direction and as well at the Union Agency, with a statement of your views in the matter.

Very respectfully,

A. C. Tonner, Acting Commissioner

(Endorsed) Union Agency # 4585 received Aug. 3, 1902. Office of U.S. Indian Inspector for I.T. Washington, Aug. 2, 1902. Commissioner. Directed to submit a report relative to practicability of employing Indian labor in different kinds of work in the Territory.



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DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON, Aug. 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to section 7 of the Act of May 27, 1902,  
Public No. 125, as follows:

"The adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: Provided, That the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children."

the office begs to be advised whether, in the opinion of the Department, the above quoted section applies to the Five Civilized Tribes in the Indian Territory, and respectfully states that this request for advice is made because a number of letters have been received in the office from persons resident in the Territory

13092



asking to be supplied with rules and regulations and blank forms of deeds prepared under said above section.

The matter is respectfully submitted with request that the office be advised as to whether it shall send rules and regulations and blank deed forms to parties living in the Indian Territory and who apparently desire them for use there, or whether it shall notify them that it is not believed that the statute under consideration is or will be applicable to that country.

Very respectfully,

Your obedient servant,

A. C. Tonner,  
ACTING COMMISSIONER.

1 inclosure.

(Endorsed) # 13092



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

(3255-  
I.T.D(3688-1902.  
(4778-

August 7, 1902.

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

Sir:

May 10, 1902, you transmitted a contract entered into (in quadruplicate), between the United States Indian Agent at Union Agency, I. T., and the St. Louis & San Francisco Railroad Company, dated April 15, 1902, covering the procurement of about 750,000 cubic yards of stone from the lands therein described, in the Cherokee and Chickasaw Nations, to be used for ballast purposes along the line of said Company in the Indian Territory, also a bond entered into by said Company as principal, and the Mississippi Valley Trust Company of St. Louis, Mo., as surety, in the sum of \$5,000.00, bearing same date as the contract, and recommended their approval.

By Departmental letter of May 26, 1902, you were advised that the Department "does not feel warranted in ignoring the express mandate of the statute, and action on said contract and bond will be suspended for a reasonable time, and you will advise the San Francisco Railroad Company that the provisions of said Section 2" requiring the surety company to appoint some person as its attorney in the Jurisdiction of the Court for the judicial district wherein the suretyship is to be undertaken, who shall be a citizen of the



of the state or territory wherein said court is held, upon whom may be served all lawful process upon said Company, and who shall be authorized to enter any appearance upon its behalf,"must be complied with, and it must show evidence thereon on the part of the surety company before said contract and bond can be approved."

June 2, 1902, reporting in the matter you transmitted a communication from the General Solicitor of said Railroad Company, dated June 2, 1902, calling attention to the fact that said bond was executed in the city of St. Louis, Mo., both by the principal and surety; that it was his understanding that the suretyship was undertaken in the city of St. Louis, Mo., within the meaning of said Section 2 (Act of August 13, 1894 (28 Stat., 279); that said surety company had not undertaken to do business in the Indian Territory, and had not undertaken any suretyship in that Territory, but a corporation organized under the laws of the State of Missouri, but the same State under whose laws said Railroad Company was organized,. You recommended, if the contention of the General Solicitor be correct, that said contract and bond receive early approval.

On June 13, 1902, you were directed to advise the General Solicitor of said Railroad Company that "his request cannot be complied with until the evidence required by said departmental letter of May 26, 1902, be furnished by the Company."

Reporting in the matter July 25, 1902, you transmit a certified copy of the appointment of an attorney in the Indian Territory for said surety company, the Mississippi Valley Trust Company, upon whom may be served all lawful process, and who is authorized to enter



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an appearance in its behalf in any suit that may be instituted against it by the Government, and recommend that said certified copy be attached to the bond and the contract approved and you be advised of said approval as early as practicable.

The Acting Commissioner of Indian Affairs forwarded your said report of July 25, 1902, under date of August 5, 1902, and inasmuch as said certified copy of appointment appears to be regular and in conformity to the demands of the Department, approves your recommendation that the same be attached to the bond and said contract be approved.

Said certificate of appointment appearing to be in proper form, and there appearing no further objections to the approval of said contract and bond, the same have this day been approved, and three copies of said contract returned herewith for appropriate disposition.

A copy of the Acting Commissioner's report of August 5, 1902, is also inclosed.

Respectfully,

Thos. Ryan.  
Acting Secretary.

4 inclosures.

(Endorsed) Union Agency # 4625 received Aug. 12, 1902. office of U.S. Indian Inspector for I.T. Washington, Aug. 7, 1902. Secretary. Approves stone contract of S. L. & S.F.R.R.Co., the surety company having appointed an attorney<sup>+</sup> in Ind. Ter.



The Commissioner of  
Indian Affairs,

292  
Aug. 11, 1902.

Sir:

The Department is in receipt of your communication of the 4th instant asking to be advised whether section 7 of the act of May 27, 1902, (Public No. 125), authorizing the sale of inherited lands by heirs of deceased Indians to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him." applies to the Five Civilized Tribes in Indian Territory.

It has been the policy of the Government to regulate the affairs of these tribes by legislation especially applicable to them and not so to other Indians. These tribes were specifically excluded from the operation of the general allotment act of February 8, 1887 (24 Stat., 388), and they have not been brought within its terms by any subsequent legislation. The act of June 28, 1898 (30 Stat., 495), provided a comprehensive scheme for the division of the tribal property of these nations and for the breaking up of the tribal organizations. Coincident therewith agreements were arranged with the Choctaws and Chickasaws and the Creeks and since then with the Seminoles, each of which contained specific provisions as to the division of their tribal lands and the conditions which should attach to the individual ownership. Under these circumstances it would not be held that general legislation like that under consideration was intended to apply to them unless the language used clearly and unequivocally indicates such an intention. The language of this provision does not evince such an intention and the history of the dealings between the United States and said tribes negatives it.

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After the passage of said act of May 27, Congress approved agreements, original or supplemental, with the Cherokees, the Creeks and the Choctaws and Chickasaws, each of which contains provisions for the division of the tribal lands and as to the right of alienation by the individual. These agreements have been accepted by the respective tribes or are now under consideration. The proposition that Congress intended this provision of the act of May 27, which is in conflict with the provisions of these various agreements, to apply to said tribes can not be entertained.

Without adverting to other reasons arising from the language of said section, or from the circumstances connected with the dealings between the government and these tribes, for the conclusion reached, it is sufficient to say that this Department holds that the provisions of said section do not apply to the Five Civilized Tribes in Indian Territory.

Very Respectfully,

Thos. Ryan.  
ACTING SECRETARY.



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DEPARTMENT OF THE INTERIOR.

Washington.

August 12, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Inclosed you will find a copy of a communication from the Acting Commissioner of Indian Affairs, dated August 4, 1902, in which reference is made to Section 7 of the Act of Congress Approved May 27, 1902 (Pub. 125), relative to the alienation of lands by the adult heirs of deceased Indians.

August 5, 1902, said letter was referred to the Assistant Attorney General with request that he prepare an answer thereto. Press copy of the letter prepared in accordance with said request is also herewith inclosed for your information.

Respectfully,

Thos. Ryan.  
ACTING SECRETARY.

2 inclosures.

(Endorsed) # 13092, Received Aug. 25, 1902. Department, Ryan, Washington, D.C., Aug. 12, 1902. Commission to Five Tribes, Muskogee, I.T. Enc. letter from Ind. office ref. to alienation of lands by heirs of dead Indians and copy of opinion of Attorney General on same.



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

I.T.D. 5265-1902.

August 26, 1902.

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

Sir:

The Department is in receipt of your letter dated the 15th instant, forwarded by the Acting Commissioner on the 23rd instant, requesting to be advised whether the bill for the sale of 40-acre tracts of land to corporations for manufacturing purposes and the bill for the preservation of the game in the Indian Territory, were enacted into laws by Congress at its last session.

The Department has no information that said bills became laws. There has been forwarded to your address the Statutes at Large containing all the laws public and private passed by Congress at its last session, and you are referred to that for any additional information it may contain.

A copy of the report of the Acting Commissioner is inclosed.

Respectfully,

1 enclosure.

Thos. Ryan.  
Acting Secretary.

(Endorsed) Union Agency # 4700 received Sep. 2, 1902. Office of U.S. Indian Inspector for Indian Territory. Washington, August 26. 1902. Secretary. Relative to 40 acre tracts of land for manufacturing purposes and preservation of game in the I.T. states he knows of no such laws being passed by Congress; sends statutes at large.



Accounts  
52534-1902.

DEPARTMENT OF THE INTERIOR.

Office Of Indian Affairs,  
Washington.

September 4, 1902.

Mr. J. George Wright,  
U. S. Indian Inspector,  
Muskogee, Indian Territory.

Sir:-

I enclose herewith a commission issued by the Acting Secretary of the Interior under date of the 26th ultimo, for the appointment of Henry Weber of Missouri, as a Townsite draftsman in the Indian Territory, at a salary of \$125 per month, to take effect when he shall file the oath of office and enter on duty, which date you will please report for the information of this office.

Very respectfully,

A.C.Tonner

Acting Commissioner.

(Endorsed) Union Agency No. 4722 Received Sep. 8, 1902 Washington,  
Sept. 4, 1902. Commissioner.-----Encloses commission for appointment  
of Henry Weber of Missouri, as a draftsman at \$125 per month.----



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D E P A R T M E N T O F T H E I N T E R I O R.      C M R.  
W A S H I N G T O N.

ITD 6307-1902.

October 25, 1902.

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

Gentlemen:

Referring to departmental letter of October 16, 1902 (ItD 6307-1902), requesting your office to report "what lands should be segregated" by this Department, under the Act of July 1, 1902 (32 Stat., 641), section 58, you are informed that said section 58 provides, among other things, that the lands to be segregated by the Secretary of the Interior shall include "all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases," and you are instructed to call upon the United States Indian Inspector, at Muskogee, to furnish you a proper description of all the lands covered by said coal and asphalt leases.

Respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) # 20430, Commission to Five Tribes. Muskogee, Oklahoma Received Nov. 3, 1902. Department, Hitchcock, Washington, D. C., October 25, 1902. The Commission is instructed to call upon the United States Indian Inspector for proper description of lands covered by coal and asphalt leases.



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DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6812-1902

November 11, 1902.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

July 12, 1902, you were directed to ascertain and report what companies or individuals now own or operate telephone lines in Indian Territory, other than those named in Indian Office letter of July 10, 1902.

On October 27, 1902, the Acting Inspector reported that it had been an extremely difficult matter to obtain reliable information concerning these telephone lines; that the information contained in his report has been procured from the different officers under the supervision of your office, and it is believed to be quite accurate, "but the only way that absolutely definite information concerning all lines, the points connected and the number of miles covered, can be procured, is to authorize some one to make the necessary trips throughout the Territory, visiting each of the towns, going over the lines, etc., which would require several weeks of constant work and considerable expense."

Forwarding the Acting Inspector's report on November 4, 1902, the commissioner of Indian Affairs states that it shows the names of certain companies and individuals operating telephone lines in the Indian Territory, authority for which has not been granted under section 3 of the act of March 3, 1902;



that the information furnished by said report is sufficient for the present, and he recommends that the report be approved and that the Indian Office be directed to communicate with the companies and individuals named therein, to the end that they shall be required to operate their telephone lines under section 3 of the act of March 3, 1901 (31 Stat., 1083). He also suggests that you should cause to be published in certain papers of the widest circulation in the Indian Territory a notice to the effect that all companies and individuals operating telephone lines in the Indian Territory will be required to file applications and otherwise comply with departmental regulations under section 3 of said act.

The Department approves the recommendation and suggestion of the Commissioner, and you will cause such notice to be published in accordance therewith.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 5157 Received Nov. 18, 1902 Office of U.S. Indian Inspector, for Indian Territory. Washington, Nov. 11, 1902. Secretary.-----Approves report on telephone lines in Ind. Ter; should publish notice stating all companies must comply with the law.-----



DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

EAF.

ITD.6916-1902.

November 12, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

November 6, 1902, the Commissioner of Indian Affairs forwarded your letter of October 28, 1902, requesting to be furnished maps of station grounds, approved by the Department, along the lines of the following named railroads in Indian Territory, viz: Fort Smith and Western; Missouri, Kansas and Oklahoma Railroad; Kiowa, Chickasha and Fort Smith Railroad, and the Eastern Oklahoma Railroad. He reports that the Indian Office has directed the preparation of the maps requested, except the Kiowa, Chickasha and Fort Smith Railroad, and that no station grounds along said railroad have been acquired. He states that blue-print copies of the other maps desired will be forwarded as soon as they are prepared. A copy of the Commissioner's report is inclosed for your information.

Respectfully,

Thos. Ryan.  
Acting Secretary.

1 inclosure.

(Endorsed) # 22090, Commission to Five Tribes. Muskogee, Oklahoma. Received Nov. 21, 1902. Department, Tyan, Washington, D. C., November 12, 1902. The maps of station grounds along certain lines of railroad will be furnished except along the Kiowa, Chickasha and Fort Smith Railroad, no grounds having been acquired by this road.



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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 7933-1902.

December 30, 1902.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

December 4, 1902, the Acting Inspector called attention to section 10 of the act of June 30, 1902 (32 Stat., 500), and section 37 of the act of July 1, 1902 (32 Stat., 716), relative to public highways or roads in the Creek and Cherokee Nations.

He recommends certain legislation by Congress in regard to such highways in these nations and in the Choctaw and Chickasaw Nation, which will receive due consideration. He states that while Congress has provided that section line roads may be established and damages, etc. determined in the Creek and Cherokee Nations by the Secretary of the Interior, there is apparently no way that the law can be enforced; that he believes that the courts will consider that they have no jurisdiction in these matters; that it devolves upon the Department to carry out the provisions of this law, and if it has authority to remove fences and improvements that obstruct the highways, after the allottees have been properly compensated therefor, the machinery to carry out this work is lacking; that the only suggestion he can make, as the law stands, is for the Depart-



ment to instruct that public notice be issued by the United States Indian Agent that section line roads must be opened throughout the Creek and Cherokee Nations as soon as possible, or it will be necessary for the Department to take steps to enforce the law; that he believes that this will result in a large number of the cases settling themselves.

Reporting in the matter December 19, 1902, the Commissioner of Indian Affairs states, in regard to this feature of the matter, that it would seem that some rules and regulations are necessary to define what roads will be for the public good and to what extent it is necessary to have them opened, also to define the method of determining the actual value of the land and the damages to improvements where roads are established elsewhere than on sectional lines and the time and manner of payment therefor; that the privilege of removing such improvements as it may be necessary in establishing such road, be given to the owner or allottee, and that due notice of the time within which such privilege shall be exercised be given such owner or allottee. He recommends that this work be carried on primarily by the United States Indian Agent and if, in his judgment, the work can best be subserved by appointing a superintendent of roads and highways in each nation, he sees no objection to such appointments being made by the Department and their compensation determined thereby, to be paid out of whatever funds it is necessary to appropriate for carrying on



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the work.

The Department concurs in the recommendations of the Acting Inspector as to the issuance of the notice, and you are authorized to have the Indian Agent prepare such notice and submit the same through your office for the consideration of the Department. You will also consider the suggestions made by the Commissioner, above stated, and report in regard thereto.

The letter of William H. Bray is returned, and a copy of the Commissioner's letter is also inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

(Endorsed) Union Agency No. 5451. Received Jan. 6, 1903. Office of Indian Inspector (U.S.) for Indian Territory. Washington, Dec. 30, 1902. Secretary.-----Indian Agent should prepare public notice relative to opening roads and submit for approval; report should be made rel. to rules and regulations to be prescribed governing opening of roads, etc.



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Refer in reply to the following:

Land.

7690-1903. DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

February 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report of Acting Inspector J.W. Zevely, dated January 30, 1903, forwarding for departmental approval, a public notice relative to the matter of the establishment of roads in the Creek and Cherokee Nations in accordance with existing legislation governing these matters, which notice was prepared by the Acting Inspector under the instructions of the Department in its letter of December 30, 1902, -- I.T.D. 7933-1902.

The Acting Inspector recommends its approval and that authority be granted to publish the same in at least two newspapers having a general circulation throughout the Creek and Cherokee nations, one to be published in the Creek Nation and one in the Cherokee Nation, and again calls attention to the fact, referred to in his letter of December 4, 1902, that nothing can be done in regard to carrying on the work of opening such roads which involves expense until Congress makes an appropriation therefor.

The notice submitted by the Acting Inspector seems to be in proper form and to be as forcible as the law will permit, and



its publication will no doubt hasten the opening of roads in the manner set out in section 10 of the supplemental agreement of the Creek Nation.

The office therefore recommends that said notice be approved by the Department and that the Acting Inspector be authorized to publish the same in accordance with his suggestions in relation thereto.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(Endorsed) Union Agency No. 5795. Received Feb. 21, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Feb. 12, 1903. Secretary---Approves public notice relative to opening section line roads in Creek and Cherokee Nation, to be issued by Indian Agent and published in two newspapers.



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Refer in reply to the following:

Land.  
40,649-1903.

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

July 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration letter of the U. S. Indian Inspector for Indian Territory of the 30th ult. relative to opening of roads on section lines in the Creek and Cherokee nations.

Mr. Wright invites attention to the fact that on June 8th he was advised by the Department, I.T.D. 4840, 1903, that in compliance with the recommendation of the Acting Inspector and U.S. Indian Agent authority was granted to give Public notice to the effect that no action would be taken with reference to the opening of roads on section lines in the Creek and Cherokee nations until December 15, 1903, the same being a modification of the notice approved by the Department February 12, 1903, which provided that roads would be opened on section lines without delay.

In the telegram from the Agent and Acting Inspector dated June 2, 1903, it was stated that in their opinion to cause the roads to be opened at that time would result in material damage to growing crops, and for that reason they recommended that action be deferred until December 15th.

After a recent investigation of this subject Mr. Wright is



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of the opinion that such notice should not be given, and as he has not yet directed the Agent to give the notice he asks that the matter be reconsidered and that the authority granted postponing action until December 15th be revoked.

Public notice with reference to these roads was given prior to the time crops were planted says the Inspector, and as interested parties were fully cognizant of the law requiring roads to be opened on section lines in placing their crops thereon they did so at their own risk, and that to defer action until December 15th will only delay and complicate matters and cause constant annoyance until that time. He says further many roads across pastures and lands not in cultivation are being fenced and no provisions made for roads along section lines causing constant friction and annoyance and many complaints to the Indian Agent and himself. He believes that by leaving the form of notice approved by the Department February 12, 1903, in full force and effect the Agent can use discretion in the matter where upon investigation it is found that no immediate action should be taken until crops are gathered, and this matter of location and change of roads can be gradually adjusted satisfactorily to all concerned, whereas should public notice be given nothing whatever will be done until December 15th and parties fencing existing roads will make no effort to establish other roads on section lines until that time. For these reasons Mr. Wright believes the authority referred to should be revoked.

This office realizes that the roads in existence in the Indian Territory that are not on section lines are there merely by sufferance of the allottees or the persons who have selected



the lands for their allotments and that necessarily until a final order is made there will be a continual fencing up of these roads, thereby cutting off all means of travel through large areas of the Indian Territory. It cannot be possible that all section lines where roads should be established are under cultivation and planted with valuable crops. Certainly a large number of them must be in grass or without any improvements whatever. The opening of roads in such places and under such circumstances should not be deferred until December 15th, and I presume that in a great many instances where there are crops on section lines the crops were placed there by the parties with full knowledge of the fact that it was their duty to exclude the land on each side of the section line to the width of the roads provided for from their area of cultivation and planted their crops in defiance of their well known duty to the public, but I presume that there would be very few instances where it would be absolutely necessary in the establishment of roads to destroy crops, and certainly there would be no excuse for the Agent to arbitrarily exercise his authority even in such cases except in the fact of absolute necessity. I am therefore of opinion that this letter of recommendation of the Inspector should be approved and concur therewith.

Very respectfully,  
W. A. Jones,  
Commissioner.

(Endorsed) Union Agency No. 6830. Received Jul. 14, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, July 6, 1903. Secretary---Authority granted to give notice that no action will be taken to open roads until December 15th, revoked.



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 518-1903.

January 24, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report of January 5, 1903, in regard to the classification of lands in the Cherokee, Choctaw and Chickasaw Nations, calling attention to the statement contained in your report of November, 1902, that should it be found that the classification in the Cherokee Nation is substantially correct it will not be considered advisable to make a general investigation as to the classification of the lands in other Nations, as such a course would involve a great expense and might delay the work of allotment indefinitely. You say that a re-examination of 968 complaints filed in the Cherokee Nation has resulted in a change of only 12.8% of the total number of complaints received; that this indicates that the classification of lands heretofore made is substantially correct; that it is impossible to mete out exact justice in a work of the magnitude in hand; that during the progress of the classification of the lands of the Choctaw and Chickasaw Nations inspectors whose duty it was to verify classifications, generally oversee the work of the appraisers and instruct them upon their duties, were constantly in the field, and moreover, representatives on the part of the Choctaw and Chickasaw Nations, whose compensation was paid by the government,



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cooperated with the appraisers in the field, traveling from party to party during the entire time, and whenever complaints were made by them an immediate examination was ordered and corrections made when found necessary; that in view of these and other considerations the Commission has deemed it advisable to make no changes in the classification of lands in the Choctaw and Chickasaw Nations.

Reporting in the matter January 19, 1903, the commissioner states that

"A percentage of 12.8 is not, under ordinary circumstances, a negligible quantity;"

that out of 968 cases 12.8% means over 100 cases; that it is regretted that you give no information as to the sum involved in these changes; that there was a representative of the Cherokee Nation present with each appraising party engaged in that Nation, so that the question of a representative having been present during the time the classifications were made in the Choctaw and Chickasaw Nations has no point in connection with the consideration of this question; that without further information than is contained in your report he does not feel justified in recommending that you be authorized to disregard complaints with reference to classifications in the Choctaw and Chickasaw Nations.

The Department does not feel warranted in directing you to disregard all complaints as to the appraisements in the Choctaw and Chickasaw Nations, but, as you inform the Department that representatives on the part of the Choctaw and Chickasaw Nations cooperated with the appraisers in the field, and



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as the 10th section of the Choctaw and Chickasaw agreement (32 Stat., 500), provides that, in making appraisements, the Choctaw and Chickasaw tribes shall each have a representative to be appointed by the respective executives to cooperate with your Commission, investigation should be made only in cases where the complaints prima facie show gross error in the appraisements. There appears no reason why any one should not be heard in a matter materially affecting his interests, and no good reason why your Commission should not be able to promptly dispose of complaints of a trivial character or those deemed insufficient in any particular.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 2645 Commission to five Tribes Received Jan. 31, 1903 Department, Ryan, Washington, D. C., Jan. 24, 1903. -----Relative to report of the Commission as to classification of lands in the Cherokee, Choctaw and Chickasaw Nations. The Department does not feel warranted in directing the commission to disregard all complaints, as to appraisements in the Choctaw and Chickasaw Nations.-----



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January 27, 1903

R U L E S     O F     P R A C T I C E  
I N  
C H O C T A W ,   C H I C K A S A W   A N D   C H E R O K E E  
A L L O T M E N T   C O N T E S T   C A S E S  
B E F O R E   T H E  
C O M M I S S I O N   T O   T H E   F I V E   C I V I L I Z E D   T R I B E S ,  
T H E  
C O M M I S S I O N E R   O F   I N D I A N   A F F A I R S  
A N D   T H E  
S E C R E T A R Y   O F   T H E   I N T E R I O R .

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R U L E S     O F     P R A C T I C E.

INITIATION OF CONTESTS.

Rule 1. Contests may be initiated by or on behalf of an adverse claimant against any party by or for whom a selection of land has been made in the Choctaw, Chickasaw or Cherokee Nations, for any sufficient cause affecting the right of possession of the land in controversy, by selecting the same land, and by filing a complaint with the Commission to the Five Civilized Tribes at the land office in the Nation in which the land lies.

Rule 2. When the allottee is deceased the contest shall be brought against the heirs of such deceased allottee, and the complaint shall state the names of all the heirs. If the heirs, or any of them, are non-residents of Indian Territory, or unknown the complaint shall set forth the fact and be corroborated with respect thereto by the affidavit of one or more persons.

Rule 3. The complaint must conform to the following requirements:

- (a) It must be written or partly written and partly printed.
- (b) It must describe the land involved.
- (c) It must state the land office where, the date when, and for whom, the contestant selected said land.
- (d) It must make party contestee the person who, by himself or through another, originally selected the land in controversy and state the date of such selection and by whom made.
- (e) If the contestee is an infant or a person of unsound mind the complaint shall so state and shall also state the name



of the guardian of such infant or person of unsound mind, if there be one, and if there be none the complaint shall state the name of the person having the infant or person of unsound mind in charge.

(f) It must set forth the facts which constitute the grounds of contest.

(g) It must be duly verified.

#### NOTICE OF CONTEST.

Rule 4. At least thirty days notice shall be given of all hearings before the Commission, unless by written consent an earlier day shall be agreed upon.

Rule 5. Notice of contest and summons must be made upon the blanks prepared and supplied by the Commission, and must give a description of the land involved, state the time and place of the hearing, and, except in cases of notice by publication, have a copy of the complaint attached.

#### S E R V I C E.

Rule 6. Personal service shall be made in all cases where the party to be served is a resident of Indian Territory, except as provided in Rule 9 and shall consist in the delivery of a copy of the notice and summons to each of the contestees.

Rule 7. If the person to be personally served is an infant or a person of unsound mind, service shall be made by delivering a copy of the notice and summons to the guardian of such infant or person of unsound mind, if there be one. If there be none, then by delivering a copy to the person having the infant



or person of unsound mind in charge, and also to the person who made the selection for such infant or person.

Rule 8. Personal service may be executed by any officer or person.

Rule 9. Notice may be given by publication only when it is shown by affidavit presented on behalf of the contestant, and by such other evidence as the Commission may require that due diligence has been used, and that personal service cannot be made, or that the person to be served is a non-resident of Indian Territory, or that the heirs of a deceased allottee against whom the contest is brought are unknown. The affidavit must also state the present post office address of the person intended to be served, if it is known to the affiant, and must show what effort has been made to obtain personal service.

#### NOTICE BY PUBLICATION.

Rule 10. Notice by publication shall be made by advertising at least once a week for four successive weeks in some newspaper published in the nation where the land in contest lies. The first insertion shall be at least thirty days prior to the day fixed for the hearing.

Rule 11. Where notice is given by publication, a copy of the notice shall, at least thirty days before the day fixed for the hearing, be mailed, by registered letter to each person to be notified at the last address, if any, given by him, as shown by the records of the Commission, and to him at his present address named in the affidavit for publication required by rule 9, if such present address is stated in such affidavit and is



different from his record address. If there be no such record address, and if no present address is named in the affidavit for publication, then a copy of the notice shall be so mailed to him at the post office nearest to the land. A copy of the notice shall also be posted in the land office where the contest is pending for a period of at least thirty days before the day fixed for the hearing, and still another copy thereof shall be posted in a conspicuous place on the land for at least two weeks prior to the day fixed for the hearing.

PROOF OF SERVICE OF NOTICE OF CONTEST AND SUMMONS.

Rule 12. Proof of personal service of notice of contest and summons shall be the written acknowledgement of the person served or the affidavit of the person who served the notice, attached thereto, stating the time, place and manner of service.

Rule 13. Where service is by publication, the proof of service shall be a copy of the advertisement, with the affidavit of the publisher or foreman attached thereto, showing that the same was successively inserted the requisite number of times, and the date thereof. Proof of service by mail and by posting a copy of the notice on the land shall be the affidavit of the person who mailed the notice, with the post office receipt for the registered letter attached thereto, and the affidavit of the person who posted the notice on the land.

D I S M I S S A L S.

Rule 14. Cases will be called for trial on the day and at the hour fixed for the hearing, and if the contestant makes no



appearance, the case will be dismissed for want of prosecution, in which event written notice of such action, by personal service or registered letter, shall be given by the Commission to the parties in interest or their attorneys.

C O N T I N U A N C E S.

Rule 15. A postponement of a hearing to a day to be fixed by the Commission may, for a valid reason, be allowed on the day of trial; and when the continuance is asked for on account of the absence of material witnesses, the party asking for the continuance shall file an affidavit showing:

- (a) That one or more of the witnesses in his behalf, is absent without his procurement or consent.
- (b) The name and residence of each absent witness.
- (c) The facts to which they would testify if present.
- (d) The materiality of the evidence.
- (e) The exercise of proper diligence to procure the attendance of the absent witnesses.

(f) That affiant believes said witnesses can be had at the time to which it is sought to have the trial postponed.

Rule 16. No continuance shall be granted on account of the absence of witnesses when the opposing party shall admit that the witnesses would, if present, testify to the statements set out in the motion for a continuance.

T R I A L S.

Rule 17. Upon the trial of a contest the Commission will in all cases when deemed necessary, personally direct the exami-



nation of witnesses in order to draw from them all facts within their knowledge requisite to a correct conclusion of any point connected with the case.

Rule 18. Due opportunity will be allowed opposing parties, or their counsel, to confront and cross-examine the witnesses introduced by either party.

Rule 19. Upon the day originally set for hearing and upon any day to which the trial may be continued, the testimony of all the witnesses present shall be taken and reduced to writing. When testimony is taken in shorthand, the stenographer's notes must be written out and the written testimony then and there subscribed by the witness and attested by the officer before whom the same is taken, unless the parties, or their counsel, shall, by stipulation in writing, agree that the transcript of the stenographer's notes, duly verified, shall be considered the testimony of the witnesses with the same force and effect as if it had been signed by the witnesses.

#### REINSTATEMENT, REHEARING AND REVIEW.

Rule 20. Motions for reinstatement, after dismissal as provided in rule 14, and for rehearing or review, must be filed within twenty days from service of notice of the final order or decision in case of personal service of said notice and within thirty days in case of service of said notice by registered letter, said motion first having been served on the opposite party or his attorney, either personally or by registered letter. The party on whom the motion is served will be allowed the same length of time after service of motion in which to file a reply,



service thereof first having been had on the opposite party, or his attorney, either personally or by registered letter.

Rule 21. Motions for rehearing or review, must be accompanied by an affidavit of the party or his attorney to the effect that the motion is made in good faith and not for the purpose of delay.

Rule 22. In case of failure to file a motion to reinstate, or for rehearing or review within the time prescribed by rule 20 the case will be regularly closed.

#### PROOF OF SERVICE OF MOTIONS, REPLIES, ETC.

Rule 23. Proof of personal service of motions, replies, etc., shall be the same as that required by rule 12. Proof of service of motions, replies, etc., by registered letter shall be the affidavit of the person who mailed the letter, with the post-office receipt therefor attached, and said affidavit shall state that the letter for which the receipt was given contained a copy of the original motion, etc., as the case may be. And in all cases of service by registered letter, the time allowed for filing motions, replies, etc., shall begin to run from the date of the postoffice receipt for said letter.

#### WITNESSES.

Rule 24. All costs incident to the attendance of witnesses in proceedings in allotment contest cases, shall be paid by the respective parties to the contest by whose request they have been subpoenaed.



APPEALS TO THE INDIAN OFFICE AND THE DEPARTMENT.

Rule 25. Appeals from the final action or decision of the Commission lie in every case to the Commissioner of Indian Affairs, and from his decision to the Secretary of the Interior, and twenty days will be allowed for appeal and argument from the date of the receipt of the notice of the decision in case of personal notice and thirty days in case of service by registered letter.

All appeals must be served on the opposite party within the time allowed for appeal, and appellee shall have ten days for reply and to serve the same. When an appeal is considered defective the party will be notified of the defect and if not amended within ten days from notice the appeal may be dismissed by the officer to whom the appeal is taken.

All notices will be served upon the attorney of record.

MOTIONS FOR REHEARINGS AND REVIEWS.

Rule 26. Motions for rehearing, or for review of decisions of the Indian Office, or of the Department, must be filed within twenty days from service of the notice of the decision, whether made personally or by registered letter. Such motions must bear evidence of service upon the opposite party, either personally or by registered letter.

DEPARTMENT OF THE INTERIOR.

Washington, D. C. January 27, 1903.

APPROVED:

Thos. Ryan  
Acting Secretary.



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(Endorsed) Union Agency No. 6309 Commission to Five Tribes,  
received Feb. 3, 1903 Department, Ryan, Washington, D. C., January  
27, 1903.-----Transmitting Rules of Practice in Choctaw, Chickasaw  
and Cherokee Allotment contest cases. A copy of the re-draft  
submitted by the Commissioner is enclosed for consideration.



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DEPARTMENT OF THE INTERIOR,  
ITD 830-1903.      Washington.      January 30, 1903.

United States Indian Inspector

for the Indian Territory, Muskogee, I.T.

Sir:

The Department is in receipt of the Acting Inspector's telegram dated January 29, 1903, as follows:

While in Washington at your request I prepared substitute for bill providing for recording instruments in Indian Territory and gave same to Senator Quarles. This is very important matter and since my return here numerous inquiries being made relative thereto suggest that matter be given attention as it may escape Senator Quarles notice.

The records of the Indian Territory Division do not show that any bill prepared by you for recording instruments in Indian Territory, was transmitted to Senator Quarles by this Department. Indeed it is understood by your telegram that you handed the same to the Senator.

You are further informed that the matter has been under consideration by the two houses and the Congressional Record of January 15th shows that the Senate disagreed to the House amendment and asked for a conference. The Department has not since been advised of the passage of the bill.

Respectfully,

Thos. Ryan  
Acting Secretary.

(Endorsed) Union Agency No. 5700 Received Feb. 5, 1903. Office of U.S. Indian Inspector, for Indian Territory, Washington, Jan. 30, 1903. Secy. Relative to bill providing for recording instruments in I.T.



323  
Refer in reply to the following:

Land  
7980-1903.

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

February, 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report dated January 31, 1903, from the Acting U. S. Indian Inspector for Indian Territory, upon a communication, dated January 4, 1903, from Mr. N. D. McGinley of Guthrie, Oklahoma, addressed to Hon. D. T. Flynn, and by him referred to the department, in the matter of the action of Agent Shoenfelt, through his policemen, in seizing certain guns, ammunition, etc. belonging to Mr. McGinley and others, which communication was referred by the Department to the Inspector on February 10, 1903.

The Acting Inspector encloses a copy of a letter dated February 5, 1902, from Agent Shoenfelt, addressed to this office, reporting the capture and confiscation of the guns, etc., and also encloses a copy of office letter dated February 12, 1902, to the agent, approving his action in refusing to return the captured property.



The Acting Inspector recommends that as the agent reported the matter to the office and the office approved the agent's action, the owners of the captured property be advised that their guns can not be returned. He states that he thinks that such action will have a beneficial result as the parties are men of prominence and the fact that their guns were seized and they were compelled to stop hunting was generally known throughout the Territory; that on the other hand, if the guns were returned upon the owners' first request to the Department, it would in effect fail to sustain the Agent in his action, and other persons might be led to believe that they were privileged to hunt as they pleased and that if their guns were seized by the Agent, all they would have to do would be to appeal to the Department.

He expresses the opinion that the guns belonging to Mr. McGinley and his friends should be returned, but not at the present time. He makes the further recommendation that authority be granted the agent to return the property at his discretion, and then of the Agent's own volition (Sic) and not upon the request of the owners.

The office respectfully concurs in the recommendations of the Acting Inspector, if the granting of authority to the Agent for the return of the forfeited property at any time, present or future, would not be in contravention of law. The guns etc., having been seized under the provisions of section 2137, Revised Statutes, which provides that "Every person, other than an Indian, who x x x hunts x x x in the Indian country, shall forfeit all traps, guns and ammunition in his possession,



used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars", it is a question whether it is within the jurisdiction of the Department to remit the forfeiture by ordering the return of the captured property.

Very respectfully,

A. C. Tonner,

Commissioner.

(Endorsed) Union Agency No. 5802. Received Feb. 24, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Feb. 16, 1903. Secretary----Relative to action of Indian Agent in seizing guns, etc., from N. D. McGinley, and party, found hunting in Ind. Ter., authorizes same to be returned.



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DEPARTMENT OF THE INTERIOR.

Washington.

February 18, 1903.

Mr. J. W. Zevely, Inspector,  
Muskogee, Indian Territory.

Sir:

Referring to your report of the 11th instant, which, with its exhibits, has been very carefully examined, there is enclosed to you a letter of dismissal addressed to Mr. HOWARD V. HINCKLEY, which you will please deliver to him in person, and advise the Department that you have done so.

Very respectfully,

E. A. Hitchcock.

Secretary.

(Endorsed) Union Agency No. 5801. Received Feb. 24, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, Feb. 18, 1903. Secretary---Encloses letter addressed to H. V. Hinckley, removing him from position of Supervising Engineer; directed to deliver same in person.



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DEPARTMENT OF THE INTERIOR,  
United States Indian Service.  
Office of Revenue Inspector.  
Muskogee, Ind. Ter.,

April 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to tender herewith my resignation as Revenue Inspector in the Indian Territory, to take effect May 1, 1903, or at the pleasure of the Secretary of the Interior.

The causes leading up to my resignation are twofold:

First; I have for the past six months felt that it is an impossibility for one man to cover the revenue work in the Creek, Cherokee and Chickasaw Nations, in a satisfactory manner.

Second. I desire to take an active part in the management of the Tribal Development Company, recently organized for the purpose of securing lands for a large number of full-blood Indians in the Choctaw and Chickasaw Nations, and procuring such Indians suitable tenants for their land after allotment.

In tendering my resignation, I would respectfully suggest for your consideration the advisability of dividing the work heretofore covered by the Revenue Inspector and giving such work to two men instead of one. The collections for the present fiscal year in the Creek Nation will exceed those of any year since the work was taken in hand by the Federal Government, and there is considerable work to be done in the Cherokee Nation.



If one man were given the Creek and Cherokee Nations, his whole time could be occupied advantageously.

The work in the Chickasaw Nation is in better shape than it has been at any time. Collections from cattle tax for the month of March have exceeded \$10,000.00 and in my opinion there is sufficient work in that nation to fully occupy one man's time.

Very Respectfully,  
Your obedient Servant,

Guy P. COBB

Revenue Inspector.

Through the Commissioner of Indian Affairs,

Through the United States Indian Inspector  
for the Indian Territory.

(Endorsed) Union Agency # 6274 Received Apr. 27, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, April 23, 1903. Commissioner. Encloses letter from Secretary calling for report in matter of having two Revenue Inspectors instead of one.



Land.  
29,411-1903

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

May 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter of the Acting Inspector for the Indian Territory of the 30th ult., relative to the placing of allottees in possession of their lands in the Cherokee, Choctaw and Chickasaw nations.

Mr. Zevely calls attention to the provisions of Section 21 of the Cherokee Agreement (32 Stat. 716), and says on July 5, 1901, by Departmental letter I.T.D. 2678-1903, the matter of the action to be taken under a similar provision applying to the Creek Nation was considered, and the Inspector's office was instructed that the Indian Agent should proceed to place Creek citizens in possession of their allotments, and that the matter of carrying out the provisions of this law should be left to the Agent and Inspector; that section 23, of the Supplemental Agreement with the Choctaw and Chickasaw nations, and ratified by the act of Congress approved July 1, 1902 (32 Stat. 641) also provides for the placing of allottees in possession of their lands in those nations; that the allotments are now being made in the Choctaw, Chickasaw and Cherokee nations, and in order that the



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Agent may proceed to place the Indian citizens in possession of their land when so requested, he recommends that the same instructions be given by the Department to apply to the three nations referred to as were given in connection with the Creek Nation on July 5, 1901.

Since the Inspector seems to believe it is necessary that authority be given by the Department to authorize the Agent to place allottees in possession of their allotments, I concur in his recommendation that such authority be given.

Very respectfully,

Acting Commissioner.

EBH-Col.

(Endorsed) Union Agency No. 6453 Received May 29, 1903. Office of U.S. Indian Inspector, for Indian Territory. Washington, May 23, 1903. Secretary.-----Instructed to advise Indian Agent to place allottees in possession of their land in Choctaw, Chickasaw and Cherokee Nations in accordance with laws of those nations.-----



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Refer in reply to the following:

Land.

30,723-1903.

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

May 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith report of the Acting Inspector for the Indian Territory of the 9th inst., forwarding papers in connection with a contract entered into under date of May 7, 1903, by and between the United States Indian Agent at Union Agency and the Kansas & Arkansas Valley Railway Co., covering the purchase of not to exceed 500,000 cubic yards of gravel to be taken from the lands described in the application and contract has been made in accordance with authority contained in Departmental letter of April 16, 1903, I.T.D. 3828-1903.

The Price to be paid for this gravel is two cents per cubic yard, in accordance with the terms of the application. Such gravel is to be used in the construction, maintenance and repair of railroads forming a continuous line into and through the Indian Territory.

The Acting Inspector also transmits a bond given by the National Surety Co. of New York City, as surety in behalf of the Kansas & Arkansas Valley Railway Co., in the sum of \$5,000.00 conditioned on the faithful performance of the terms of the contract, the bond being dated May 7, 1903.



Mr. Zevely calls attention to the fact that accompanying the papers is a certified copy of a resolution adopted by the Board of Directors of the Kansas & Arkansas Valley Railway Co., showing the authority of the officers signing for such company to execute both the contract and the bond.

For the more convenient reference of the Department the Acting Inspector also returns the Approved Application in this case, together with a copy of the charter of the railroad and laws of Arkansas, under which the company was incorporated.

Mr. Zevely says the contract and bond appear to be properly executed, and he therefore recommends that they be approved.

In addition to the papers specially mentioned by the Acting Inspector, there are attached:- financial exhibit of the National Surety Co. of New York, properly certified; certificate of the appointment of Paul H. Bowman as Resident Assistant Secretary of the National Surety Co., at St., Louis, Mo.; certificate of the appointment of J. E. McKeighan, as Resident Vice President of the National Surety Co., at St. Louis, Mo., this certificate also containing copy of by-laws of the National Surety Co., providing for the appointment of Resident Vice-Presidents and Resident Assistant Secretaries to represent and act for and on behalf of the company; also affidavit, acknowledgment and justification by guarantee of the National Surety Co. signed by Paul H. Bowman and properly acknowledged.

There is also submitted correspondence, both by letter and telegram, with reference to the authority of Mr. J. H. Koogler to



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act for and accept service in behalf of the National Surety Co. for the Northern District of the Indian Territory.

The papers appear to be in proper form. The interests of the Cherokee Nation and of the United States are amply protected, and I therefore concur in the recommendation of the Acting Inspector that the contract and bond be approved.

Very respectfully,

Acting Commissioner.

EBH-Col.

(Endorsed) Union Agency No. 6474. Received Jun. 1, 1903. Office of U. S. Indian Inspector for Indian Territory. Washington, May 25, 1903 Secretary----Approves contract by and between the Indian Agent and the Kansas and Arkansas Valley Railway Co. covering the purchase of gravel.



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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 5010-1903.

WHR.

June 15, 1903.

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

Sir:

May 27, 1903, the Acting Inspector reported relative to a communication from Messrs. Brook & Brook, of Muskogee, I.T., asking to be advised why an appeal from the decision of the U. S. Indian Agent, Union Agency, in the possession case of Pember-ton vs. McGaughey, "awarding the premises, or, land in contest to the complainant," has not been forwarded.

The Acting Inspector states that there are probably 1500 to 2000 possession cases pending in the Agent's office, and that they are taken up according to their turn; that it is the purpose of the Agent to forward the papers in the case mentioned by Messrs. Brook & Brook as soon as possible. He recommends that said attorneys be advised the appeal will be considered in due time.

You will advise said attorneys in accordance with the Acting Inspector's recommendation concurred in by the Indian Office in report of the matter June 9, 1903, copy inclosed.

Respectfully,

Melville W. Miller  
Acting Secretary.

1 Inclosure.



(Endorsed) Union Agency No. 6709 Received June 22, 1903 Office  
of U.S. Indian Inspector, for Indian Territory. Washington,  
June 15, 1903. Secretary.----Directs that Messrs. Brook &  
Brook, of Muskogee, in case of Pemberton vs. McGaughey will be  
taken up in due time.



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DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 5238-1903.

June 29, 1903.

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

Sir;

June 24, 1903, the Commissioner of Indian Affairs submitted your letter of June 11, 1903, relative to the duties performed in connection with revenue inspection work for the month of May, 1903, in the Creek, Cherokee and Chickasaw Nations, and recommended its approval. A copy of his letter is inclosed.

In regard to your suggestion that the vanancy (Sic) caused by the resignation of Inspector Cobb be filled, you are advised that Stephen H. Taylor was appointed June 11, 1903, and his commission was sent to the Indian Office.

Your report is accepted.

Respectfully,

H.W. Miller

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 6774 Received Jul. 6, 1903 Office of U.S. Indian Inspector for Indian Territory. Washington, June 29, 1903. Secy.-----Approves report rel. to duties performed by Rev. Inspector. Stephen H. Taylor appointed Revenue Inspector.-----



339  
DEPARTMENT OF JUSTICE,

Washington, D.C.

E.W.

September 9, 1903.

The Attorney General.

Sir:

In accordance with your instructions of the 8th ultimo, directing me to proceed to the Indian Territory for the purpose of assisting the United States Attorney and Marshal in an investigation, with a view of gathering evidence upon which to bring prosecutions for the illegal introduction and sale of liquor in the Western District, I have the honor to make the following report:

The Department will doubtless remember the authority given Marshal Bennett to incur an extraordinary expense, not exceeding \$2500.00, to enable him, attended by the United States Commissioner, deputies and possemen, to visit certain localities in his district which have been a source of trouble and complaint for some time past.

United States Attorney Mellette was with the party for a portion of the time.

I proceeded to the Indian Territory and joined the party.

I would state that without the knowledge gained on this trip, I could not comprehend the vicious violations of and utter disregard for the law as far as the introduction and sale of liquor are concerned.

The majority of the so called drug stores are in fact saloons. In towns with a population only sufficient to maintain one bona fide drug store, you will find as many as three or four.



I would say that there is no law in the Indian Territory regulating either the practice of medicine or the compounding (Sic) or selling of drugs, consequently the proprietors of some of these drug stores are not graduates of schools of chemistry and keep only a few patent medicines, simply for appearance, although this violation has been carried on so boldly, no precaution of this nature would seem to have been necessary.

I have to say that the towns of Henryetta, Weleetka, Holdenville, Crowder City, Canadian, Indianola, Wetumka, Okemah, Castle, Fentress, Paden, Beggs and Boynton were visited resulting in arrests in each of the above named towns of from one to twelve persons.

Although considerable whiskey and alcoholic beverages, under various labels, were found and destroyed in a number of places in the above mentioned towns, and being sufficient evidence to warrant arrest and insure conviction, as the Arkansas code confers upon a United States Commissioner in the Indian Territory, the authority and powers of a justice of the peace, witnesses were subpoenaed and examined under oath before Commissioner Leekley and their evidence taken by a stenographer.

I have to say that many of the witnesses examined were representative citizens of their towns and reluctantly testified. As the public opinion is not in sympathy with the enforcement of this law, in many instances it was indeed difficult to procure the evidence sought for.

Upon the evidence secured, warrants were issued and the defendants held for the grand jury at Muskogee October next,



and with a few exceptions, preliminary hearing was waived and defendants put under a \$2,000.00 bond.

Several of the persons apprehended on this trip have been previously arrested for the same offense, and are on bond for their appearance before court, thus showing an absolute lack of fear for and disregard of the law.

Quite a few engaged in this unlawful business closed their places and left the country before our arrival, but I have since been informed by the Marshal that he has succeeded in accomplishing their arrest.

I have to state that the evidence procured is clear and conclusive, and that in the event that indictments are found, every case without exception will doubtless result in conviction. In fact, I am of the opinion that few will stand trial.

In the town of Holdenville where a United States Commissioner and office deputy marshal are located, a portion of the time, there were twelve arrests which do not include the arrest of several, which have since been made, who had left the town.

In the building where the office of the United States Commissioner is located, there was operated a gambling house and saloon.

As I have seen indications that some of the deputies were not free from suspicion and having heard indirectly that the so called druggists and "joint" keepers were receiving protection at their hands, I endeavored to learn the true situation with the following result.

I will explain that the deputies as a rule have certain and



particular men to act as their possemen. Evidence sufficient was secured to establish the fact that three of these possemen are guilty of receiving money for protection from arrest, and it is the Marshal's intention to prosecute them.

Although no direct evidence was secured against Deputy Tolbert, located at Weleetka, possemen working for him are guilty of the practice above referred to, and as the conditions could not exist at Weleetka as found, without his knowledge, and feeling morally sure that the law has been violated at that place with his knowledge, the Marshal sharing in this belief, I recommend that this deputy be dropped from the force.

I would also state that as the circumstances warranted, at least, rebuke, the Marshal wrote office deputy Milam at Holdenville, who had notified the people of Crowder City, that the Marshal was on his way there, asking for an explanation, but instead, deputy Milam left his resignation to be delivered to Marshal Bennett and left the country, which would at least indicate that he is not altogether free from suspicion, the sale of liquor in his town having been carried on without fear or limit.

The Department will realize the difficulty in securing evidence to show that money has been paid the deputies for protection, but I believe that, as evidence of this character was obtained incriminating the possemen referred to, that when the defendants are made to realize that they will receive adequate punishment, they too will give testimony to prove this fact.

I will say that with one or two exceptions, these so called druggists, who are men of means and standing, when indicted have entered a plea of guilty and a fine has been imposed.



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This, with the fact that the whiskey peddler is sent to the penitentiary, is responsible for the impression, which seems to be general, and charges received by the Department, that the Government prosecutes and punishes the "peddler," a man of no influence or interests in the country, and not the man of weight and standing in his community.

I will further state that the feeling is general through the country we visited, that in the event of the druggist being indicted, upon his entering a plea of guilty, a fine alone will follow and on one occasion the U.S. Attorney was asked "what will my fine be."

In the town of Okemah considerable trouble was encountered in drawing evidence from a witness, who stated that he did not volunteer information believing that we were not in earnest and that no benefit would result from our investigation. This man being an open advocate of temperance, I state this so that the Department may understand the lack of confidence some of the citizens have in the Government as far as the enforcement of the liquor law is concerned.

As the Department has been advised, the majority of crime in the Indian Territory is the result of liquor, and in this class of cases involves an enormous expense annually, together with the fact that justice demands that the "peddler" and the man of means and standing receive the same treatment.

I urged the necessity of vigorous prosecution and adequate punishment of the druggists apprehended. Both the United States Attorney and Marshal have arrived at this opinion, and they have fully decided to insist on a penitentiary sentence



in every case.

I talked with Judge Raymond who was acquainted with the conditions as we found them, and I believe that the investigation just concluded will have a lasting and beneficial effect.

As so much depends upon the successful termination of the cases instituted, although I know of no precedent and can see no objection to such a step, I recommend that as Marshal Bennett is so familiar with the witnesses, testimony and conditions, he be appointed a special assistant to United States Attorney Mellette so that he may go before the grand jury when the witnesses are examined, and enclose herewith a letter to me from Marshal Bennett on the subject.

If it is the intention of the officers of the Government in the Indian Territory to enforce this law, it is absolutely necessary that the defendants in the cases instituted on this trip, result in conviction, should they stand trial, and receive adequate punishment, and it is to insure complete success that I make the above recommendation.

Of course there will always be whiskey peddled through the country, but this can be held in check by the deputies who earn large fees in these cases and have no trouble in getting testimony, but the business man of a town whose profits are enormous and influence great is not so easily handled. And as I have before stated, that in the past this class of offender when apprehended has only been fined, which amounts practically to a small license, and as the successful termination of these cases means either a great deal or nothing, I would suggest that the Department grant any reasonable request in order to assist the officials in every way.



This is the first time, in my knowledge, that the matter has received such thorough attention, and if successfully carried to an end, will result in practically breaking up this violation of the law.

The towns visited are located on the St. Louis and San Francisco and Ft. Smith and Western roads. As whiskey has been shipped to some of these towns by barrel keg boxes under label, it cannot be true that the contents were not known by the railroad or express Co. officials.

I would state that, although I am not in favor of placing an officer on salary as a rule, under the present fee system, the deputy at best makes only a bare living, and the temptation being so great to make extra money, if the proper men could be found, and I believe they can, and Marshal Bennett could have two or three deputies on a salary, the interests of the Government would be better served.

While I recognize the fact that deputies are not supposed to do police or detective duty, in the Indian Territory where the Government has sole jurisdiction and in countries bordering on Indian reservations, I believe that the deputy marshal should see that the laws, especially as regards the sale of liquor, are enforced.

In conclusion I have to say that all the paraphernalia found in the gambling houses was seized and destroyed.

Very respectfully,

R.J.W. Brewster,

Special Agent.

(Endorsed) Union Agency No. 7863

Received Nov. 9, 1903. Office of U.S. Indian Inspector, for I.T. Washington, Nov. 1903. Secy. Encloses copy of report of Special Agt. of Dept. of Justice rel. to illegal sale of liquor in I.T., directed to cooperate in matter of prosecuting such persons.----



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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. 6592-1903.

September 16, 1903.

United States Indian Inspector

for Indian Territory, Muskogee, I. T.

Sir:

August 19, 1903, you reported that Mr. Stephen H. Taylor, recently appointed Revenue Inspector, is seriously ill with "typhoid-malarial fever," and has not been able during the greater part of August to perform the official duties of his office, but that the physicians advised at the date of your letter that he was somewhat improved and would regain his health in a short time.

You state that so far as possible the work of his office is receiving your personal attention; and that as soon as Mr. Taylor is able to return to duty, formal request for sick leave of absence will be made, and the dates of such absence will be reported to the Department.

Forwarding your report September 2, the Commissioner of Indian Affairs recommends that your action in this matter be approved. A copy of his letter is inclosed.

Concurring in said recommendation, your action is approved.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure

(Endorsed) Union Agency # 7378. Received Sept. 22, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 16, 1903. Secretary. Approves report relative to duties of Rev. Inspector's office, and stating Mr. Taylor was ill.



348  
DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 6840-1903.  
2542-1903.

September 23, 1903.

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

Sir:

September 18, 1903, the Commissioner of Indian Affairs transmitted your report of September 1, 1903, relative to your demand upon Messrs. Hutchings, West and Parker, attorneys for the St. Louis, Oklahoma and Southern Railroad Company, for immediate reply to certain letters of the Commissioner of Indian Affairs in the matter of the settlement with individual occupants along the line of said railroad through the Indian Territory, in accordance with the reports of Indian Inspector Beede and Special Agent Taggart, in which you inclosed a communication from said attorneys in which they state, as to the reports of said officers, that they are advised in a general way as to what their conclusions were, but, having never seen their reports, nor copies thereof, they prefer to withhold their unqualified approval of said reports until fully advised.

The commissioner states that the explanation made by said attorneys is hardly satisfactory, as Mr. Hutchings took part in effecting settlements as shown in said reports and



must have been familiar with every feature of it. He, However, recommends, as the reports are in duplicate, that one copy be sent to said attorneys through your office.

You will find duplicates of said reports inclosed (three copies), which you will allow said attorneys to inspect and in due time return them to the Department.

A copy of the Commissioner's letter is inclosed.

In the letter of March 6, 1903, the Acting Commissioner of Indian Affairs stated that as it appeared that the persons named on the schedules had accepted the amounts set opposite their names in full satisfaction of their claims against the company, he recommended that the schedules be approved and also the report of the Inspector and Special Agent, such approval, however, to be without prejudice to any claimant not named on the said schedule and with the understanding that the company will effect settlement with the several individuals named on the schedules to whom payment of damages has not yet been made, and submit to the Department all receipts for settlements so made, and with the further understanding that "said company nor its assigns will avail itself of the provisions of the Statutes of limitation, as the same may now be of effect in Indian Territory or hereafter extended thereto, to avoid the payment or proper adjudication by the courts of said Territory of any existing unsettled claims against said company of any Indian occupant named on former schedules of damages assessed by Special U.S. Indian Agent Taggart and approved by the Department, and



that the said company waives all right of barment of claims which said barment of claims might accrue by reason of lapse of time, and that said company be required to affirmatively consent to the conditions so imposed; also that the company will agree to pay the compensation and all costs incident to the appointment of referees to appraise the damages in accordance with the provisions of said act of March 30, 1896."

Respectfully,

Thos. Ryan

Acting Secretary.

4 inclosures.

(Endorsed) Union Agency No. 7463 Received Oct. 1, 1903. Office of U.S. Indian Inspector for Indian Territory. Washington, Sept. 23, 1903. Secretary.----Rel. to settlement of damages by St. L. Okla. & Southern R.R.Co., with occupants of land; encloses copies of reports of Inspector Beede and Special Agent Taggart; should call upon Hutchings West & Parker for further answer.----



COMMISSIONERS.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
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

1348  
Tishomingo, Indian Territory.  
October 26, 1903.

Commissioner in Charge,

Muskogee, Indian Territory.

Dear Sir:

I am in receipt of yours of the 23rd, in reply to mine of the 17th, relative to information in contest cases and the issuance of certificates of allotment.

I was in error in my letter of the 17th, in stating that all land described in "H" Applications was involved in contest, for the reason that we permitted no "H" Applications to be made except where complaints were filed. I should have made an exception of the early cases, where "H" applications were filed and parties were allowed to leave the office without making complaints, under the statement that they would have their attorneys prepare the complaints and return the same to the office.

I will have the description of the land in such cases sent you at the earliest date practicable.

In your letter, you invite attention to the resolution adopted by the Commission on September 16, relative to the issuance of allotment certificates and follow the quotation with this statement:



"Anticipating that your office has, in accordance with the above resolution, long since begun the preparation of allotment certificates and certificates of homestead allotments, it is the desire of this office to have these records in such shape that such certificates may be properly checked, as provided in the resolution."

You are advised that this office has not attempted to comply with the above resolution. At the meeting of the Commission following the passage of such resolution, I called attention to the fact that the carrying out of such resolution was in direct violation of direction of the Secretary of the Interior. The Chairman said he did not remember any such direction, when the telegram of the Secretary to the Commission, under date of August 21st, was sent for.

An examination of the telegram showed that we were directed not to issue certificates of allotment to any indigent full blood Indians in the Choctaw and Chickasaw Nations until investigation could be had of the charges of Mansfield, McMurray & Cornish.

After some discussion, Chairman Bixby was asked to take the matter up with the Department and ascertain whether the order given by the Secretary was to continue, and in the meantime, nothing was to be done in the matter of issuance of certificates at the Choctaw and Chickasaw Land Offices.

Both the telegram and the discussion relative to the resolution must have escaped your mind when you dictated your



recent letter.

Respectfully,

W.E.Stanley

Commissioner in Charge.

JEW

(Endorsed) Union Agency No.29640 Received Oct.27,1903 Office of U.S.Indian Inspector for Indian Territory.Chickasaw Land Office, Tishomingo, I.T., Oct. 26,1903.-----States he will have description of land involved in certain contests forwarded as soon as possible. States land office has never attempted to comply with certain resolution and gives reason for statement.-----



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Refer in reply to the following:

Land.

69919-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

November 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from Inspector Wright dated October 24, 1903, relative to a communication from L. D. Thurston of Independence, Kansas, dated September 11, 1903, in which he stated that it was pretty clearly demonstrated that every officer connected with Indian affairs and located in the Indian Territory "is a grafter", which communication was referred to the inspector by the Department September 22nd last. Mr. Thurston said in his letter that <sup>all</sup> blanket oil and gas leases covering the Osage country demonstrate that all officers in the Indian Territory were grafters and that the 10% royalty is less than has ever been paid to land owners in any oil fields, from Pennsylvania to Kansas. He expressed the opinion that the interests of the Indians are not protected. The inspector says that upon receipt of this communication and under date of September 26th he addressed a letter to Mr. Thurston requesting him to furnish such information as he had with reference to government officials being interested in oil leases; that Mr. Thurston was advised that the rate of royalty had been fixed by the Department and not by any official in the Indian Territory; that he was furnished with a copy of the regulations of the Department



governing oil leases; that under date of September 30th Mr. Thurston advised him that the Dawes Commission had a representative at Independence, Kansas, offering 25 thousand acres of land for sale at from \$1.25 to \$5.00 per acre; that on October 2nd he again wrote Mr. Thurston asking him to furnish him the name of such representative of the Dawes Commission, and to give him further information with reference to the matters mentioned by him in the Osage Nation, stating, however, that such nation was not within the Indian Territory or under the jurisdiction of his office, and suggesting that he write the U. S. Indian Agent at Pawhusky, Oklahoma, concerning that subject. Not having received a reply to the last communication, on October 10th the inspector visited Mr. Thurston at Independence and conferred with him concerning his statement, that a representative of the Dawes Commission was at that place for the purpose of disposing of oil leases. He says that Mr. Thurston introduced him to a Mrs. Slaten, who he claimed had represented herself as a representative of the commission and says that he conferred fully with Mrs. Slaten concerning the matter, and he incloses a copy of a letter which she wrote in his presence, stating that she is a representative of William Hall, a Cherokee citizen residing at Romona, and who she says is manager for several citizens of the Cherokee Nation who have oil leases. She claims that she was attempting to dispose of such leases for Mr. Hall, and states that she has performed work for parties who had business with the Dawes Commission; that she did not know of any member of the Dawes Commission



or of any government official being interested in oil leases and that she was not the agent or representative of the Commission or of any government officer. She further says that Mr. Hall informed her that Senator Matson of Pennsylvania had been informed by the Secretary of the Interior that there would be nothing to keep him from approving leases made on the approved forms, with good title. Among the papers is a communication from Mr. E. H. Smith of the Vulcan Oil and Gas Company which the inspector states was written in his presence. Mr. Smith says that his company had some negotiations with Mrs. Slaten and that the company understood that she was the representative of William Hall, an intermarried citizen of the Cherokee Nation who was procuring oil leases from other citizens. He also says that he did not know that Mrs. Slaten represented any member of the Commission or any government officer and that he had no knowledge of the Commission or any government officer being interested in Indian Territory oil leases. The inspector says that he subsequently conferred fully with Mrs. Slaten and Mr. Thurston, and that Thurston in the presence of Mrs. Slaten insisted that she had stated that she was representative of the Commission, that Mrs. Slaten denied having made such representation, but said she had previously done some work for attorneys and others who had business before the Commission. Mr. Thurston, the inspector says, expressed himself as satisfied that Mrs. Slaten was not a representative of the Commission, but insisted that she had so claimed and that she had also informed others to that effect. The inspector considers that there has been a misunderstanding concerning representa-



tions made by this woman and her connection with the Commission, and says he cautioned her in the presence of others about making such misrepresentations in her zeal to dispose of oil leases, and told her that she must not represent that such leases would be approved or favorably considered by the Department as no leases would be considered until presented to his office to be forwarded for Departmental consideration. He says that he has conferred with different members of the Commission concerning the matter; that all emphatically state that they have no interest in any way, directly or indirectly, in oil leases in the Indian Territory, and that no one had any authority to state that he was acting as their representative. The inspector believes that the impression undoubtedly prevailed in the minds of some people, from the statements of Mrs. Slaten, that she was representative of the Commission, but as she vigorously denied in their presence that she had so represented herself, he recommends that no further action be taken in the premises.

Inasmuch as it appears that this woman has, in her probably over zealous desire to dispose of oil leases, erroneously represented herself to be a representative of the Commission, and considering that she has emphatically denied having made such representations, and in view of the fact that the inspector has advised her that she must not make such



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representations in the future, the office concurs in the inspector's recommendation that no further action be taken concerning this subject.

Very respectfully,

GAW/LKS

Commissioner.

(Endorsed) Union Agency No.7932.Received.Nov.17,1903.Office of U.S. Indian Inspector for Indian Territory.Washington,Nov.12,1903. Secretary---Approves report on letter of L.D. Thurston, of Independence Kansas.



Land.  
75579-1903.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,  
Dec.4,1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed for your consideration letter of the Indian Inspector for Indian Territory of the 17th ultimo, transmitting a communication from Hon.W.B.Johnson, U.S. District Attorney for the Southern District, Indian Territory, dated November 13, 1903, to which is attached a clipping from the public press in the matter of a recent decision of the Judge of the United States Court for the Southern District, to the effect that municipal corporations in the Indian Territory may condemn tribal lands for public improvements, which clipping the Inspector sent Mr.Johnson with the request that he be furnished a copy of the opinion of the court if it was written. It will be noted, says Mr.Wright, that the District Attorney advises him that no written opinion was handed down, but it was held by most of the lawyers in the Choctaw and Chickasaw Nations that the United States court has the right to condemn lands for public purposes and that the attorneys for the two Nations, Messrs. Mansfield, McMurray and Cornish, being of the same opinion, no objection has been made to the court exercising that right when the question is raised. He states such proceedings had been had both at Ardmore and South McAlester,



which resulted in the condemnation of the necessary amount of land for reservoir, water sheds and mains, and in neither of these cases so far as he is informed was any written opinion handed down.

Mr. Wright submits this matter for the information of the Department, inviting attention to the last proviso of Section 11 of the act of June 28, 1898 (30 stats. 495), as follows:

"That all towns and cities heretofore incorporated or incorporated under the provisions of this act, are hereby authorized to secure by condemnation or otherwise all the lands actually necessary for public improvements, regardless of tribal lines, and when the same cannot be secured otherwise than by condemnation, then the same may be acquired as provided in Sections 907 and 912 inclusive, of Mansfield's Digest of the Statutes of Arkansas."

Mr. Wright says should the Department desire any further action taken in reference to this matter he asks to be advised.

This office has known of the condemnation proceedings at South McAlester and Ardmore as mentioned by the U.S. District Attorney and has recognized the right of the authorities of those towns or other towns in Indian Territory to condemn under the law tribal lands for public purposes, the "public purposes" being understood to mean water works and such enterprises, but certainly not extending to additions to townsites for division into lots and blocks and sale to the public.

I am, therefore, of the opinion that no further instructions



are necessary to the Inspector relative to this matter.

Very respectfully,

W.A.Jones,

Commissioner.

EBH:LKS.

(Endorsed) Union Agency No.8169 Received Dec.21,1903 Office of U.S.Indian Inspector, for Indian Territory.Washington,Dec.15, 1903.Secretary.----Rel.to decision of Judge of U.S.Court, Southern District, as to rights of municipal corporations to condemn land for public purposes.----



DEPARTMENT OF THE INTERIOR,

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FHE

Washington.

I.T.D. 14--1904.

January 8, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

December 30, 1903, the Commissioner of Indian Affairs recommended that you be directed to notify the authorities of the Creek, Choctaw, Chickasaw and Cherokee Nations that copies of acts sent to the Department, for the approval of the President, should be the original typewritten copies, and that they should be bound together in such a way as to render it impossible to remove any of the sheets without the fact of their removal being apparent. He states that the ordinary form of attaching with ribbon and seal certified copies in the Department would appear to be the best form for binding papers connected with such acts together, and he suggests that it be required that they be submitted in that manner hereafter.

The Department concurs in said recommendation, and you will proceed accordingly. A copy of the Commissioner's letter is inclosed.

Respectfully,  
Thos. Ryan.

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 8395 Received Jan. 18, 1904 Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 8, 1904. Secretary.-----Should advise authorities of Creek, Cherokee Choctaw and Chickasaw Nations that acts submitted for approval should be the original typewritten copies and bound together so that no sheets can be removed without being apparent.-----



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WILLIAM BUSBY,  
South McAlester, I.T.

February 24, 1904.

My dear Mr. Bixby.-

I see Mr. Curtis has introduced a bill to close up Indian affairs, coal lands and everything. This is all right I guess, and I understand it is satisfactory to you.

I note the amendment in favor of the coal men, which is very agreeable, and I hope you will do all you can for the passage of it, as we coal operators put the improvements on the property, and have developed it, and should in all fairness be permitted to buy the property at the appraised valuation.

Very truly yours,

Wm. Busby.

Hon. Tams Bixby  
The Raleigh Hotel.  
Washington D. C.

(Endorsed) Union Agency No.473 Relative----To bill being introduced by Mr. Curtis to close up Indian affairs, coal lands and everything. Mr. Wm. Busby states that the amendment in favor of the coal men, is very agreeable and asks Mr. Bixby to do all he can for the passage of same.----



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DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney-General.

9975-1903  
Ind.Ter.Div.

Washington.

E.F.B.  
S.V.P.  
W.C.P.

February 29, 1904.

The Secretary

of the Interior.

Sir:

A communication from the Missouri, Kansas & Texas Railway Company giving notice to the Department that it claims title to every alternate section of land, or parts thereof, designated by odd numbers, to the extent of ten sections per mile on each side of its line of railroad through the Indian Territory, within twenty miles of its line of road, has been referred to me for an opinion as to the legality of the company's claim and the duty of the Department in the premises.

The claim of said company is predicated upon the act of July 25, 1866, 14 Stat., 236, making a grant to said road of every alternate section of land, or parts thereof, designated by odd numbers, to the extent of ten sections per mile on each side of said road, to be selected within twenty miles of the line of said road. The ninth section of the act under which the company claims lands on each side of its road through the Indian Territory is as follows:

That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty



or otherwise, not to exceed the ratio per mile granted in the first section of this act: Provided, That said lands become a part of the public lands of the United States.

As no part of the lands in the Indian Territory have become a part of the public lands of the United States, the conditions upon which the grant as to said lands might become operative have never been fulfilled and I have to advise that the claim of the company to any of said lands should not be recognized.

Very respectfully,

Frank L. Campbell,  
Asst. Atty. General.

Approved, February 29, 1904.  
E.A. Hitchcock,  
Secretary.

(endorsed) Union Agency # 8991 Received Mar. 11, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, March 3, 1904. Secretary. Transmits copy of opinion of Asst. Atty. General, dated Feb. 1904, relative to claim of M K & T Railway Co., to every alternate section of land along its line through Indian Territory.



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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington,

March 1, 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 15th instant, submitting a report with reference to the townsite work in Indian Territory for the month of January, 1904.

Owing to lack of funds the furlough of the force, commencing December 1st last by direction of the Department, has been continued during the entire month. The work was therefore almost entirely suspended, none of the townsite commissions or surveyors being on duty.

In the Creek Nation the Inspector's office has been engaged during the month in adjusting a number of unfinished matters of the Creek Commission, getting the work in shape for hearings of contests when funds are available. A number of these cases have been adjusted and will be ready to be finally disposed of by the submission of supplemental schedules.

The work in the engineering office proceeded and a number of plats were completed during the month, namely, Ruby, Bennett, Spavinaw and Watova, in the Cherokee Nation, Roff in the Chickasaw Nation and McCurtain the Choctaw Nation.



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These plats have been transmitted by the Inspector  
for the approval of the Department.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

(E.B.H.) P.

(Endorsed) Union Agency # 8994 Received Mar. 11, 1904. Office  
of U.S. Indian Inspector for Indian Territory. Washington,  
March 4, 1904. Secretary.  
Received report relative to townsite work during January.



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DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD. 2150-1904.

March 15, 1904.

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

Sir:

Your attention is invited to Senate Document No. 189, 58th Congress, 2d Session, being a message from the President of the United States, transmitting a letter from the Secretary of the Interior with accompanying report of Special Inspectors Charles J. Bonaparte and Clinton Roger Woodruff, in the matter of alleged abuses and irregularities in the public service in the Indian Territory, and inclosing memorandum of the work of the Commission to the Five Civilized Tribes.

You are directed to instruct the employees of your office that if they are connected with any person, firm or corporation engaged in buying or selling town lots or lands, or the leasing of lands in the Indian Territory for speculation, they must cease such connection if they continue in the public service. You will also take notice of such direction as applying to yourself.

It is the intention of the Department that every one of its employees, whether connected with the Commission to the Five Civilized Tribes, the Inspector's office or the Agent's office, or engaged in any special work for the Department, shall be wholly free from any charge of speculating in town lots or in the buying and selling of Indian lands, or the leasing of



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-2-

any lands of the Five Civilized Tribes. A copy of said document is inclosed.

Respectfully,

E.A. Hitchcock.

1 Inclosure.

Secretary.

(Endorsed) Union Agency # 9070 Received Mar. 21, 1904.  
Office of U. S. Indian Inspector for Indian Territory.  
Washington, Mar. 15, 1904. Secretary. Transmits copy of Senate document 189, relative to report of Bonaparte and Woodruff; should advise employes if they are connected with any company dealing in town lots or leasing of lands for speculation, they must cease such connection if they continue in service.



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 1908-1904.

2432- "

March 24, 1904.

United States Indian Inspector

for the Indian Territory, Muskogee, I. T.

Sir:

March 15, 1904, you were advised relative to certain moneys collected by U. S. Indian Agent, Union Agency, for stone taken from lands embraced in the allotment of Boudinot Ream, made May 18, 1903, under a contract with the Choctaw, Oklahoma & Gulf Railroad Company, approved by the Department September 25, 1903, at which time the Department was not aware that the land had been allotted. The Department had on July 13, 1903, approved the application of the railroad company, excepting, as recommended by the Indian Office, as to the SE/4 of the SE/4 of Section 14, T.4 S., R.6 E., as this tract was embraced in an allotment.

Your attention is called also to departmental letter of August 17, 1903, relative to the application of Dennis B. Hussey.

You were advised in said letter of March 15, 1904, that upon the issuance of allotment certificate to a Choctaw or Chickasaw citizen, he had the right, so far as the timber and stone on the land are concerned, to deal direct with any one in regard to the matter, and you were directed, when certificate of allotment had been issued to Ream, to advise the Indian Agent to take steps with a view to having the contract with the railroad company cancelled.

On March 19, 1904, the Commissioner of Indian Affairs resubmitted the matter, insisting that the contract should not be can-



celled.

The Commissioner is in error relative to the land described on the first page of his letter. While not accepting the position of the Commissioner as entirely correct, as Ream and the railroad company entered into a contract September 9, 1903, by which it was agreed- "that should there be a modification of the rules of the Interior Department so as to permit payment direct to the party of the first part (Ream) by the party of the second part (the railroad company), then on and from the date of such modification the party of the first part agrees that the party of the second part may continue to procure and take such rock and stone from the allotment of the party of the first part as may be desired by the party of the second part at the price and rate named in the said contract with the Secretary of the Interior; the amount due for said rock and stone to be paid direct to them - the parties of the first part", the instructions to you, so far as they relate to the cancellation of said contract of September 25, 1903, are rescinded, and you are authorized to advise the Agent to cease to collect royalty under the terms of said contract on the lands allotted to Ream, after allotment certificate is issued to him, and to advise the railroad company that no objection appears to its paying such royalty to the allottee.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

i inclosure.

(Endorsed) Union Agency No. 9206. Received. Mar. 31, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 24, 1904. Secretary---Rescinds instructions that agent should take steps to cancel stone contract on allotment of Boudinot Ream after issuance of certificate; contract should continue in force but royalty be paid direct to allottee.



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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 3424-1904.  
3432 "

April 27, 1904.

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

Sir:

There is inclosed herewith a copy of the Indian appropriation act approved April 21, 1904 (Pub. No. 125), and your attention is invited to the following paragraph on page 29, viz:-

"For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chick-saw, and Seminole Nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations as he may prescribe."

You are requested to call the attention of the Superintendent of Schools in Indian Territory to said provision, and request him to submit a draft of regulations, through you, to be transmitted to the Department through the Indian Office, with



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such recommendations as you may deem best to make in the premises.

Respectfully,

Thos. Ryan.  
Acting Secretary.

1 inclosure.

(Endorsed) Union Agency # 9442 Received May 3, 1904. Office of U. S. Indian Inspector for Indian Territory. Washington, April 27, 1904. Secretary. Transmits copy of Indian Appropriation Act approved April 21, 1904; should request Supt. of Schools to submit draft of regulations to carry out provisions relative to schools in Indian Territory.



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DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General.

3424 )  
3432 ) 1904.  
Ind.Ter.Div.

Washington, May 6, 1904.

The Secretary

of the Interior,

Sir:

By letter of April 23, 1904, you invite attention to the provision in the Indian appropriation act, approved April 21, relative to the removal of restrictions on the alienation of lands allotted to members of the Five Civilized Tribes of Indians, and to the provision respecting allotments in the Cherokee Nation. You also refer to paragraph 4 of the act of July 1, 1898 (30 stat., 567), ratifying an agreement with the Seminole Nation; to paragraph 6 defining the word "select," and sections 15, 16 and 71 of the act of July 1, 1902 (32 stat., 641), ratifying an agreement with the Choctaw and Chickasaw tribes, and to sections 6, 13, 14, 15, 69 and 72 of the act of July 1, 1902 (32 stat., 716), ratifying an agreement with the Cherokee Nation. You then ask my opinion as follows:

I desire your opinion upon said provisions in the Indian appropriation act, and especially wish to be advised whether they they operate as a repeal of the limitations contained in the acts relative to the alienation of lands by the Seminoles, Choctaws, Chickasaws and Cherokees.

I desire to be further advised whether under the first named provision of the Indian appropriation act the Secretary of the Interior has any authority to authorize the sale of any land



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belonging to minors, members of either of the Five Civilized Tribes; also, whether under said second proviso leases heretofore duly made under said acts confirming agreements with said nations, by members of the Seminole, Choctaw and Chickasaw Nations, are legal and binding without the approval of the U.S. Indian Agent at the Union Agency and the Secretary of the Interior under rules and regulations to be prescribed under said provision of the Indian appropriation act. Many mineral leases have been made under the regulations issued May 4, 1903, and amendments thereto, with members of the Cherokee Nation, and have been held awaiting action upon the Indian appropriation act validating the action of the Dawes Commission "with respect to allotments in the Cherokee Nation." Your opinion is desired whether said leases may now be approved if found to comply with the requirements of said regulations.

The first provision of said appropriation act referred to says;

And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian Agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding



of the United States Indian Agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded.

The second provision reads as follows:

That no proceedings heretofore had with respect to allotments in the Cherokee Nation shall be held invalid on the ground that they were had before there was authority to begin the work of allotment in said nation: Provided, That nothing herein shall be construed as validating any filings heretofore made on lands segregated for the Delaware Indians.

The provision of the agreement with the Seminole Nation says: "All contracts for sale, disposition, or incumbrance of a part of any allotment made prior to date of patent shall be void." That agreement provides that when the tribal government shall cease to exist the principal chief, last elected, shall execute and deliver to each allottee a deed for the land so allotted to him and that the Secretary of the Interior shall approve such deed, which approval shall operate as a relinquishment of the right, title and interest of the United States in and to the land. Each allottee is to designate one tract of 40 acres which shall by the terms of the deed be made inalienable and non-taxable as a homestead in perpetuity.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat., 641), the word "select" is declared to mean the formal application at the land office for particular tracts of land. Sections 15 and 16 of said act provide:

15. Lands allotted to members and freedmen shall not be



affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this Act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent: Provided, That such land shall not be alienable by the allottee or his heirs at any time before the expiration of the Choctaw and Chickasaw tribal governments for less than its appraised value.

Section 71 of that act reads as follows:

After the expiration of nine months after the date of the original selection of an allotment, by or for any citizen or freedmen of the Choctaw or Chickasaw tribes, as provided in this agreement, no contest shall be instituted against such selection.

Section 6 of the act of July 1, 1902 (32 stat., 716), defines the word "select" in the same way as it is defined in the Choctaw-Chickasaw agreement.

Sections 13, 14 and 15 of the Cherokee act read as follows:

Sec.13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to forty acres of the average allotable lands in the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of



allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be non-taxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

Sec.14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this Act.

Sec.15. All lands allotted to the members of said tribe, except such land as is set aside to each for a homestead as herein provided, shall be alienable in five years after issuance of patent.

Section 69 provides that no contest shall be instituted against any Cherokee allotment after the expiration of nine months from the date of the original selection; and section 72 provides that Cherokee citizens may rent their allotments, when selected, for a term not exceeding one year for grazing purposes or five years for agricultural purposes; that leases for longer periods for such purposes and for mineral purposes may be made with the approval of the Secretary of the Interior; and that any lease violative of said section shall be absolutely void and non-susceptible of ratification in any manner.

The first provision of the Indian appropriation act declares that all restrictions upon alienation by allottees not of Indian blood, except minors and except as to homesteads, are "hereby removed." This language is explicit and unambiguous. It leaves no room for construction. It operates to the extent indicated as a repeal of the provisions of former acts, placing limitation



upon the power of alienation. It does not purport to change the then existing laws respecting alienation of homesteads of the allottee not of Indian blood and it does not purport to affect in any manner allottees not of Indian blood, who are minors.

The second clause of this provision gives the Secretary of the Interior authority to, in effect, extend, in his discretion, the first clause to allottees of Indian blood. He has, however, no authority to change or disregard provisions in then existing laws respecting alienation of homesteads or by minors. To the extent thus indicated the act in question removes restrictions imposed by former laws.

As intimated above, the provision of the appropriation act under consideration does not purport to change existing law as to the sale of land allotted to minors of said tribes. As to such lands the laws relative to the various tribes remain exactly as prior to the passage of this appropriation act. Whatever authority the Secretary of the Interior had respecting the sale of such lands he still has.

The third question submitted is: "whether, under said second proviso, leases heretofore duly made under said acts confirming agreements with said nations, by members of the Seminole, Choctaw and Chickasaw Nations are legal and binding without the approval of the United States Indian Agent at the Union Agency and the Secretary of the Interior under rules and regulations to be prescribed under said provision of the Indian appropriation act."

The matter referred to as "the second proviso," is, presumably, the extract first herein quoted from the Indian appropriation act. The paragraph in which it appears has two provisos, in the second of which is found this provision removing restric-



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tions upon alienation. That provision makes no reference to leases as such.

The matters of alienation of lands by Indian allottees and of leasing, are treated of and provided for in the various agreements and acts as entirely separate and distinct matters. It is true a lease of land is in a certain sense an alienation. It transfers to and vests in the lessee certain rights of possession and use of the land but does not convey to him the title. The alienation from which it was intended by the Indian appropriation act to remove restrictions, was that character of proceedings which would involve the sale and transfer of the title. The provisions of the various agreements and laws relative to and governing the leasing of allotted lands were not intended to be and are not affected by this provision of the Indian appropriation act. A lease that was before not legal or binding without the approval of the Indian agent and the Secretary of the Interior is now equally ineffective without such approval. In other words, this is not a confirmatory provision and does not purport to cure defects in existing instruments or in fact to in any manner affect leases. The rules and regulations to be prescribed under this provision of the appropriation act are with respect to the removal of the restrictions upon alienation by allottees of said tribes of Indian blood, except minors, and except as to homesteads and it is not contemplated by the act that such rules and regulations should have any effect upon the manner of execution or approval of leases of allotted land.

In the last question you ask, substantially, whether leases heretofore made under regulations of the Department, by members

9611



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of the Cherokee Nation, may now be approved. The Commission to the Five Civilized Tribes permitted selections of allotments by members of the Cherokee Nation prior to the time when such selections were authorized to be made. The second provision of the appropriation act referred to and quoted above, declares that no proceedings with respect to such allotments shall be held invalid on the ground that they were had before there was authority to begin the work of allotment in said nation. This provision removed from such allotments the one element of invalidity. It declares, in effect, that they shall be considered as having been properly made in point of time. If in other respects valid, they are to be treated as proper allotments, and leases of such allotments, if in conformity to the law and regulations, may now be approved exactly as if there had been authority for the making of such allotments at the time of their allowance.

The papers submitted are herewith returned.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved; May 6, 1904.

E. A. HITCHCOCK,

Secretary.

(Endorsed) Union Agency No. 9511 Received May 14, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, May 9, 1904. Secretary.-----Encloses copy of Asst. Atty. General relative to alienation and leasing of lands of Five Civilized Tribes, Agent should now receive Cherokee leases.-----



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

WASHINGTON.

I.T.D. 3704-1904.

May 7, 1904.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

There is inclosed herewith a letter of April 20, 1904, from Amos Sharp, Erie, Tennessee, in which he states that he has a son in the Indian Territory who is insane, and requests to be advised if there is any provision for the care of insane persons in the Indian Territory.

Your attention is called to the act of April 28, 1904 (Public No. 219), which provides:

"That the Secretary of the Interior is hereby authorized to make proper arrangements for the care and support of insane persons in the Indian Territory and for that purpose the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, however, That insane Indians in said Territory shall be cared for at the Asylum at Canton, Lincoln County, South Dakota."

It is requested that you take this matter up with Mr. Sharp, and report in due time with recommendation.

Reporting in the matter May 4, 1904, the Indian Office states that if Mr. Sharp's son is not an Indian, the Indian Office apparently has no jurisdiction in the matter.

Respectfully,

E. A. Hitchcock,  
Secretary.



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(Endorsed) Union Agency No. 9512. Received. May 14, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, May 7, 1904. Secretary. e--Encloses for report letter of Amos Sharp, of Erie, Tenn stating he has a son in Ind. Ter., who is insane and asking if there is any provision for such persons; calls attention to act of Apr. 23, 1904, appropriating \$25,000 for care of insane.



Land.  
31,666-1904.  
35,676-1904.  
35,677-1904.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

June 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the communication of E.D.Nims, President of the Pioneer Telephone and Telegraph Company, dated at Muskogee, Indian Territory, (1) May 26, 1904; (2) May 23, 1904, transmitting for departmental approval, maps showing the definite location of telephone lines constructed by the Arkansas Valley Telephone Company and lines proposed to be constructed by the Pioneer Telephone and Telegraph Company.

It is shown that the Pioneer Telephone and Telegraph Company is the successor of all telephone lines, telephone exchanges and property of the Arkansas Valley Telephone Company which had been granted permission to locate and construct telephone lines in Indian Territory, also all telephone lines, telephone exchanges and property of the Long Distance Telephone Company, of Shawnee, Oklahoma, and all the telephone lines and property of the North American Telephone and Telegraph Company of Muskogee, I.T., which had constructed telephone lines in Indian Territory under departmental approval.

It is shown that the Pioneer Telephone and Telegraph Company has a fully paid up capital of \$715,000; that it has no



floating or bonded indebtedness of any kind whatever; that the stockholders are practically the same as those who formerly owned stock of the Arkansas Valley Telephone Company and the Long Distance Telephone Company together with some eastern stockholders who purchased an interest at the time these three properties were merged into one company, and that the Pioneer Telephone and Telegraph Company is organized under the laws of the Territory of Oklahoma with an authorized capital of \$3,000,000 with \$800,000 subscribed, of which \$715,000 has been fully paid.

In his communication of May 23, 1904, (35,677-1904) Mr. Nims states that the Pioneer Telephone and Telegraph Company has filed an application and appointed an agent at South McAlester, Indian Territory, enabling them to do business in the Indian Territory; that the formal application will be filed with the Department in a short time requesting the approval of the transfer of the permit heretofore granted to the Arkansas Valley Telephone Company, the Long Distance Telephone Company and the North American Telephone and Telegraph Company to the first named company. He states that in the meantime he would greatly appreciate it if the Department would grant the company permission to construct the lines shown upon the maps of location herewith and not heretofore constructed, in order that the company may complete the same before the coming crop season. It is stated that the inhabitants along the new line of railroad from Atoka, Choctaw Nation, to Ada, Chickasaw Nation, a distance of 68.54 miles, are very anxious to get telephone communication, and if the company receives departmental approval it will construct the line immediately.



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The maps relating to the proposed new line -- four in number--show the located line as follows: (1) from Atoka along the right of way of the Texas and Oklahoma Railway, to Coalgate, all in the Choctaw Nation, I.T., a distance of 16.38 miles; (2) From Coalgate westerly along the north side of the Texas and Oklahoma Railway to the east line of the Chickasaw Nation, all in the Choctaw Nation, a distance of 16.90 miles; (3) From the east line of the Chickasaw Nation westerly along the north side of the Texas and Oklahoma Railway to Ada, Chickasaw Nation, I.T., a distance of 18.28 miles; (4) From Ada northwesterly along the north side of the Texas and Oklahoma Railway to the north line of section 22, township 6 north, range 5 east, Chickasaw Nation, a distance of 16.98 miles, making a total of 68.54, miles.

The other maps transmitted herewith show the definite locations of the several telephone lines constructed by the Arkansas Valley Telephone Company, maps of the definite location of which have not heretofore been approved. The total distance of these lines is 98.70 miles. There has heretofore been approved to this company maps showing lines 113.25 miles in length. It is shown in the communication dated May 23, 1904 (35,676-1904) that there has been constructed by the Arkansas Valley Telephone company further lines extending from Mill Creek, Chickasaw Nation, I.T., to the Red River, a distance of 50.39 miles.

The line extending from Scullin to Sulphur, in the Chickasaw Nation, a distance of 9.50 miles, has been relocated and maps showing the changed location are also transmitted for departmental approval.

From an examination of the maps submitted by this company,



it would appear that the company has constructed 270.86 miles of telephone line in Indian Territory, and proposes to construct an additional 68.54 miles.

The records of this office show that the company has paid damages on 166.58 miles of line, leaving 105.28 miles of constructed lines upon which no damages have been paid. Damages have also been assessed against the company for telephone exchanges in the total sum of \$45.90, which remain unpaid. The taxes for the fiscal year ended June 30, 1903, have not been paid nor has the company filed with this office the required affidavit showing the total length of its completed line and the date of the completion of each section of ten miles or fraction thereof, although it has been called upon at numerous times to pay these taxes and to transmit the affidavit referred to.

The maps herewith showing the line extending from Atoka westerly, a distance of 68.54 miles, are submitted by the Pioneer Telephone and Telegraph Company for approval. This company has not yet filed the proofs and showings required by departmental regulations and the office has no information as to whether or not the company is authorized to operate in Indian Territory other than that contained in Mr. Nims' letter of May 23, 1904.

In view of the foregoing, it is deemed prudent to recommend that the U.S. Indian Inspector for Indian Territory be directed to notify Mr. Nims that the maps submitted by the Pioneer Telephone and Telegraph Company cannot be approved until after the company shall have complied with departmental regulations and that the Department will not permit any further operations by this company or its predecessors until after the damages due



and remaining unpaid on its constructed lines shall have been paid, which said damages it is recommended be assessed at the uniform rate of \$3.30 per mile upon all lines now constructed and for which damages have not heretofore been paid; also that the Inspector be directed to notify Mr. Nims that no further maps will be approved to the Arkansas Valley Telephone Company, the Long Distance Telephone Company, or their successor, the Pioneer Telephone and telegraph Company until all taxes at the rate of \$5 for each ten miles of line shall have been paid; also that the Department expects that prompt payment will be made of the tax for the fiscal year ending June 30, 1904.

Very respectfully,

A.C. Tonner

Acting Commissioner.

(C.F.H.) P.

(Endorsed) Union Agency No. 9747 Received Jun. 17, 1904 Office of U.S. Indian Inspector for Indian Territory. Washington, June 9, 1904. Secretary.-----Relative to operations of Arkansas Valley Telephone Company and Pioneer Telephone and Telegraph Company; directed to allow E.D. Nims 20 days in which to comply with regulations of the Department.-----



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DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 5014-1904.

June 23, 1904.

United States Indian Inspector  
for the Indian Territory,  
Muskogee, Ind.Ter.

Sir:

The Department is in receipt of a communication from Acting Attorney-General J.C.McReynolds, inclosing copy of a letter addressed to the clerks of the court in the several districts of the Indian Territory, as follows:

Sir:

In view of the provisions of the Indian appropriation act of April 21, 1904 (Public No.125, page 17), the Department suggests the advisability of admitting to record all deeds to Indian lands which do not plainly appear to be null and void for want of capacity in the grantor to convey. Any doubt should be resolved in favor of the grantor's capacity.

This instruction is sent for your information.

Respectfully,

M.W.Miller

Acting Secretary.

(Endorsed) Union Agency No.9801 Received Jun.28,1904 Office of U.S.Indian Inspector, for Indian Territory.Washington June 23, 1904.Secretary.-----Relative to copy of letter from Assistant Attorney General, regarding recording of deeds to Indian lands.-----



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Refer in reply to the following:

Land.  
39594-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 27, 1904.

J. George Wright, Esq.,

U. S. Indian Inspector Indian Territory,  
Muskogee, I.T.

Sir:

Having reference to your report dated March 22, 1904, concerning the non-compliance with Department regulations by certain telephone companies operating in the Indian Territory, you are advised that this office April 13, 1904, submitted for the opinion of the Secretary of the Interior, the question "whether or not a company constructing its line of telephone prior to the passage of the Act of March 3, 1901, is liable for damages assessed under the provisions of Section 3 of said Act of March 3, 1901."

The office is now in receipt of Departmental letter dated June 14, 1904, enclosing a copy of the opinion of the Assistant Attorney General dated June 10, 1904, and approved the same date by the Secretary of the Interior, in which it is held that lines constructed prior to said act of 1901, upon which the right of way damages had been fixed and paid under authority of the Indian government are not subject to be again assessed therefor under said act. A press copy of the said opinion is enclosed herewith for your further information.

You are requested to communicate with the proper officers of the Muskogee National Telephone Company, the Tishomingo & International Telephone Company, and the officers of any other company



claiming to have constructed its lines of telephone prior to March 3, 1901, advising them of the opinion of the Department with respect to the payment of damages on any such lines and request each of said companies to file an affidavit of its president or other principal officer, showing the date of the completion of their telephone lines, the number of miles of constructed lines, and such other necessary information as will supply the office the necessary data upon which to determine their liability for damages.

You will also notify all of such companies that they are liable for the annual charge designated by the Secretary of the Interior under the provisions of Section 3 of the Act of March 3, 1901, at the rate of \$5 per annum for each ten miles of line owned and operated by them in the Indian Territory from March 3, 1901, the date of the enactment of the above mentioned law, to and including June 30, 1904, with respect to those portions of their lines constructed prior to March 3, 1901, and with respect to lines constructed since that date, from the date of the completion of the same, to June 30, 1904, at said rate of \$5 per annum for each ten miles. You will advise these companies that this tax must be paid without further delay.

Concerning the Chickasaw Telephone Company, for which Mr. H. C. Potter, February 11, 1904, in a communication addressed to you, tendered in payment, under protest, a draft in the sum of \$677.60, to cover the damages on the telephone lines of said company, you are advised that the said draft had been held in this office pending the receipt of the decision of the Department with



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respect to the question involved as hereinabove mentioned, and that this office has taken the matter up with Mr. Potter. You need not therefore include this company in the instructions with respect to other delinquent companies.

An early report in this matter is desired in order that some positive action may be taken, if found necessary, after the expiration of the fiscal year ending June 30, 1904.

Very respectfully,

A. C. Tonner,

CFH-H

Acting Commissioner.

(Endorsed) Union Agency No. 9816. Received Jul. 1, 1904. Office of U. S. Indian Inspector for Indian Territory. Washington, June 27, 1904. Commissioner. --- Relative to telephone companies constructing lines of telephone prior to passage of Act of March 3, 1901, being liable for damages assessed under said act.



DEPARTMENT OF THE INTERIOR,

Washington.

ITD 1716,4705,5260-'04.

July 1, 1904.

United States Indian Inspector

for the Indian Territory,

Muskogee, Indian Territory.

Sir:

June 16, 1904, you reported on communication of Zevely & Givens, Muskogee, I. T., dated June 4, 1904, relative to delay in action upon the coal and asphalt lease from Hugh Henry, as guardian of Annie May Henry, to the Whitehead Coal Mining Company, in which they refer to departmental letter of May 18, 1904, advising that the lease "is being held up until the receipt of a bond from the lessee, as is required by the regulations."

You report that the bond was, as stated by the attorneys, filed under date of March 29, 1904, but that there is no record in your office, or in the office of the U. S. Indian Agent, of any information having ever been received that the lease had been approved or acted upon the Department, therefore the bond was held by the Agent awaiting advice of the approval of the lease; that on June 7, 1904, the attorneys having advised the Agent that they were in receipt of information from the Department that the lease had been approved, the bond, at their request, was forwarded, and you suggest that inasmuch as it appears that advice as to the action upon this lease has gone astray, that said attorneys be advised that the bond was being held by the Agent awaiting such advice.



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Reporting in the matter June 24, 1904, the Acting Commissioner of Indian Affairs stated the Agent's report of June 7, 1904, transmitting the said bond, was forwarded to the Department with his office report of June 18, 1904; that as stated therein the records of his office do not show that the lease referred to has been approved by the Department but that it has informal information that said lease has been approved, and sees no objection to the attorneys being advised as suggested by the Inspector.

The bond referred to was received with the Acting Commissioner's report of June 18, 1904, and by departmental letter of June 22, 1904, approved and returned to the Indian Office. With said departmental letter of June 22, 1904, was transmitted a copy of departmental letter of April 1, 1904, approving said lease from Hugh Henry, as guardian of Annie May Henry, to the Whitehead Coal Mining Company, in accordance with the Acting Commissioner's request.

Messrs. Zevely & Givens have been advised by departmental letter of even date in accordance with your suggestion and furnished with a copy of your report.

Respectfully,

E. A. Hitchcock,

Secretary.

(Endorsed) Union Agency No. 9848. Received Jul. 9, 1904. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C., July 1, 1904. Secretary.-----Relative to a report on letter of Messrs. Zevely & Givens concerning delay in action upon a coal lease of Annie May Henry and Whitehead Coal Mining Co.; report approved and attorneys advised.

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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 5866-1904.

July 23, 1904.

U.S. Indian Inspector

for the Indian Territory.

Sir:

The Department is in receipt of your communication dated July 11, 1904, acknowledging departmental letter dated June 27, 1904 (I.T.D. 5198-5168-1904), inclosing a copy of the rules and regulations governing the disbursement of \$100,000 appropriated by the act of April 21, 1904 (33 stat., 189), transmitting to the Department a communication from the School Supervisor dated July 8, and also the Superintendent of Schools dated same day. You ask that said departmental letter be modified and that the salaries of the tribal school authorities be increased as originally recommended by you, and also renew your recommendation for the increase of compensation to the Supervisors and an allowance of a clerk to each at a salary of \$800, and an additional clerk for the Superintendent, that same would make an aggregate increase of \$7,450 per annum.

The Acting Commissioner of Indian Affairs forwarded your report on July 19, 1904, and recommends in view of all the circumstances that no change be made except that the Superintendent of Schools for the Indian Territory be allowed to employ an additional clerk at a compensation not to exceed \$800 per annum, payable from said fund of \$100,000.



The matter has been carefully considered and it has been deemed advisable to allow the Creek, Choctaw, and Chickasaw Tribal Superintendents each \$200 additional, instead of the \$300 recommended by you; that the Seminole School Superintendent be allowed \$100 as recommended by you; that each of the three members of the Cherokee Board of Education be allowed \$100, instead of \$150 recommended in your report; that the four United States Supervisors be allowed an additional compensation of \$200, instead of \$500 which you recommended.

It is not deemed advisable to allow any of said appropriation to be used for clerical hire for the four School Supervisors, but it is believed that the United States Superintendent of Schools should be allowed the additional sum of \$600 for clerk hire in his office; said sums above mentioned will be payable out of said appropriation of \$100,000, and the Commissioner of Indian Affairs has been so advised.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 9995 Received Jul. 30, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, July 23, 1904. Secretary. --- Authority granted for increase of \$200 each in salaries of Creek, Choctaw and Chickasaw Tribal Superintendents & \$100 in salary of each member of Cherokee Board of education; also for additional clerical force in office of Supt. of Schools. Also increase of \$100 to Seminole Tribal Supt. ---



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DEPARTMENT OF THE INTERIOR,  
ITD 6124-1904. Washington. July 30, 1904.

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

Sir:

The Department is in receipt of your report dated July 16, 1904, transmitting two communications from the Superintendent of Schools in Indian Territory, requesting further instructions with reference to the rules and regulations prescribed under the Act of April 21, 1904, governing the disbursement of the \$100,000 appropriated by said Act "for the maintenance, strengthening and enlarging of the tribal schools."

Concerning the Superintendent's inquiry as to how he shall proceed to carry out Section 6 of the regulations, providing that the salaries and positions shall be fixed by the Secretary of the Interior, on his recommendation, you recommend that the Superintendent be authorized to employ teachers at not to exceed \$50.00 per month, and to assign them to duty, immediately thereafter reporting their names and salaries to be paid to the Department for approval.

In this recommendation the Department concurs.

The Superintendent asks if schools can be established in exclusively white neighborhoods in those cases where Indians have rented their lands to white tenants and moved to other localities. You suggest, in this connection, that if it is practicable, under the regulations, schools be established in localities where most needed by both Indians and whites, and that if



no Indian children attend, the whole expense of teaching be paid from this appropriation, and, otherwise, the expense be apportioned between the whites and Indians.

It is believed that the regulations are sufficient to cover such cases as those just mentioned, and the Department, therefore, approves your suggestion.

In regard to utilizing a portion of said appropriation for the establishment of schools for freedmen in the Choctaw and Chickasaw nations, where said freedmen are not entitled to any part of the tribal school fund, and also to those freedmen children at localities where there are no Indians whatever, the Acting Commissioner of Indian Affairs, transmitting your report July 28, 1904, states that in his opinion a portion of the fund can be so used.

This also meets the Department's approval.

You will advise the Superintendent of the action herein taken.

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

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 10038 Received Aug. 6, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, July 30, 1904. Secretary. ---- Approves report concerning regulations governing disbursement of \$100,000 school fund, as to fixing salaries and establishing schools. ----



Education  
52136-1904.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Washington,

August 5, 1904.

United States Indian Inspector,  
Muskogee, Indian Territory.

Sir:

The communication of Supt. Benedict forwarding a communication from W.N. Stannard, of Ottawa, Indian Territory, relative to the need of schools for Indians of the Quapaw reservation, with special reference to the appropriation of \$100,000 recently made by Congress, is received. Supt. Benedict wishes to refer the matter of your right to use any part of this money in the Quapaw reservation for decision.

This matter was submitted to the Department for direction, it being the opinion of this office that no proportion of the \$100,000 is available to the schools of the Quapaw reservation.

The Department states that the appropriation referred to was made by the act of April 21, 1904, (33 stats 189) in the following language:

"For the maintenance, strengthening and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw and Seminole Nations, and making provision for the attendance of children of non-citizens therein, and the establishment of new schools under the control of the tribal school boards and the Department of the Interior, the sum of \$100,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior and disbursed by him under such rules and regulations



as he may prescribe."

The plain reading therefore of the act leaves no room for doubt that said appropriation is only applicable to the schools in the Nations named therein, and does not apply to the schools in the Quapaw agency.

The communication of Mr. Stannard is herewith returned.

Very respectfully,

A.C. Tonner

Acting Commissioner.

J.H.D.

WRH.

(Endorsed) Union Agency No. 10044 Received Aug. 8, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, Aug. 5, 1904. Commissioner.-----Relative to letter of W.N. Stannard, concerning schools at Quapaw Agency; holds none of the recent appropriation by Congress can be used at such Agency.-----



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.7128,7715-1904.

September 10, 1904.

Mr.J.Geo.Wright,

U.S.Indian Inspector,

Muskogee, I.T.

Sir:

By departmental letter and telegram of the 7th instant you were authorized to prepare a contract with the authorities of an institution now known as Oak Lawn Retreat, Jacksonville, Ill., soon to be incorporated, for the care of insane persons in the Indian Territory at the rate of \$225 each per year, said contract to be submitted to the Department for its approval.

These instructions to you were based upon your report of September 3, 1904, relative to the matter, which was exceedingly favorable to the institution named above. The only doubt felt by the Department however was that the price named is not sufficient to cover the expense of competent medical attendance and nursing, in addition to the cost likely to be incurred for the living expenses connected with the care of insane persons.

It has not as yet been made to appear that in view of all the circumstances the instructions given you were not for the best. The Department is, however, in receipt of a letter relative to the Oak Lawn Sanitarium from Dr.Geo.C.McFarland, formerly superintendent of that institution. That Dr.McFarland is not without standing as a medical man is evident from the letter of Thomas Worthington, United States attorney, which was



submitted to you as an argument in favor of the Oak Lawn Sanitarium.

Referring to Dr.McFarland and his father, Dr.Andrew McFarland, and to the Oak Lawn Sanitarium, Mr.Worthington states: "Both of whom have had charge of said institution in the past, and who have probably a national reputation in their profession."

Inasmuch as the manager of Oak Lawn Sanitarium thus relies upon the connection of Dr.McFarland with that institution as an argument in favor of it, it seems fitting that Dr.McFarland's opinion, given over his own hand adverse to that institution, should also be given careful consideration. Dr.McFarland's letter is as follows:

Jacksonville, Illinois, Sept.9,1904.

Hon.Sec'y Hitchcock,  
Washington,D.C.

Dear Sir:

Do not approve the contract for the care of the insane until you send the Inspector to go over the situation, as it is not conducted along humane lines and is not under the supervision of the State Board of Charities. I have severed my connection, and as my name was used I hope you will consider this before the contract is closed.

Yours,

Geo.C.McFarland,  
Late superintendent,  
1011 South East St.

It is exceedingly important that no mistake be made in the selection of an asylum for the care of the insane of the Indian Territory, whose welfare is under the immediate supervision of the Department. Any failure in this matter upon the part of the Department, whether due to the representation of its Agents or otherwise, will eventually result in widespread and adverse criticism and work irreparable injury to helpless persons.



You are therefore directed to cause further investigation to be made in regard to the Oak Lawn Sanitarium along the lines of Dr. McFarland's letter, visiting the institution again if necessary. In this connection it is noted that the recommendations submitted in favor of it come in no instance from any medical or charitable society or association. Such indorsements should not be lacking. In conducting your investigation you will, of course, obtain all the information possible both for and against the institution, ascertaining particularly what its standing is among medical men and associations in Jacksonville and within the radius from whence it draws its patronage.

Inasmuch as this further investigation has been found necessary you will also ascertain whether or not \$225 per annum for each patient is an adequate sum, and if you find otherwise you will report what in your opinion is the minimum sum which will be sufficient to defray the expenses incident to this matter.

In submitting the contract which you were directed to prepare you will transmit therewith your report and the evidence upon which the same is founded.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 10238 Received Sept. 12, 1904 Office of U.S. Indian Inspector, for Indian Territory. Washington, D.C., Sept. 10, 1904. Secretary.-----Directed to further investigate Oak Lawn Sanitarium of Jacksonville, Ill., and make report thereon before making contract.-----



Refer in reply to the following:

Land.

67,709-1904.

68389-1904.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

October 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I am in receipt of Department letter of September 29, 1904-- I.T.D. 8257, 8265 - - transmitting for consideration and recommendation, a communication from Hon. William M. Stewart, dated September 24, 1904, relative to the appointment of guardians for minor children of citizens of the Five Civilized Tribes, in Indian Territory; also a copy of the "Indian Citizen", of September 15, 1904, containing the message of Governor Johnston, of the Chickasaw Nation, in which he makes reference to the subject under consideration, and a letter from Senator Stewart, dated September 21, 1904, pertaining to the sale and leasing of lands in Indian Territory.

In the Communication last mentioned Senator Stewart suggests that if possible, under existing law, the Department adopt the plan providing for the disposition of lands referred to "following the principles of the homestead law". He also suggests that the lands be sold on the deferred payment plan.

Senator Stewart's letter of September 21, 1904, relates principally to the leasing and sale of lands. The Department has no jurisdiction of the sale of any lands except those allotted to members of the Creek Tribe of Indians, but under the provisions of the Act of April 21, 1904, (33 Stats., 189), the restrictions upon the alienation of the lands allotted to members of the Five



Civilized Tribes, including Creek Allottees, may be removed by the Department upon proper showing made by the applicant.

With reference to the sale of Creek lands, I have the honor to invite your attention to office report of October 5, 1904, returning a proposed amendment to section 1 of the regulations of July 10, 1903, and an amended form of petition, both relating to the sale of Creek allotted lands, and to say that if section 1 is changed to read as proposed by said amendment, and the proposed form of petition is adopted, I believe that safeguards sufficient to properly protect the interests of Creek allottees will then have been thrown around the sale of their lands. As you are doubtless aware, under existing law the Department has no authority in the matter of leasing Creek and Cherokee lands for agricultural or grazing purposes except where an agricultural lease is for more than five years, and a grazing lease is for more than one year, and that in the Choctaw and Chickasaw Nations the Department has no duty to perform in the premises.

Senator Stewart in his letter of September 24 last states that a gang of grafters "many of them styling themselves Trust Companies" is obtaining possession of the property of minors in the Chickasaw Nation through the appointment of guardians by the United States Courts; that the parents are unable to give bonds and consequently the custody of their children is being taken from them; that these trust companies and grafters when they get the custody of children are "stripping them of their lands under various devices"; that "I made a little talk last evening to the citizens of Tishomingo, during which I was interrupted by one, Guy Cobb, who I understand was



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"once in the Indian service, he inquired of me if there was  
"any law by which an actual settler could get title to Indian  
"lands in the Chickasaw Nation. He then went on to state that  
"he had leased one hundred and twenty thousand acres of land  
"and that there are others who had done likewise. On inquiry  
"I ascertained that these leases are practically without con-  
"sideration, in most instances being \$50.00 per annum for an  
"allotment. In this manner they tie up the land and prevent  
"any bona fide person who desires to farm from obtaining title  
"unless he buys his way out through this gang of professional  
"renters. It was also suggested by the speculators present  
"that it was necessary for all the children to have guardians  
"appointed in order that they might lease their land and ob-  
"tain some revenue from it. One gentlemen (Sic) called on me this  
"morning and stated that he wanted the expenses of obtaining guard-  
"ianships reduced, the cost now being about \$40.00. He stated  
"that it ought to be nominal sum so that they could get them  
"more rapidly".

He expresses the hope that proceedings concerning the appoint-  
ment of guardians will be suspended until the meeting of Congress,  
and says that the judges, as a rule, appear "to be oblivious to the  
fact that the grafters are robbing the Indians and demoralizing the  
country"; that if nothing can be done which will enable the Indians  
to sell their surplus lands to actual settlers for their own benefit,  
payments to be extended through a sufficient number of years to



enable them to use the money on their homesteads, there is no hope for the Indian Territory; that the grafters and speculators do not pretend to conceal the fact that they are in Indian Territory "to get everything in sight, no matter how," and that it will materially check their present schemes if the government will suspend the appointment of guardians until Congress can enact suitable legislation.

Governor Johnston in his message to the Council of the Chickasaw Nation, briefly stated, takes the position that guardians ought not to be appointed for minor children of the Chickasaw Nation at this time; that under the law a parent is the natural guardian of his child, and that "the court has no power to appoint a guardian for a minor child where the natural guardian is living, except where it is made to affirmatively appear that the parent is mentally or morally unfit for the discharge of his duties as natural guardian or is squandering the estate of the child."

There is also enclosed a communication from Agent Shoenfelt, dated September 20, 1904, concerning the matter of the appointment of guardians for minor children. Agent Shoenfelt forwarded with his report a copy of a communication addressed to him on September 2 last, by Hon. Green McCurtain, Principal Chief of the Choctaw Nation, relative to the subject under consideration. Principal chief McCurtain takes the position that the appointment of guardians at this time "would be very ill-advised and would result not only in widespread dissatisfaction and discontent among our people, but in positive harm to their property and property interests." He considers that the parent, the natural guardian of the child, should have the custody of the person and



estate of the child.

Under the Act of Congress approved April 28, 1904, it appears that full and complete, if not exclusive jurisdiction, in the matter of the appointment of guardians, is conferred upon the United States courts for Indian Territory, and that the tribal courts of the Choctaw, Chickasaw and Seminole Nations are without jurisdiction in the matter. It has been stated to this office, informally, however, that the United States courts of the Choctaw and Chickasaw Nations have intimated that the tribal courts have concurrent jurisdiction in the matter of the appointment of guardians, but that the question has not been passed upon by the court of either district.

With reference to this it is observed that the law declares that all of the laws of Arkansas put in force in Indian Territory prior to the approval of the Act of April 28, 1904, are continued and extended in their operations to embrace the estates of all persons in Indian Territory whether Indians, freedmen or otherwise "and full and complete jurisdiction is hereby conferred upon the district courts in said Territory in the settlement of all estates of decedents, the guardianship of minors and incompetents, whether Indians, freedmen or otherwise." It seems to this office, therefore, that the tribal courts have been shorn of their jurisdiction with reference to the appointment of guardians in the Choctaw, Chickasaw and Seminole Indians, and George A. Mansfield, Esq., one of the Attorneys for the Choctaw and Chickasaw Nations, has informally advised this office that the tribal authorities will see, even though it should be determined that the tribal courts have concurrent jurisdiction in the appointment of guardians, that they take no action whatever in the premises should the



Department conclude and decide that the interests of the Indians will be best subserved by the suspension of the appointment of guardians until after Congress shall have convened.

Section 3465 of Mansfield's Digest of the Statutes of Arkansas is as follows:

"In all cases not otherwise provided for by law, the father while living, and, after his death, or when there shall be no lawful father, then the mother, if living, shall be the natural guardian of their children, and have the custody and care of their persons, education and estates; and, when such estate is not derived from the person acting as guardian, such parent shall give security and account as other guardians."

Section 3471 of said law declares that:

The lawful surviving parent of any minor may, by last will, appoint a guardian of the person of such minor, who shall give bond and security, and be in all things upon the same footing as guardians appointed by the court or chosen by the minors."

Section 3469 provides that:

"The court may also appoint a guardian or curator of the person or estate of any minor whose father may be imprisoned in the penitentiary of this state; and such guardian or curator shall have the same power and control over the person or estate of such minor as if such father was dead."

Section 3470 provides that:

"The mother of such minor shall not, by such appointment, be deprived of her rights under this chapter, and the authority of such guardian or curator to act as such shall not continue after the discharge of the father from his imprisonment, unless

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he consent thereto."

It appears that under the laws of Arkansas the father, if living, has the right to be appointed guardian of his minor child, and that if he be dead, incompetent, in prison or is squandering the estate of such minor the mother may be appointed guardian under the provisions of section 3466 not quoted herein. It seems that the court has no authority to appoint any person other than a parent a guardian for a minor child, unless the parents are dead or have been adjudged incompetent or unfit to discharge the duties of guardian.

The action of the Department and this office in the matter of taking steps toward causing the appointment of guardians for minor children in Indian Territory was occasioned by reason of a desire to put such children, through their legal representative, in legal possession of the lands allotted to them.

After further considering the subject your attention is invited to the fact that section 70 of the supplemental agreement with the Choctaws and Chickasaws provides that allotments may be selected and homesteads designated for minors "by the father or mother, if members, or by a guardian or curator or administrator having charge of their estate in the order named," and that section 23 of said agreement declares that allotment certificates issued by the commission shall be exclusive evidence of the right of the allottee to the tract described therein; and that the United States Indian Agent of the Union Agency shall upon application of the allottee place him in possession of his allotment and remove therefrom "all persons objectionable to such allottee and the acts of the Indian Agent hereunder shall not be controlled by any

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writ or process of any court."

Section 65 of the Choctaw and Chickasaw supplemental agreement declares that:

"The acceptance of patents for minors, prisoners, convicts, and incompetents by persons authorized to select their allotments for them shall be sufficient to bind such minors, prisoners, convicts, and incompetents as to the conveyance of all other lands of the tribes."

From the papers before the office it appears that the proceedings relative to the appointment of guardians for minors in the Indian Territory -- Choctaw and Chickasaw Nations especially -- should be suspended until such time as Congress shall have had opportunity to enact additional legislation relative to the subject, and I respectfully suggest that the Department of Justice be requested to suggest to the United States courts for the southern and central districts of Indian Territory that no action be taken by said courts looking to the appointment of guardians for minor children living within their respective judicial districts until such time as Congress shall have convened and had opportunity to enact suitable legislation applicable to the subject or said courts shall have been advised that the request of the Department of Justice is withdrawn. If the Department of Justice will make the request suggested it is more than probable that the United States courts will comply therewith and that the trouble complained of will, to a great extent at least, be removed.

Considering the conditions in the Choctaw and Chickasaw Nations as they seem to exist, it is believed by this office that the United States Indian Agent in the matter of placing minor



Choctaw and Chickasaw allottees, if not minor Cherokee allottees also, in possession of their allotments should not recognize guardians appointed by the courts if the parents of the minors are living, but should place the father, if living, as agent and natural guardian of the minor, in possession of the allotment and the mother, if the father is dead, as it will be seen by reference to sections 65 and 70 of the Choctaw-Chickasaw supplemental agreement that the father or mother, if citizens, in the order named, are empowered to select allotments for their minor children and are authorized to accept patents issued for such allotments and are by law, to this extent, at least, made the agent of the child as well as being the natural guardian.

If this recommendation is approved by the Department the agent should also be instructed not to recognize a lease contract made by a guardian of a Choctaw or Chickasaw minor if the parent or parents of such minor are living. I respectfully recommend that I be authorized to instruct Agent Shoenfelt, in so far as Choctaw and Chickasaw minors and their allotments are concerned, as above indicated. The course suggested herein is not applicable to the Creek Nation as the United States court for the western judicial district has held that parents have no right to lease the allotments of their minor children without first being appointed their legal guardian or guardians.

A copy of office letter of August 1, last, referred to by Agent Shoenfelt, is enclosed.

Very respectfully,

W.A.Jones

Commissioner.

G.A.W.

P.

10317



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(Endorsed) Union Agency No.10517 Received Nov.4,1904 Office of  
U.S.Indian Inspector, for Indian Territory.Washington, Oct.26,  
1904.Secretary.----Encloses copies of report of Commissioner of  
Indian Affairs and opinion of Assistant Attorney General with  
reference to conditions in Indian Territory examined by Senator  
Stewart.----



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O R D E R.

IT IS HEREBY ORDERED THAT from and after this date no certificate of allotment be issued for lands awarded to contestants in allotment contest cases in the Choctaw, Chickasaw and Cherokee Nations, where there is an outstanding certificate of allotment describing the tract of land involved in the contest proceedings.

Tams Bixby,

CHAIRMAN.

T. B. Needles,

COMMISSIONER.

Muskogee, Indian Territory,

October 11, 1904.

C. R. Breckinridge,

COMMISSIONER.



DEPARTMENT OF THE INTERIOR,

Washington.

Nov.18,1904.

The Indian Inspector of Indian Territory,

Muskogee, I.T.

Sir:

I have to acknowledge the receipt of your communication of the 11th inst. and in reply to say that a copy of the Indian Laws and Treaties recently compiled by Mr.Kappler, is forwarded to your address by registered mail, for your official use and for transmission to your successor in office.

Very respectfully,

Thos.Ryan

Acting Secretary.

(Endorsed) Union Agency No.10602 Received Nov.22,1904 Office of U.S.Indian Inspector for Indian Territory.Washington,Nov.18,1904. Secretary.----Copy of Indian laws and treaties compiled by Mr. Kappler has been forwarded.----



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DEPARTMENT OF THE INTERIOR,

I.T.D.3682-1904.  
3840-1904.  
L.R.S.

Washington, December 7, 1904.

Mr. Charles O. Shepard,

c/o United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

You have this day been appointed and commissioned as a special inspector under the provisions of the Indian Appropriation Act of April 21, 1904 (33 Stat., 204), to assist in placing allottees in the Indian Territory in possession of their allotments, and also to investigate the applications by allottees of the Five Civilized Tribes, who are of Indian blood, for removal of restrictions upon alienation.

Your salary is fixed at \$1,800.00 per annum and actual necessary traveling expenses, including sleeping-car fare, and a per diem of \$2 in lieu of subsistence when on duty in the field, payable from the appropriation of \$30,000 in the Act of Congress approved April 21, 1904 (33 stat., 205), "For the purpose of placing allottees in the Indian Territory in possession of their allotments."

You are directed to report to the United States Indian Agent for the Union Agency for specific instructions relative to your duties and you will be governed accordingly.

There is enclosed herewith a copy of the regulations governing the application by said allottees.

Respectfully,

E.A. Hitchcock, Secretary.



(Endorsed) Union Agency No.10690 Received Dec.10,1904 Office of U.S.Indian Inspector, for Indian Territory.Washington, Dec.7,1904. Secretary.----Encloses letter to Chas.O.Shepard, advising him of his appointment as Special Indian Inspector and directing him to report to Indian Agent for instructions.----



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DEPARTMENT OF THE INTERIOR,  
Washington.

ITD-7528-04.

December 20, 1904.

The United States Indian Inspector,  
Muskogee, Ind. Ter.

Sir:-

Your report of August 3, 1904, relative to certain telephone and telegraph companies in the Indian Territory which have failed to comply with the regulations of the Department under the act of March 3, 1901, was forwarded by the Commissioner of Indian Affairs with his report of September 14, 1904. Letters of even date, instructing you further concerning the companies referred to in your report have been prepared this day. The Department considers it necessary that all its business with the telephone and telegraph companies in the Indian Territory, operating under such act, be transacted through your office. When further action is required respecting any company recommendation will be made by the Indian Office. You will then be advised in the matter. It is desired you deal directly with these companies, calling upon them to comply with the requirements of the Department and making proper investigation where necessary. These companies should be advised that exchange should be made payable to the order of the Commissioner of Indian Affairs but should be transmitted through your office. You will report to the Department, with your recommendations, through the Indian Office. A copy of letter of even date, advising the Commissioner of Indian Affairs hereof is enclosed.



It is also desired that you follow the rule prescribed therein requiring report by separate letter in each case.

Section three of the act of March 3, 1901, supra, provides in part as follows:-

"Congress hereby expressly reserves the right to regulate the tolls, or charges, for the transmission of messages over any lines constructed under the provisions of this act.

In order to determine whether recommendations should be made to Congress relative to the necessity of some action in accordance with the authority conferred by the provision of law quoted above it is requested that you investigate carefully the matter of telephone rates charged in the Indian Territory and that you report whether, in your opinion, the rates charted are reasonable and what action, if any, should be taken concerning them, furnishing with your report to the Department the information upon which your recommendations may be based. This investigation is particularly desired in cases where there has been an apparent consolidation, or merging, of companies.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No.10800 Received Jan 3, 1905. Office of U.S.Indian Inspector for Indian Territory.Washington,Dec. 20, 1904. Secretary.-----Matter of payment of damages and taxes by telephone companies placed in charge of Inspector; should ascertain if rates charged are reasonable, etc.-----



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DIRECT.

DEPARTMENT OF THE INTERIOR,

Washington

I.T.D. 13034  
& 12644-1904.

January 5, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.Ter.

Sir:

December 30, 1904, you transmitted a bond in the sum of \$2,000 dated December 3, 1904, executed by Saint Vincent's Institution for the Insane, a corporation organized and existing under the laws of the State of Missouri, as principal, and The United States Fidelity and Guaranty Company, Baltimore, Md., as surety, in favor of the United States of America, conditioned for the faithful performance by said institution of the stipulations assumed in a certain contract, dated December 3, 1904, between the Secretary of the Interior and said institution, providing for the care and support of insane persons in Indian Territory. Said contract was executed by the Secretary of the Interior December 16, 1904, of which action you were advised by letter of the same date.

You are informed that I have this day approved said bond, and the same will be retained in the Department as provided in said contract.

Respectfully,

E.A.Hitchcock.

Secretary.

(Endorsed) Union Agency No. 10830  
Received Jan. 9, 1905 Office of U.S. Ind. Inspector for I.T. Washington,  
Jan. 5, 1905. Secretary. ---- Approves bond of St. Vincent's Institution  
for Insane, in connection with contract for care of insane. ----



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 12564-1904.

January 14, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

The Department is in receipt of your report dated December 8, 1904, relative to legislation required for winding up the affairs of the Five Civilized Tribes, and making certain recommendations therein, which was forwarded by the Acting Commissioner of Indian Affairs on December 13, 1904.

You are advised that the matter of additional legislation has been carefully considered by the Department, and there are inclosed herewith for your information a copy of a bill transmitted to the Chairmen of the Committees on Indian Affairs of the Senate and House of Representatives on January 9, 1905, "To create in the Department of the Interior a Superintendent of Indian Territory Affairs, to define his duties, and for other purposes," also a copy of a bill "To provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," which was transmitted to the Chairmen of said Committees on January 11, 1905.

Respectfully,

Thos. Ryan

2 inclosures.

Acting Secretary.

(Endorsed) Union Agency No. 10872 Received Office of U.S. Ind. Inspector for Ind. Terry. Washington, Jan. 14, 1905. Secretary. Rel. to legislation looking to winding up of affairs of Five Civilized Tribes; encloses copies of two bills recommended to Chairmen of Indian Committees of House and Senate.



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DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D. 1676-1905:

February 23, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

Referring to your letter of February 8, 1905, transmitting the claim of Dr. Harkins for services rendered during the small pox epidemic of 1899-1900 in the Indian Territory, you are advised that the Department has acted in accordance with your suggestion that the matter be again brought to the attention of Congress, and has recommended that the following provision be inserted in the Indian appropriation act, viz:

"Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of small pox in the Indian Territory, during the fiscal year ended June 30, 1900, all accounts to be first carefully examined and approved by the Secretary of the Interior as just and reasonable before being paid."

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 11120 Received Mar. 2, 1905 Office of U.S. Indian Inspector for Ind. Terr. Washington, Feb. 23, 1905. Secretary.-----  
Advises has recommended an appropriation of \$10,000 to pay small pox claims.-----



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DEPARTMENT OF THE INTERIOR,  
DIRECT. Washington.  
I.T.D. 1774-1905.

February 27, 1905.

United States Indian Inspector

for Indian Territory, Muskogee, I.T.

Sir:

The Department is in receipt of your communication of February 13, 1905, relative to certain insane persons, not Indians, transported under your supervision from the Indian Territory to the St. Vincent's Institution for the Insane, in St. Louis County, Missouri, said persons to be there supported and cared for from an appropriation made by the act of April 28, 1904 (33 stat., 539).

There were 23 of these persons, whose names are as follows;

Emma Englehardt,  
George Ingle,  
Rebecca Harris,  
Marsh J. Reynolds,  
Ida E. Eppler,  
H. Standifer,  
Henry High,  
Lewis Justice,  
Elna Nelson,  
Annie Lee Perkins,  
Thomas G. Alexander,  
Bessie L. Carter,

Robert Whinery,  
R. S. Ayers,  
D. A. McDonald,  
Henry Williams,  
John Worthen,  
Tille Bachelor,  
Mattie Garland,  
Nancy R. Bolles,  
Sam Patch,  
Bettie McLane,  
William I. Moore.

You report that judicial inquiries have been made in each instance and that all of said persons have been duly adjudged insane by the United States Courts. You report further that these cases have been accumulating since the matter was first taken up; that there is no question but what the persons named above should be accorded the benefits of the appropriation cited, and that proper action has been taken as contemplated by the instructions of the Department; also that each and every one of



said persons was of the very poorest class of people; that their condition in many instances was almost indescribable; that they have been practically without medical attendance and sufficient food, and that they had only clothing sufficient to say that they were clothed at all. You also report that in all cases where possible, proof was secured in advance by affidavits before the matters were presented to the United States Attorneys, and that in those cases where only the order of the court is submitted, there were no persons, either relatives or friends, sufficiently interested to furnish any data. In cases of the latter kind, the persons were simply found to be insane and were taken in charge by the officers of the Government. You believe the action taken by your office in every case has been correct and proper, and therefore recommend that the same be approved.

The Department has examined the papers subnitted (Sic) by you in connection with each of these persons, and finds, so far as said papers disclose, that appropriate action has been taken in each case. Your action in the matter is accordingly approved.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 11126 Received Mar 2, 1905 Office of U.S. Indian Inspector, for Indian Territory. Washington, Feb. 27, 1905 Secretary.-----Approves report concerning transporting 23 insane persons to St. Vincent's Institution.-----



Land.  
14809-1905.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington,

March 7, 1905.

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 February 18, referring to Departmental letter of January 21, 1905 (I.T.D. 594-1905), enclosing a clipping from the Muskogee Phoenix, issue of January 1, 1905, referring to an oil lease granted by the Missouri, Kansas and Texas Railroad Company, covering its right of way through Kansas and Indian Territory, and directing that he make investigation with reference to the alleged lease, and report in duplicate.

Mr. Wright now transmits a letter of February 18, from Mr. Clifford L. Jackson, general attorney of the Missouri, Kansas and Texas Railway Company for the Indian Territory, with which he encloses a copy of the contract made by his road with Messrs. B. P. McDonald and Company of Fort Scott, Kansas, which contract Mr. Jackson states has been assigned by Messrs. McDonald and Company to J. B. Showalter. Mr. Jackson further says the Supreme Court of the United States has held that the Missouri, Kansas and Texas Railway Company has a fee for its right of way in the Indian Territory.



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The Inspector returns the clipping and says the copy of the contract is self-explanatory. After the matter of the legality of this contract is considered by the Department he asks to be advised as to any further action it is desired he should take in reference thereto.

The right of way of the Missouri, Kansas and Texas Railway was acquired under the Act of Congress, approved July 25, 1866 (14 Stats., 236), entitled,

An Act granting lands in the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, and its extension to Red River, and several treaties with the Cherokee, Creek and Choctaw and Chickasaw tribes of Indians of 1866 (14 Stats., 799-769-785).

Section 6 of the Act of July 25, 1866, is as follows:

That the right of way through the public lands be, and the same is hereby, granted to said Kansas and Neosho Valley Railroad Company, its successors and assigns, for the construction of a railroad as proposed; and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also necessary grounds for station buildings, work shops, depots, machine shops, switches, side tracks, turn tables, and water stations.

The Kansas and Neosho Valley Railroad mentioned in the



Act referred to is now known as the Missouri, Kansas and Texas Railway Company.

The line from Wybark, Oklahoma, to Tulsa, known as the Missouri, Kansas and Oklahoma Railway was constructed under Act of Congress of March 2, 1899 (30 stats., 990), and was subsequently sold to the Missouri, Kansas and Texas Railway Company under the Act of Congress of April 21, 1904 (32 stats., 240).

Article 11 of the treaty between the United States and the Cherokee Indians, dated July 19, 1866 (14 stats., 799-801), provides:

The Cherokee Nation hereby grant a right of way not exceeding two hundred feet wide, except at stations, switches, water stations, or crossings of rivers, where more may be indispensable to the full enjoyment of the franchise herein granted, and then only two hundred additional feet shall be taken, and only for such length as may be absolutely necessary, through all their lands, to any company or corporation which shall be duly authorized by Congress to construct a railroad from any point north to any point south, and from any point east to any point west of, and which may pass through, the Cherokee Nation.

Article 5 of the treaty between the United States and the Creek Nation of June 14, 1866 (14 Stats., 785), provides:

The Creek Nation hereby grant a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and



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approbation of the Secretary of the Interior, undertake to construct a railroad from any point north of to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary.

Article 6 of the treaty between the United States and the Choctaw and Chickasaw Indians of April 28, 1866 (14 Stats., 769-771), provides:

The Choctaws and Chickasaws hereby grant a right of way through their lands to any company or companies which shall be duly authorized by Congress, or by the legislatures of said Nations, respectively, and which shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad through the Choctaw and Chickasaw Nations from the north to the south thereof, and from the east to the west side thereof, in accordance with the provisions of the eighteenth article of the treaty of June twenty-second, one thousand eight hundred and fifty-five.

Section 1 of the Act of Congress approved March 2, 1899 (30 stats., 990), provides,

That a right of way for a railway, telegraph and telephone line through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian Territory, . . . is hereby granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of this Act and such



laws and regulations as may be prescribed thereunder.

Mr. Jackson in his letter says the United States Supreme Court has held that the Missouri, Kansas and Texas Railway Company has a fee simple title to its right of way through Indian Territory, but unfortunately does not cite the case where such a decision was rendered. An examination of the reports of the Supreme Court has been made in this Office, and no decision of the character mentioned by him has been discovered. In the absence of knowledge of such a decision it will be assumed for the purpose of a decision in this matter that Mr. Jackson is mistaken.

It has been generally held by the courts of this country that a railroad company can only acquire a right of way, the fee remaining in the former owner. It can take nothing from the soil except for the purpose of construction. Decisions to this effect have been rendered as follows:

16 N. Y. 1; 38 Iowa 316; 59 Penn. 290; 50 Mo. 496; 2 Gray 574; 20 Barb 644; 34 N.H. 282; 16 Ill. 198.

It has also been held that a deed which in terms conveyed a "right of way" will be held to pass an easement only.

Cincinnati, etc. R.R. Co. v. Geisel 119 Ind.

77; Brown v. Young 61 Iowa 625; Blakeley v. Chicago etc., R.R. Co. 46 Neb. 272.

In some cases it has been held that the company only acquired an easement even though the deed purports to convey a fee, as witness Choteau v. Mo. Pac. R.R. Co. 122 Mo. 375. In general a railroad right of way acquired by grant may be put to any use which is essential or advantageous to the proper operation of the road, but it can not be used for other



than railroad purposes or in any manner inconsistent with the terms of the grant.

Ill.Cent.R.R. Co. v. Chicago, 141 Ill. 509;  
Calcasieu Lumber Co. v. Harris 77 Tex.18; Wysox  
v. Lake Erie, etc. R.R. Co. 143 Ind. 6.

Many other citations could be given which are in conflict with the attitude of the railway company in this case, but it is deemed that such as have been herein set out are sufficient to indicate the attitude of the courts on the cases involved. The Department on November 20, 1903 (32 Land Decisions 304) under a law, the phraseology of which is not identical with the laws under which these railroad lines were constructed, but where the variance is not of such a character as to establish a different rule, held that the Kansas and Arkansas Valley Railroad Company acquired nothing but an easement under the Acts of Congress of June 1, 1886 (24 Stats., 73), February 24, 1891 (26 Stats., 783), and June 6, 1894 (28 Stats., 86). The railroad companies are not chartered with the intention that they should acquire anything more than an easement in the lands occupied by them. It is not intended that they should engage in any other business than that of transportation. In fact, the laws of most of the States prohibit their engaging in other lines of business. It is unnecessary to discuss the many reasons which are the basis of this attitude of the various States, as they are self-evident. Under the laws authorizing the construction of these lines of railroads, the company acquired no right to any oil that may underlie the right of way, and the company in granting a lease for the production of oil on its right of way



violated the terms under which it occupies the lands in Indian Territory and the rights of the Indians. Unless it is restrained from carrying to completion this contract, it will greatly injure the allottees along its line, and I therefore recommend that the matter be brought to the attention of the Indian Inspector for Indian Territory, and that he be instructed to take immediate steps in case of an attempt being made to bore wells upon the right of way or grounds occupied under this contract between the railroad company and McDonald and Company, now in the hands of Showalter, to cause the United States District Attorney to sue out an injunction and prosecute the case to a finality.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

EBH-WDW

(Endorsed) Union Agency No. **11310** Received Mar. 31, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, Mar. 28, 1905. Secretary.----Rel to oil lease executed by M.K. & T. Ry. Co., covering its right of way in Ind. Ter; should request U.S. Attorney to take action in court; encloses copy of opinion of Asst. Attorney-General relative to validity of same.----



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DEPARTMENT OF THE INTERIOR,  
United States Indian Service,  
UNION AGENCY.

Muskogee, Ind.Ter., March 18, 1905.

The Honorable,

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

Sir:

In the course of our investigation of the affairs of Union Agency, the matter of the management of that part of the work under what is known as the "Revenue Inspector's division" has been brought to our attention, and, upon careful inquiry, we deem it advisable to make a special report on the subject.

This division has the collection of stock and grazing taxes, as follows:

Chickasaw Nation, cattle, horses and mules 25¢ each;  
sheep 5¢ each. (2 horses, 2 cows and 2 calves  
exempt.)  
Choctaw Nation, cattle only, 20¢ each. (No exemption)  
Creek Nation, grazing tax of 15¢ per acre on the  
public domain.  
Cherokee Nation, grazing tax of 15¢ per acre on the  
public domain and \$1.00 per head on unauthorized  
stock.

To conduct this work there are employed: A revenue inspector at a salary of \$2,000.00 per year, \$2.00 per diem in lieu of subsistence and traveling expenses; a stenographer at \$1,000.00 per year; nine district revenue inspectors at \$75.00 per month each and traveling expenses; in addition to Indian police, detailed from time to time, to assist in ejecting stock.



The revenue inspector and stenographer have an office in the Agency building at Muskogee and spend practically all their time there, receiving reports of the district inspectors in the field, sending out instructions, circulars, blanks, etc.

Heretofore the district inspectors have been detailed as follows: Chickasaw Nation, four men; Choctaw Nation, three men; Creek Nation, one; Cherokee Nation, one; Total, nine. Within the past week the number in the Chickasaw has been reduced to three.

The receipts from these taxes and cost of making collections on account of same, for periods indicated, are as follows:

CHOCTAW NATION.

|                                                  |             |
|--------------------------------------------------|-------------|
| Receipts, May 1st, 1904, to March 1st, 1905..... | \$24,050.50 |
| Cost of collecting this amount,.....             | 7,250.17    |
| Net proceeds,.....                               | \$16,800.33 |

CHICKASAW NATION.

|                                      |             |
|--------------------------------------|-------------|
| Receipts for fiscal year, 1904,..... | \$23,225.53 |
| Cost of collecting this amount,..... | 8,293.22    |
| Net proceeds,.....                   | 14,932.31   |

|                                                       |             |
|-------------------------------------------------------|-------------|
| Receipts from July 1st, 1904, to March 1st, 1905..... | \$15,187.70 |
| Cost of collecting this amount,.....                  | 6,927.23    |
| Net proceeds,.....                                    | \$ 8,260.47 |

CREEK NATION

|                                      |             |
|--------------------------------------|-------------|
| Receipts for fiscal year, 1904,..... | \$11,361.85 |
| Cost of collecting same,.....        | 1,176.14    |
| Net proceeds,.....                   | \$10,185.71 |

|                                                  |             |
|--------------------------------------------------|-------------|
| Receipts, July 1, 1904, to March 1st, 1905,..... | \$ 2,370.75 |
| Cost of collecting this amount,.....             | 619.18      |
| Net proceeds,.....                               | \$ 1,751.57 |

CHEROKEE NATION.

|                                                   |             |
|---------------------------------------------------|-------------|
| Receipts for fiscal year, 1904, (hay royalty).... | \$ 1,676.81 |
| Receipts for fiscal year, 1904, (cattle tax)....  | 415.50      |
| Total,.....                                       | \$ 2,092.31 |
| Cost of collecting this amount,.....              | 1,221.98    |
| Receipts (Cattle tax) July 1, 1904 to             | 870.33      |
| March 1st, 1905,.....                             | \$ 2,755.20 |
| Cost of collecting this amount,.....              | 2,270.91    |
| Net proceeds,.....                                | 484.29      |



(The revenue inspector states that the principal expense in the Cherokee Nation was incurred in ejecting trespassing cattle.)

It will be seen, therefore, that the cost of collecting these taxes for twenty months past, amounting to a total of \$81,043.84, has been \$27,758.83 or 34 per cent. In the Choctaw and Chickasaw Nations, for the same period (the figures on all months not obtainable) the collections have been \$62,463.73, at a cost of \$22,470.62 or 36 per cent.

The revenue inspector reports taxes for 1904 uncollected on 5,881 head of horses and cattle in the Chickasaw Nation and 5,286 head in the Choctaw Nation. (Data furnished by the revenue inspector on all matters referred to herein accompanying this report.)

It has appeared to us that the cost of this service is excessive and should be immediately curtailed, not alone for the reason that there seems to be too many persons employed to do this work, but that so much supervision is unnecessary. We are confident this business can be handled just as satisfactorily as at present if under the immediate direction of the U.S. Indian Inspector for Indian Territory, dispensing with the services of the Chief revenue inspector. As the Chief revenue inspector's salary and traveling expenses average \$2850.00 per year, this amount would be entirely saved. We further are of the opinion that instead of nine district revenue inspectors, at salaries of \$75.00 per month each and traveling expenses, averaging \$108.70 each, six men would do the work, if properly supervised. This would result in a saving of \$6,613.20 per year, or a total of \$9,463.20 annually.



We would, therefore, recommend that the positions of the revenue inspector and of three district revenue inspectors be abolished, to take effect April 1st, 1905.

Very respectfully,

Jas.E.Jenkins

Inspector

Cyrus Beede

Inspector.

(P)

I respectfully concur in the above suggestions and recommendations. It would be necessary to have a competent man clerk in my office at \$100 per mo.in lieu of present stenographer.

J.Geo.Wright,

U.S.Indian Inspector

for Indian Territory.

(Endorsed) Union Agency No.11320 Received Apr.3,1905 Office of U.S.Indian Inspector for Indian Territory.Washington,Mar.31, 1905.Commissioner.-----Returns report of Inspectors Jenkins and Beede, the recommendation that office of Revenue Inspector and three district Inspectors be abolished being concurred in by Department; should report names and dates persons whose services are discontinued.-----



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April 1, 1905.

List of applicants for appointment on Police force of Union Agency, Indian Territory from April 1, 1905.

---

Nicholas M. Woolridge, Ardmore, I.T., recommended by Colonel Wm.M.Cravens--(Said to have once been a drinking man).

Robert Patterson, Krebs, I.T., Recommended highly for Morrison's place, by Alf McCay and Richard West.

Clem Rogers, Claremore, Recommended by Chief Rogers.

Forbis Manning, Caddo, I.T. Refers to Captain Chas.Leflore, Limestone Gap; S.J.Homer, Caddo; Alf McCay, McAlester, and other prominent men.

Claude S. Shelton, Vinita, I.T. Recommended by Captain West.

James A. Norman, Muskogee, I.T. (States recommended by Congressman Curtis.)

Andrew J. Miller, Tahlequah, I.T.

J.W.Conser, Heavener, I.T. (Refers to Gov. McCurtain George Scott, S. W. Folsom, and any others asked for.)

Slack Brown, Woodville, I.T. (Desires Will Kaney's place. Does not write well.)

M. T. Campbell, Chickasha, I.T. (Petition signed by R. Bond, E. S. Burney, and others.)

Houstin West, (Cherokee freedman) Rowland, I. T. (Numerously signed petition.)

Andrew J. Alberty, Stilwell, I. T. (Numerously signed petition.)

Cyrus B. Ward, Bokoshe, I. T. (Numerously signed petition)

Robert B. Bean, Tahlequah, I. T.

C. A. Vann, Santown, I. T.

James L. Walker, Dewey, I.T. (Numerously signed petition.)

(Indian Police-no number).



David M. Lee, Muldrow, I. T. (Refers to Leo. E. Bennett, D. M. Wisdom, F. B. Fite, W. H. Darrough, P. L. Soper, and James Huckleberry. Numerously signed petition.)

Adam Wilkins, Howe, I. T. (Will submit petition if necessary)

Joe F. Webb, Ardmore, I. T. (Recommended by B. H. Colbert.)

J. W. White, Hartshorne, I. T. (Signed petition, also two letters of recommendation from Chief of Choctaw Nation.)

Isriael Gardner, Lenton, I. T.

W. L. Parker, Cornish, I. T. (Can furnish endorsements.)

J. C. McCurtain, Enville, I. T.

William E. Tucker, Stringtown, I. T. (Can furnish references. Letter of recommendation by Chief of Choctaw Nation.)

Stephen Cooper, Hartshorne, I. T. (Numerously signed petition)

R. B. Stamm, Stilwell, I. T.

Joe D. McCoy, Emet, I. T. (Refers to Gov. Johnston.)

David Bruner, Holdenville, I. T. (Recommended by John A. Jacobs and others for appointment in Lewis Hardage' place, whom they desire removed.)

R. M. Whaley, Brush Hill, I. T. (Recommended by Cheesie McIntosh. Lives off of railroad.)

R. L. Pierce, Antlers, I. T. (Submits letters of recommendation of John G. Farr and Paul C. Harris.)

Loren D. Dukes, Talihina, I. T. (Refers to Green McCurtain.)

Tim H. Proctor, Holdenville, I. T. (Numerously signed petition. Will furnish letters of reference if desired.)

George W. Stidham, Checotah, I. T. (Recommended by M. L. Mott, P. Porter, and others.)

(Indian Police-no number).



Robert O. Sumter, Atoka, I. T. (Deputy sheriff Atoka Co. Can furnish references. Has assisted policemen expel cattle.)

Eastman Kaney, Isom Springs, I.T.

L. F. Parker, Vinita, I. T. Requests policeman be appointed to assist Principal Chief, etc.

R. C. Krebbs, Nebo, I. T.

Anderson Lowery, Muskogee, I. T. (Recommended by N. A. Gibson and others.)

O. M. Krebbs, Durant, I. T. (Willing to go anywhere.)

William P. Chandler, Tahlequah, I. T. (Recommended by John H. Pitchford, and others.)

Will T. Walker, Indianola, I. T. (Can furnish references.)

Thos. B. Downing, Tahlequah, I. T. (Wants to be located at Pryor Creek. Refers to Ex-Chief Mayes, and others prominent.)

George Quinton, Bunch, I. T. (Numerously signed petition.)

Samuel Foreman, Tahlequah, I. T. (Refers to Major Breckenridge and Chief Rogers.)

Ruol F. Taylor, Durant, I. T. (Recommended by W. D. Lester.)  
(Forwards petition.)

Edward T. Newcomb, Nowata, I. T. (Delaware. Has served in U. S. Army, -(Cavalry)-

Edward A. Trent, Valeda, Kansas.

Imy R. Boone, Muskogee, I. T. (Endorsed by E. H. Hubbard and Chief Porter.)

Edwin T. Dwight, Boswell, I. T. (Recommended by T. W. Hunter.)

(Indian Police-no number).



R. L. Turnbull, Boswell, I. T. (Recommended by T. W. Hunter and H.L. Sanguin.)

W. S. Gardner, Bokchito, I. T. (Petition to support his application.)

Peter J. Wilson, Coalgate, I. T. (Application and petition, refers to Gov. Johnston.)

Wm. Burns, Fort Smith, Arkansas. (Application.)

Rural Bee, Tishomingo, I. T. (Letter of recommendation from Gov. Johnston.)

Robert Turnull, Tishomingo, I. T. (Letter of recommendation from Gov. Johnston.)

Daniel P. Williams, Bennington, I. T. (Application)

Frank B. Anderson, P. O. Box 51, Blue, I. T. (Application and numerous signed petition.)

Solomon L. Owens, Wapanucka, I. T. (Application.)

Samuel Sanders, Proctor, I. T. (Application.)

Isaac Impson, Ada, I. T. (Application, and recommendation by various Chickasaw citizens.)

John F. Fulson, Fort Gibson, I. T. (Recommendation of J. S. Holden.)

Ward Folsom, Dixie, I. T. (Recommended by B. H. Colbert)  
(Application.)

Lee Silmon, Krebs, I. T. (Application).

(Endorsed) Union Agency No.----- (no number) --Indian Police----List of applicants for appointment on Police Force of Union Agency, Indian Territory, from April 1, 1905.----



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Enclosures.

Education

Authy. - 93700

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

April 7, 1905.

U.S. Indian Inspector for Indian Territory,

Muscogee, Indian Territory.

Sir:

Referring to your communication of March 13th, 1905, recommending that the Superintendent of Schools in Indian Territory be designated to make all payments in connection with the schools in Indian Territory instead of the U.S. Indian Agent, you are advised that your communication with accompanying papers was submitted to the Department with the recommendation

That John D. Benedict, Superintendent of Schools in Indian Territory, be designated as a Special Disbursing Agent and be required to give bond in the sum of \$75,000 for the faithful performance of his duties as such Superintendent of Schools in Indian Territory and Special Disbursing Agent; that the United States Indian Agent at Union Agency be authorized and directed to transfer to such Superintendent all property carried on his property returns belonging to such schools in Indian Territory; and also that all disbursements now made by the U.S. Indian Agent, Union Agency, Indian Territory, in connection with the schools in Indian Territory shall hereafter be made by the Superintendent of Schools in Indian Territory and that such Superintendent be authorized to employ two suitable clerks, each at a salary of \$1,000 per annum, to perform the necessary clerical work in connection with such duties payable from the appropriation of \$150,000 for the strengthening, maintenance, etc. of the



Schools in Indian Territory; That the United States Indian Agent for Union Agency be advised that all school warrants hereafter drawn by tribal authorities of the several nations shall be submitted to the Superintendent of Schools for payment and not to said Indian Agent; that the United States Indian Inspector be directed to notify the tribal officers accordingly that the Superintendent of Schools in Indian Territory will perform all the duties appertaining to the payment of any and all indebtedness hereafter to be incurred arising out of school matters among the Five Civilized Tribes in Indian Territory, which has heretofore been performed by the said United States Indian Agent, under the same rules and regulations applicable to him; that the foregoing order go into effect and be operative from and after the first of July, 1905, provided the said Superintendent of Schools has made and filed the bond, as required in said order.

Under date of April 5th, 1905, the above recommendations were approved, to take effect July 1st, 1905.

John D. Benedict, in a separate communication, was designated as a special disbursing agent and required to file a \$75,000 bond on July 1st, 1905, full instructions concerning which will be forwarded to you in another communication.

Two copies of this communication are herewith enclosed, which you will deliver respectively to the Superintendent of Schools in Indian Territory and to the United States Indian Agent.

Acknowledge receipt of this letter.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

J.H.D. (P)



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(Endorsed) Union Agency No.11364 Received Apr.10,1905 Office  
of U.S.Indian , Inspector, for Indian Territory.Washington,  
Apr.7,1905.Commissioner.-----John D.Benedict, Supt.of Schools,  
designated disbursing agent to pay all expenses in connection  
with schools, to take effect July 1, 1905, instead of Indian  
Agent.-----



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April 10, 1905

ROBERT OWEN'S STATEMENT--

MEMORANDUM: FOR REMOVING RESTRICTIONS.

First; it is to the interest of the land holding class.

The present restrictions which vary in each tribe operate to prevent competition.

It prevents farmers buying direct and limits the buying to a small number who are expert in the rules and regulations of the Interior Department and have time to wait the processes necessary to acquire title.

Cutting off competition brings the smallest possible price to the vendor.

The restrictions do not prevent sale but do cut off competition.

Every Indian in Indian Territory is a citizen of the United States with all of the rights, privileges and immunities of such (31 Stats. 1447).

The United States is trustee with authority to distribute tribal property. It has no right of guardianship over these United States citizens and cannot control property vested in them individually.

The Supreme Court, April 10th, 1905, Heff case, (197 U.S. 490) decided that the general government in granting citizenship to an Indian cannot set aside the emancipation from federal control without the Indian's consent. That the grant of citizenship terminates the wardship of the citizen Indian and that the Government cannot reassume the right of guardianship which it has 845.



abandoned.

In the case of Wallace vs. Adams, (U.S. Circuit Court of Appeals of the Eighth Circuit on February 21st, 1906, declared that the allotment certificate when issued by the Dawes Commission decides the question that the party to whom it issues is entitled to the land and it is a conveyance of the right to this title to the allottee and said, "But the lands in controversy have been allotted to the plaintiffs below. They are no longer the property of the tribes." The land in question was in the Choctaw country, In the Cherokee country, the allotment act declares the certificate of allotment shall be conclusive evidence of title and the allotment of this country is substantially concluded.

Congress has, therefore, no right to impose restriction and the restrictions which have been imposed, do not prevent sale but merely bring the vendor less money and gives the vendee a clouded title.

The restrictions do not protect even an incompetent Indian, because even an incompetent Indian who wants money will sell this title and give all sorts of personal guarantees and security to the vendee. Such a vendor being incompetent would have neither the capacity nor the disposition to go into court to set aside the title of his vendee. He would have no chance of recovery in a local court where the prejudices of the jury would be overwhelmingly against him and where he would be in the unenviable attitude of asking the court to set aside his warranty deed while he had in his pocket the purchase money of the vendee.

The present law terminates the restriction on a certain time running from the date of the patent. This date is obscure

845.



and unknown to any except the experts who are posted and therefore would operate to the disadvantage of the citizen Indian who was willing to observe the restrictions imposed upon his title.

The restrictions are imposed on the theory of incompetency. Yet the Five Tribes especially the half-breeds, are the most intelligent people of Indian blood in the civilized world. They are educated, intelligent, refined. People who need no guardianship and to whom the pretense of guardianship is odious and deeply obnoxious. They have had their own schools, conducted by their own people for seventy-five years. The Choctaws have one hundred and sixty schools for about sixteen thousand people; a condition which few states could equal. These restrictions have been imposed upon these people in en masse and yet the Indian bill for years have been removing restrictions from full blood indians all over the United States and does so in this present bill in twenty places.

Removing the restrictions would only release a comparatively small part of Indian Territory lands for sale. In the Cherokee Nation for example, three-fifths of the land is held by minors and could not be sold except through the order of the probate court and practically none of this land is being sold. Of the remaining two-fifths, nearly one-fifty is homestead land, not alienable for twenty-one years. Of the remaining one-fifty over half of such land will not be offered for sale because actually occupied and cultivated by the land holding class for family use. The adult Indians naturally selecting their own allotments on the best improved property. So that, probably not over ten per cent of such lands would be offered for sale

845.



under the proposed removal of restrictions.

In Choctaw Chickasaw Nation the adult citizens is required to retain a homestead of one hundred and sixty acres. Each family of five persons would have twelve hundred and eighty acres of average land which is not alienable and would not be alienable even if this provision passed. The policy of the United States allows one hundred and sixty acres to each family as a homestead but here we have eight times as much reserved for the family even if this item passed. If this item passed the total amount which the average family could sell would be three hundred and thirty acres which they could profitably do using the proceeds for the improvement of the remainder.

County improvement must depend upon county taxes. In Oklahoma when it first was opened to settlement all the land was homestead land and not taxable. The result was ruinous to the towns and no substantial progress was made until the county lands were taxable. It is better for citizen Indians who own all of the lands and who will be the direct beneficiary of county improvements and whose lands will increase in value in direct proportion as the county roads are built, bridges provided, and the other conveniences of civilized life afforded. He should be willing to pay a fair tax for such improvements and should be required as a matter of common sense and as a matter of common decency to pay his proper proportion of the expense of government. If he does not do it his white neighbors will find a means for reprisal.

(Endorsed) Union Agency No.845,Relative---Robert Owen's Statement,  
regarding MEMORANDUM: FOR REMOVING RESTRICTIONS.----



DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.4084  
& 4000-1905.

April 22, 1905.

United States Indian Inspector for  
Indian Territory, Muskogee, Ind. Ter.

Sir:

The Department is in receipt of your communication of March 24, 1905, in which you refer to departmental letter of February 9, 1905, directing you to investigate and make report as to the best manner of expediting the consideration of leases pending in the office of the Indian Agent at Union Agency. You invite attention to the papers accompanying the lease from John E. Etter, guardian of Leonard A. Etter, to the Big Injun Oil and Gas Company, and enumerate and describe the papers.

It appears that 21 separate papers accompany said lease, and you express the belief that consideration of the leases will be facilitated by reducing the number of papers, eliminating certain ones not believed to be necessary, and reducing and consolidating the form of others required. You suggest that instructions be given that the papers to accompany leases made with a corporation and a guardian be as set out in your report. You also suggest that where the lessee is an individual certain papers be required as set forth in your communication.

Reporting April 15, 1905, the Indian Office concurs substantially in your views.

You make the statement, among others -

"In view of the recent regulation, as contained in



Departmental telegram of March 20, 1905, requiring all lessees to drill at least one well during the first year from the date of the approval of the bond, and also requiring a showing that the lease is not made for speculation, and is taken in good faith, it is not exactly clear whether the \$5,000 deposit in connection with each lease is still required. At the time I recommended that the regulations be changed to require one well to be drilled within one year, I also suggested that if this was required, the cash deposit for operations could be reduced."

In connection with this matter the Indian Office reports that -

"It is the understanding of this office that the attitude of the Department, at present is, and the amendment to the regulations of March 20, is intended to convey the idea, that an individual, a firm, or a corporation, after once having made a satisfactory showing to the Department of resources to justify the conclusion that the lessee is able to carry out all financial engagements, that a separate showing of \$5,000 on hand for each lease will not be required, nor will any subsequent showing be required unless called for,"  
presumable by the Department.

The rule requiring a showing of \$5,000 available for the development of the lands covered by each lease was superseded by the following paragraph of the amendments of March 20, 1905, viz:

"Lessees who have leases now pending in the Union Agency, and those who may hereafter submit leases, shall each be required to make a satisfactory showing to the Department that



said lessees have taken said leases in good faith for the purpose of mining oil, and not for speculation and resale, and that they have the business capacity and financial ability to perform all the requirements specified in said leases;"

nor will any applicant necessarily be required to make such showing of \$5,000 or of any other specific amount available for the development of the lands leased, the purpose of said paragraph being, not to make a cast iron rule as to the financial showing, to be applied in each case, but to require applicants to establish, to the satisfaction of the Department," their business capacity and financial ability to perform all the requirements" specified in such leases as they may submit, and to show that the leases are taken in good faith "for the purpose of mining oil."

If, in any case, the showing required by said paragraph shall be deemed insufficient, or if good faith in the matter of developing lands has not been shown concerning leases theretofore approved to any lessee, the Department will of course request the applicant to submit such further showing as may be required, or will request that such lessee submit a satisfactory explanation as to his lack of good faith in connection with such approved leases, before the additional leases will be approved.

The Department also concurs in your views as to the papers that should accompany leases, except as herein modified, and the Commissioner of Indian Affairs is requested this day to advise the Agent in accordance herewith.

The form accompanying your letter, entitled "Evidence showing authority of officers to execute leases, bond and accompanying papers" is considered sufficient to accomplish the purpose for which it is intended.



A copy of the report of the Indian Office is herewith inclosed.

Respectfully,

Thos. Ryan

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 11479 Received May 1, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, Apr. 22, 1905. Secretary.----Approves report as to reducing number of papers accompanying oil leases; deposit of \$5,000 not now required.----



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

Washington.

2688-1905  
Ind.Ter.Div.

April 25, 1905.

The Secretary  
of the Interior.

Sir:

The Indian Inspector for Indian Territory has recommended that the Department issue instructions that no applications for the removal of restrictions upon the alienation of lands of allottees of the Five Civilized Tribes be acted upon until final deed has been issued. The Commissioner of Indian Affairs, in submitting the matter, says it has been before the Department on several occasions and applications for removal of restrictions have been approved before the right of the allottee has been finally fixed and before the contest period has expired. He further expresses a doubt whether the construction placed upon the opinion of this office of May 10, 1904, in departmental letter of February 16, 1905, in the case of Thomas A. Chandler, is entirely justified. The letter of the Commissioner of Indian Affairs is referred for my opinion.

The act of April 21, 1905 (e33 Stat., 189,204) provides: And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the



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alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded.

The opinion of May 10, 1904, was rendered in response to a request for advice whether certain regulations prepared under the law of April 21, 1904, should be approved. In the departmental letter of February 16, 1905, a portion of said opinion was quoted as follows:

It was evidently presumed that allottees not of Indian blood were capable of managing their own affairs and controlling their lands free of oversight by the Interior Department, and intended that allottees of Indian blood who are able to satisfactorily establish their ability to manage their own affairs should be declared relieved of control by the Interior Department in respect of the sale of their lands. If this be the purport and effect of the law the regulations should be formulated with a view of ascertaining the ability of the allottee to properly protect his interests and not for the purpose of determining



whether a sale of a specified tract would be advantageous.

Immediately following this quotation is is (Sic) said:

The Department has therefore approved applications for removal of restrictions, under the act of April 21, 1904, regardless of whether the contest period had expired, and it is not considered advisable to issue the instructions suggested by the acting inspector.

The question as to whether restrictions should be removed from a member of one of these tribes before his right to lands selected by him as an allotment had become finally fixed was not presented or discussed in said opinion. Neither would the Department in approving an application for removal of restrictions necessarily decide that the applicant's right to the land selected by him had been finally determined. The law removing restrictions upon alienation of the lands of allottees not of Indian blood did not purport to confirm any selection nor can it be given that effect. Neither could the removal of restrictions upon allottees other than those not of Indian blood operate to confirm their allotments. In both cases the allotment would still be subject to contest for the reason and within the time prescribed by law. Such action by the Department would, however, probably be taken as a favorable decision upon the applicant's right to his allotment and as authorizing a sale thereof. A sale by reason of which third parties would become interested in the land, would create confusion if the allottee's right should afterward, within the time prescribed by law, be contested.

While in theory it may be necessary to wait until the allottee's right has become fixed beyond the possibility of



contest before approving an application for removal of restrictions upon the sale of his allotted lands, yet in practice that might prove the better plan. That is a matter, however, resting in your discretion.

I understand that since the reference of this matter it has been determined to change the form of certificates as to removal of restrictions upon alienation by omitting therefrom description of land. This will obviate the difficulty in part since there will be nothing in the certificate to justify the conclusion that the citizen to whom the certificate is issued has become entitled to any particular tract of land.

If there should be inserted in the certificate or as a foot note, the statement that it was not to be taken as confirmation of the citizen's selection, there would seem to be no good reason for delaying action upon such certificates until the contest period shall have expired.

The papers submitted are returned herewith.

Very respectfully,

Assistant Attorney General.

April 26, 1905.

Approved:

E.A.HITCHCOCK,

Secretary.

(Endorsed) Union Agency No. 11556 Received May 12, 1905 Office of U.S. Indian Inspector for Indian Territory. Washington, May 1, 1905. Secretary. --- Encloses copy of opinion of Asst. Attorney General, dated April 25, 1905, holding that restrictions can be removed before delivery of allotment deeds, but that same does not operate to confirm the title to the land. ---



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Lenton, Ind. Ter.

May 13th, 1905.

Hon. J. Blair Shuenfelt (Sic)

Unien (Sic) Agsucy (Sic)

Muspuga (Sic) Ind.Ter.

Dear Sir:

I will write to you today. I'll told you anythings.

That from notes citizens from teks for nation gape game.  
For nation from texas and fish and halled broat Indian people  
no officers. Man you send office man this man thoot. If do  
send hare-let me make officer please. We needed officer. Every  
Sunday he know Sunday Chowtow people. We gote Sunday school  
and short alround. That him point officer. If you can point  
some body else, point me.

I'll bring my short letter to close.

You truly friend,

Isriael Gardner.

(Endorsed) Union Agency No. 21 Received May 16, 1905 Office of  
U.S.Indian Agent Muscogee, Ind.Ter.May 13,1905.Isriael Gardner,  
Lenton, I.T.-----Wants officer appointed in his neighborhood to  
prevent the destruction of game and fish, by non-citizens.-----



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

Education  
Circular No. 123.

May 13, 1905.

To Indian Agents & School Superintendents:

For the purpose of securing data illustrative of the value at your school of your method of teaching pupils habits of thrift and economical saving of their money, you are requested, as soon after July 1st as possible, to submit a report for the year along these lines:

1. What educational processes do you use in the school for the purpose of teaching the relative value of work, habits of economical expenditure, and saving of money?
2. Do you have a "students' bank" in which pupils may deposit their earnings?
3. If not, how and under what conditions are such deposits made?
4. What proportions of their earnings are deposited?
5. How do your pupils earn money?
6. What restrictions are thrown around a pupil's drawing on his account?
7. Give the financial statement of your "students' bank" if you have one, or of other depository of pupils' money for the past fiscal year.
8. What interest is earned by pupils' funds while on deposit?
9. How is your "bank" or other depository conducted? Give



10. Give full list of depositors for the year, showing total amount deposited to the credit of each depositor; amount checked out and balance on hand due depositor June 30th, 1905.

#### O U T I N G   S Y S T E M.

11. Give brief history of your Outing System; when established, and whether successful or unsuccessful.

12. Give (a) total earnings of all Outing pupils for the year; (b) expenses of outing pupils; (c) net amount to credit of such pupils.

13. This report should be supplemented by a full report of the Outing System for the year, which should give

- (a) name of each outing pupil;
- (b) age of pupil;
- (c) degree of Indian blood;
- (d) name of parent and home;
- (e) date when placed at Outing;
- (f) when returned to school;
- (g) wages paid per month;
- (h) name of head of family with whom pupil was placed;
- (i) location of such head of a family;
- (j) occupation pursued by the pupil.

This report should be readily made up from the records required to be kept by Indian School Rule 310.

You should supplement your report by any interesting facts or circumstances connected with the subject which might be useful in a general discussion of the value of our methods.

Superintendents of schools where it is impracticable to carry on the above features in any form will reply to this



Circular, stating this condition.

Acknowledge receipt of this circular.

Very respectfully,

C.F.Larrabee

acting commissioner.

J.H.D.(P)

(Endorsed) Union Agency No.11619 Received May 20,1905 Office of  
U.S.Indian Inspector for Indian Territory.Washington,May 13,1905.  
Commissioner.----Educational Circular, calling for report as  
to methods of teaching pupils habits of thrift and economical  
saving of their money.----



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IN THE NAME AND BY THE AUTHORITY OF THE MOST WORSHIPFUL GRAND LODGE  
ANCIENT, FREE AND ACCEPTED MASONS, IND.TER.

HEAR YE:-"For none of us liveth unto himself and no man dieth  
unto himself"-Paul.

"Though justice be thy plea, consider this-  
That in the course of justice none of us  
Should see salvation; we do pray for mercy,  
And the same prayer doth teach us all to render  
The deeds of mercy."-Shakespeare.

Never in the history of this or any other country has more loyalty to any cause been shown than has been manifested by the majority of the Masons of Indian Territory in the splendid support which they have given to the effort of their Grand Lodge to raise a fund of money with which to establish a Home for the worthy and destitute widows and orphans of their deceased brethern. The fact, that nine-tenths of this money has been raised by voluntary contributions and has been given by poor men, who could ill afford to spare the money and who were forced to make personal sacrifices in order that they might be able to give, intensifies the merit of the giving and glorifies the work itself. No wonder that what has been accomplished here has attracted the attention and commanded the respect and admiration of the Masonic world. While it is true that other Grand Lodges have erected Homes for the worthy and destitute who have claims upon them and that these Homes have done and are still doing a great deal of good, yet to the Grand Lodge of Indian Territory belongs the honor of being the first Grand Lodge on earth that ever had sufficient confidence in the charity and fidelity of the brethern and sufficient courage to undertake this great and noble work upon the plan of voluntary contributions. We have demonstrated to the world that we do not have to be taxed to perform acts of charity, but will aid and



assist our destitute ones of our own free will and accord, not because our Grand Lodge forces us to do so, but because of our devotion to our principles-because of the love which we have in our hearts for humanity. The record which we have made should be the source of just pride to every Mason in Indian Territory. It should cause his heart to swell with pleasure, and the blood to flow more rapidly in his veins. Think of it-our Grand Lodge owns no property-we have no government except that afforded by the United States Courts-we are denied the rights of citizenship-conditions are unsettled among us and, as a rule, our members are poor. In the face of all this we have undertaken, and are about to complete, something which no other Grand Lodge has ever undertaken, viz., to accumulate a fund by voluntary contributions, to establish a widow and orphans home. After it is established, we do not expect to support it by voluntary contributions alone. The interest on the fund which we are now raising will be applied to that purpose. Since we have undertaken this great and noble work our Grand Lodge has enjoyed an era of unexampled prosperity. Its income is now nearly twice as great as its expense account. The income of the Grand Lodge is constantly increasing. We can easily give fifty per cent of our Grand Lodge's income each year to the support of our Home. Then the Scottish Rite Masons at South McAlester have pledged themselves to make a permanent appropriation for the support of the Home. We will get enough on the proposition of location to build the Home. So it is seen that we are proceeding upon safe business principles and that we are laying the foundation for an institution that will grow stronger as time passes.

Let one thing be understood now and forever. The sting of



mendicancy and the odor and flavor of the alms house shall never enter our Home. There will be representatives of the Grand Chapter of the Eastern Star upon the board of managers, who will see that the spirit of motherhood and love pervades the atmosphere that surrounds the Home. The children will be guests or members of the family and not inmates. Provisions will be made to allow children of Masons, who are not orphans to be received into the Home, upon terms sufficient to pay their part of the expenses. The name of "Masonic Institute" is suggested for the consideration of the brethern. This sounds better than Orphan Home. Some might feel humiliated at the idea of being in "An Orphans Home." No one would feel humiliated at attending "The Masonic Institute."

When we become a State we can get our pro rata share of the school money. With the income which we will have, we can build up a splendid Masonic Institute. Many Masons would be glad to send their children there. Fathers whose wives are dead would esteem it a privilege to be allowed to place their children in such a home, and would gladly pay to be permitted to do so. Thus the children would be raised together upon terms of friendship and equality. The only difference among the children would be that those whose parents were alive and able to pay, would be charged their pro rata share of the expenses. The orphans and those whose parents were unable to pay would be the honored guests of the Masonic Fraternity.

Then again the children will be given a course in stenography, typewriting and book-keeping. In other words, our Home will



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have a business department. Before each class graduates the President of the Masonic Institute will send to each Lodge a list of the names of the graduates and what kind of employment each graduate desires and is competent to perform. The result will be that these graduates will find places waiting for them where they can start out in life under the most favorable auspices. As we have been the first Grand Lodge to start upon the plan of voluntary contributions, so we will be the first to establish an institution that will be a home in fact as well as in name. The people of the Indian Territory have come from every state in the Union and from every section of the globe. We ought, therefore, to have the best ideas and the best energy that there is on earth, and nothing, except the best results, should be satisfactory to or accepted by us. Our condition makes us leaders. Let others say what they please—we will answer their sneers with actions and not with recriminations. Do not say that your Financial Agent has lost his mind on account of these suggestions. This report was started when it was first proposed to raise this money by voluntary contributions. But the insanity has turned out to be entirely practicable. So these suggestions are entirely practical—and what is more, they are going to be carried out. This prediction is made on account of the confidence which your Financial Agent has in the charity, the intelligence and courage of his brethren. There is every reason to believe, if all will unite in a loving effort, we can have \$50,000 in the hands of our Trustees before the next Grand Lodge closes. Many Lodges, that have been liberal from the beginning of this movement, are largely increasing their contributions this year. As far back as



February one Lodge had as much as \$700,000. It is needless to mention the name of this Lodge. What brother Reeder has done at Tulsa has been an inspiration to others. Many Lodges and brethren who have been lukewarm, heretofore, are now actively at work and will more than make amends for past neglect.

Special attention is called to the noble charity of the Scottish Rite brethren at South McAlester in giving twenty-five per cent of their income to our Orphans Home Fund. Every Mason in Indian Territory should know and remember this. It entitles the Scottish Rite brethren at South McAlester to our hearty thanks and our active and earnest support. These brethren deserve the greatest praise for what they have accomplished. With sublime courage, which can come alone from a well founded faith and a high determination to be of benefit to humanity, they have overcome apparently insurmountable obstacles, and have gone forward from one success to another, until they have reached the goal and now have a Consistory and confer all of the degrees up to and including the thirty-second.

It is the testimony of all who have seen their work that it ranks with the best. Your Financial Agent is the last person on earth who would say anything that would lessen the dignity of the first three degrees in Masonry. In these three degrees will be found the stem, the body and the soul of Freemasonry. There is nothing higher than Master Mason's degree, and certainly nothing more instructive and sublime when properly understood. But the trouble is that there is so much in the three degrees, that is hidden in symbolism and veiled in allegories that the true meaning of these degrees is often not fully brought out.



Scottish Rite Masonry brings out and illustrates these things. In fact it is an amplification of and climax to the first three degrees. Therefore no Master Mason, who can afford the expense, should fail to take these degrees. If you are a lover of our Orphans Home movement, be sure to send your application to South McAlester. By so doing you will not only receive more light in Masonry, but you will help the Orphans Home cause. A letter addressed to Bro. Wm. Busby, Bro. D. M. Hailey or Bro. Frank Craig, at South McAlester, will secure all necessary information. My Brother, please consider this as though it were a written letter, addressed alone to you. Make it your business to see that it is read at the next meeting of your Lodge as an official communication. Your Financial Agent is as much an officer of your Grand Lodge as is your Grand Master. Please make it your personal business to see that each member of your Lodge is requested and urged to make a personal contribution to our Orphans Home Fund. Not only urge others to give liberally, but give yourself as much as you can spare. It is useless to urge others to give liberally unless you FIRST give liberally. If you have given before, this is no reason why you should not give now. Remember that there should be no contention among us save that noble contention, or rather emulation, as to who can best labor and best agree. Take Bro. Reeder as your example and the proposition is settled right then and there. The niggardly spirit which fears that it will do more than its part should have no place in the heart of a Mason. My Brother, why should you not work for this cause as well as your Financial Agent? Is there any difference



between the obligation which he took and your obligation? Your Grand Lodge gave him this work to do. He is not complaining. The only regret that he has is that he has not been able to do and give more to the cause. But he does feel that as a matter of common honesty he is entitled to the earnest support of all of his brethren. Language cannot express the appreciation he has for those who have assisted; he trusts that those who have not assisted, have not failed to do so, because they desire to treat the work of their Grand Lodge with contempt, but simply because they have not fully understood what was being done. My Brother, suppose that the next statement, giving the name and number of each Lodge and the gross amount contributed by each Lodge. Would you like to see such a statement printed? Stop and think: In what place would your Lodge come? There would be four figures behind the dollar mark in connection with several Lodges. What would be opposite your Lodge? Would it be a round symmetrical 0? I regret to say that such would be the standing of some Lodges if such a statement was made up now. Brethren, are you satisfied with this? Whose fault is it, mine or yours? Do not say you cannot help. You know that everybody knows that you could help if you really desired to do so. There may be no money in your Lodge treasury. But what is to prevent your placing your hand in your pocket and making a personal contribution in the name of your lodge? A number of Lodges have promised to contribute ten dollars per capita this year, to be raised by personal contributions. All cannot give this much, but some can give more. I know of one Lodge where there are three \$100,000 contributions starting the list. Brother do you



wish to tail the list? Remember that we expect to close this matter up at the Grand Lodge. Do not send your representatives to that body empty handed for the Orphans Home Fund.

Lonesome and mortifying indeed will be the feelings of those whose Lodges are not on the roll of honor. One country Lodge has already sent up \$145, and promises to send more. Shame on the Mason who says that we cannot do this work.

Henry M. Furman,  
Financial Agent, M.O.H.F.

Fraternally

Ada, I.T.May 20,1905.



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DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN INSPECTOR  
for  
Indian Territory,

Muskogee, Ind. T.,  
June 12, 1905.

D-11654-1905  
45884-1905

The Honorable

The Secretary of the Interior.

Sir:

I beg to respectfully acknowledge receipt of Departmental letter of May 17, 1905 (I.T.D. 970-1905), enclosing two clippings from the Cherokee Advocate of May 13, 1905, one relative to the refusal of lessees to vacate land at the expiration of their leases, and the other relative to fullbloods refusing to file on their allotments, and in which I am requested to make report in regard to such matters.

In connection therewith, I have the honor to report that, inasmuch as the matter of placing allottees in possession of their lands is handled by the United States Indian Agent at Union Agency, and any complaints that lessees would not give possession of the land at the expiration of their leases would be made to such Agent, I referred the newspaper clippings to him for report concerning the same and as to the action taken by his office in reference thereto, and I respectfully enclose herewith his communication dated May 26, 1905, concerning the matter.

The Agent states that when application is made to his office that a lessee refuses to vacate land at the expiration

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of his lease, the matter is looked into and if it is found the lessee is not in possession under a legal lease which has not expired, action is taken at once to remove him.

In regard to the other clipping stating that a freed-man was placed in possession of lands occupied by fullblood Indians, and such fullblood Indians being removed therefrom, The Agent states he has no knowledge of any such action being taken; that in all cases where complaints are made against fullbloods he has invariably refused to remove them but advised them that they should apply to the land office and immediately file upon said lands or, if already filed upon by others, to institute contest proceedings.

In this connection, I understand there are certain full-blood Indians in the Creek and Cherokee Nations who steadfastly resist all efforts of the government looking to their enrollment and allotment of land, but in all cases where land claimed by these fullblood Indians is filed on by others and the matter brought to the attention of the United States Indian Agent he has advised such fullbloods to appear before the land office of the Commission to the Five Civilized Tribes and either file contest or have the matter adjusted.

It would, therefore, appear that every possible precaution is being taken to protect the interests of these ignorant full-blood Indians and that they are themselves to blame for any hardships they may suffer.



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I respectfully return herewith the newspaper clippings referred to.

Very respectfully,

J. George Wright

U.S. Indian Inspector  
for Indian Territory.

WMC(NLR)  
Enclosure 20.

(Endorsed) Union Agency # 11861. Received Jun 27, 1905. Office of U.S. Indian Inspector for Indian Territory. Washington, June 21, 1905. Secretary. Ack. receipt letter relative newspaper clippings in re placing Creek and Cherokee citizens in possession of allotments.



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Muskogee, Indian Territory

June 30th, 1905.

Hon. D. H. Kelsey,

United States Indian Agent.

Muskogee, I.T.

Hon. Sir:-

I wish to tender my application for the appointment of the Indian Policeman, which was filed therein your office sometime during the month of May 1905, in my application I did not mentioned as to where I wish to locate if appointed; I will accept the position and locate wherever directed to.

I will call at your office next Monday the 3rd,

Very truly your friend,

Odus Lynn Collins,

City.

(Endorsed) Union Agency No. 37855 Received Jul. 10, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. Jul. 30, 1905. Odus Lynn Collins, Muskogee, I.T.-----Makes application for position as U.S. Indian Policeman.-----



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Caney Kansas

Oct. 23, 1905.

U.S. Indian Agent,  
Muskogee, I.T.

Sir:

I will ask you to consider this as my application for appointment as one of your Police, as I learn this end of the Nation is due one; for reference I will gladly give you the name of Col. Robert L. Owens, as I served under him while he was agent.

Truly yours,

D.W. Wiley.

(Endorsed) Union Agency No. 74 Received Oct. 24, 1905 Office of U.S. Indian Agent, Muskogee, Ind. Ter. Oct. 23, 1905. D.W. Wiley, Caney, Kans.-----  
Applies for position of Indian Police, and gives Robt. L. Owen as reference, having served under him while acting as U.S. Indian Agent.-----



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PIONEER TELEPHONE AND TELEGRAPH COMPANY

Oklahoma City, Oklahoma  
Dec. 18, 1905.

Honorable J. George Wright,  
United States Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:-

Referring further to correspondence relative to the right-of-way of the Arkansas Valley Telephone Company between Shawnee and South McAlester, mentioned in my letter of December 14th, and your 51971-1905, beg to advise that I have found our copy of the original application for this right-of-way, and this shows that we made application for right-of-way on the south side of adjoining the right-of-way of the Choctaw Railroad Company. It will, therefore, not be necessary for you to take the matter up with the Department at Washington.

Wish to thank you, however, for your willingness to do so, and trust that this letter will reach you in time to save you this trouble.

Yours truly,

Jno. M. Noble.  
General Mgr.

(Endorsed) Union Agency # 52213 Received Dec. 19, 1905. Office of U. S. Indian Inspector for Indian Territory. Oklahoma City, Okla. December 18, 1905. John M. Noble, Mgr. pioneer Tel. & Tel. Co. Says original application found showing which side of right of way of Choctaw Ry Co. their right of way lines lies, and not necessary to refer to Washington.



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D E P A R T M E N T O F T H E I N T E R I O R,  
W A S H I N G T O N.

I.T.D. 17880-1905

December 29, 1905.

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

Sir:

Your communication dated December 19, 1905, requesting instructions concerning the collection of tribal taxes in the Indian Territory, was forwarded by the Indian Office on December 21, 1905, (Land 110580-1905).

The Indian Office states that the so called cattle taxes are not taxes in the ordinary sense of the term, but rather fees required from non-citizens for the privilege of bringing into and maintaining cattle within the domains of the various tribes, and the recommendation is made that "the taxes should be demanded and collected for the two months and four days the tribal governments continue in existence and for the proportion this time bears to the full year."

The Indian Office further recommends that you be directed to defer the collection of the Creek tribal taxes until the disposition by Congress of the particular provision covering that subject.

The proviso to Section 11 of the draft of the bill submitted to Congress, H. R. Document, No. 74, reads:

That all taxes accruing under tribal laws or regulations of the Secretary of the Interior shall be abolished from and after December thirty-first, nineteen hundred and five, but this provision shall



not

not prevent the collection after that date nor after dissolution of the tribal government of all such taxes due up to and including December thirty-first, nineteen hundred and five.

The Department is of the opinion that no attempt should be made by you to collect taxes accruing after December 31, 1905, until action has been taken by Congress upon the provision above quoted. If said proviso be enacted into law, then there will be no taxes due said Nations after December 31, 1905.

You are, therefore, instructed to collect all the taxes due up to and including December 31, 1905, as far as possible, and delay the collection of taxes accruing after December 31, 1905, until further advised by the Department.

A copy of the report of the Indian Office is enclosed.

Respectfully,

Thos. Ryan

1 inclosure.

Acting Secretary.

(Endorsed) Union Agency No. 13073. Jan. 2, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, December 29, 1905. Secretary.-----Gives instructions concerning the collection of tribal taxes in the Indian Territory.



ALLOTMENT OF LANDS

Each member shall receive equal share, character and fertility of soil considered.

Lands shall be graded and appraised.

Forty acres, including present "Residence and improvement" to be allotted to each until rights determined.

Lands allotted to Choctaw and Chickasaw Freedmen to be deducted from portion allotted to Indians.

Lands shall be appraised as if in original condition excluding improvements.

Shall be made under direction of Secretary.

Allotments shall be non-taxable while title remains in original allottee, not to exceed twenty-one years.

Each allottee shall select from his allotment a homestead of one hundred and sixty acres to be inalienable for twenty-one years.

Choctaw-Chickasaw Freedmen subject to same restrictions and privileges relative alienation and taxes to extent of their allotment.

Lands allotted shall be alienable for price actually paid including no former indebtedness, one-fourth in one year, one-fourth three years, balance five years.

All contracts looking to sale or encumbrance except as above null and void.

Members may lease allotments for five years without privilege of renewal.

All controversies to be settled by Commission.

Each allottee shall be put in possession by United States.

All objectionable persons shall be removed, (by whom).



RESERVATIONS.

All townsites

Strip of land between Fort Smith and the Arkansas and Poteau rivers.

Six hundred and forty acres for Jones Academy.

Six hundred and forty acres Tuskahoma Female Seminary.

Six hundred and forty acres Whelock Orphan Seminary.

Six hundred and forty acres for Armstrong Orphan Academy.

Ten acres for capitol building Choctaw Nation.

One hundred and sixty acres for Bloomfield Academy.

One hundred and sixty acres for Lebanon Orphan Home.

One hundred and sixty acres for Harley Institute.

One hundred and sixty acres for Rock Academy.

One hundred and sixty acres for Collins Institute.

Five acres for capitol building, Chickasaw Nation.

One acre for each church house now erected outside of towns.

Eighty acres for J. S. Murrow.

Eighty acres for H. R. Schermerhorn.

Eighty acres for widow of R. S. Bell.

Reasonable amount for court houses, jails and other public buildings not above provided for.

All coal and asphalt.

Five acres for cemeteries suitable distance from towns.

Lands adjacent to Fort Smith, lands for court houses, jails and other public purposes excepting for allotment to be disposed of same manner, same purposes as provided for , for town lots when Choctaw and Chickasaw Councils shall direct disposition to be made.



Land adjacent to Fort Smith under jurisdiction Fort Smith for police purposes.

#### TOWNSITES

Commission authorized to determine amount of lands to be reserved for courthouses and other public buildings.

Commission shall be appointed for each Nation.

Commission shall consist of two members, one appointed by executive of tribe and one by President United States.

If two members fail to agree, Judge of district may appoint third member.

Commission shall lay out townsites, restricted as far as possible to present limits.

Correct plats of each town shall be prepared and one filed Clerk's office United States Court, one with Principal Chief, one with Secretary of Interior.

Plats must be approved before work of townsite Commission shall become effective.

All lots bearing permanent improvements to be valued at price fee simple title would bring at time valuation is made, excluding improvements.

Owner of improvements on each lot may buy one residence and one business lot at fifty per cent appraised value; may buy remainder improved property sixty-two and one half per cent of appraised value.

Shall have sixty days to purchase; when purchased shall, within ten days, pay one fourth of purchase price and balance in three equal annual installments.

When entire purchase price is paid shall be entitled to patent.



If owner of improvements fails to purchase within sixty days, lot, with improvements, shall be sold at public auction.

All unimproved lots shall be sold at public auction; sale must be duly advertised.

The purchase price for unimproved lots to be paid in four installments.

Failure for sixty days to make payment forfeits right.

Purchaser may pay entire price any time.

Towns shall pay ten dollars per acre for cemeteries.

Lots upon which churches and parsonages are now built and occupied, shall be exempt from appraisement and sale.

Shall revert to tribe when no longer thus used (how to be disposed of?)

All lots within Territory covered by coal leases shall be reserved from appraisement and sale.

All lots occupied by miners' houses engaged in mining shall be reserved from sale.

Sufficient lands to furnish homes for men engaged in mining shall be reserved.

Sufficient lands for buildings and machinery for mining purposes shall be reserved.

No taxes shall be assessed by town against lots unsold.

No tax lien shall attach until purchase price fully paid to Nation.

Money received from sale of town lots shall be for benefit of Choctaws and Chickasaws, Freedmen excepted.

Money received from sale town lots to be divided annually among Choctaws and Chickasaws.



CHOCTAW AND CHICKASAW FREEDMEN

Not entitled to benefits from coal and asphalt.

Shall receive forty acres of land, lands shall be deducted from portion to be allotted under this agreement to Choctaw and Chickasaw Indians.

Shall receive land equal in value to forty acres of average land.

Lands allotted to, shall be subject same privileges and restrictions as allotments to Indians, as to alienation and taxes.

COAL AND ASPHALT.

All coal and asphalt reserved for sole use Choctaw and Chickasaw Indians.

When uncovered on land allotted, sold or reserved, value of surface to be paid to allottee or owner by lessee.

Revenues from, shall go for education children Indian blood. Shall be under supervision two trustees.

All coal and asphalt mines shall be operated.

Revenues therefrom to be distributed under rules of Secretary.

All contracts made by National Agents being operated under on April 27th, 1897, are ratified and confirmed and lessee may renew.

All agreements made with citizen members of tribes are void save such as may have been assented to by Act of Congress.

All leases under Atoka Agreement shall include coal, Asphalt or other mineral, under 960 acres.

Leases shall continue for thirty years.

Royalty on coal shall be fifteen cents per ton.

Royalty on asphalt shall be sixty cents.

Lessees shall pay on each coal or asphalt claim one hundred



dollars per annum in advance for first and second years, two hundred dollars per annum for third and fourth years, five hundred dollars per annum each succeeding year.

All advanced payments shall be credited as royalty.

Payment must be made on claims whether developed or undeveloped.

Failure to pay for sixty days shall make null the lease and money advanced shall be forfeited.

Trustees shall dispose of land no longer occupied for mining purposes.

Royalties from coal and asphalt shall be distributed among members of tribes, Freedmen excepted, when members are taxed for support of schools.

Controversies growing out of ownership, occupation, possession &c to be determined by United States Court.

#### ENROLLMENT

Commission shall make correct roll Chickasaw freedmen entitled to rights and benefits treaty 1866.

#### REPRESENTATIVES OF TRIBES.

Choctaws and Chickasaws, shall have in appraisement of lands.

#### LEASES.

Citizens may lease their allotments for five years without privilege of renewal.

Leases must be evidenced in writing.

Must be recorded in Clerk office United States Court within



three months after date of execution, otherwise void.

No lease valid unless providing adequate compensation.

#### TITLES TO LAND

Patents executed by executive each tribe shall be executed and delivered as soon as practicable after completion of allotments.

Coal and asphalt shall be excepted in said patents.

Patents shall be framed in accordance provisions this agreement.

Acceptance patents by allottee shall be assent on his part to allotment and relinquishment to all other lands.

THE UNITED STATES shall provide for recording deeds.

Towns shall receive patents for cemetery land when paid for.

#### RAILROADS

Rights of way shall be surveyed and set apart to conform to Acts of Congress granting same.

Where Acts of Congress do not define Congress is requested to fix same.

Congress memorialized to fix uniform rates of fare and freight.

Branch roads to pay same rates for rights of way and station grounds as main lines.

#### TOWNSITE COMMISSIONS

Two Commissions to be appointed.

Each Commission consists of two members.

One appointed by President and one by executive each tribe.

If unable to agree third may be appointed by Judge.



Members shall not be interested in town property other than home.

Shall direct sales at public auction of town lots.

Shall pay to owner of improvements price received less 62-1/2 per cent appraised value of lot.

Shall pay 62-1/2 per cent into United States treasury.

Shall have right to reject bids.

Shall sell at public auction all unimproved lots.

Shall have right to reject bids therefor.

Shall locate cemetery not exceeding five acres within suitable distance each town.

Shall dispose of lands reserved adjacent to Fort Smith for Court Houses, jails and other public purposes when disposition is directed by Choctaw-Chickasaw Councils.

Shall determine amount of lands necessary to be reserved for miner's homes.

(Endorsed) Union Agency No. 50-----Relative-to allotment of lands (regarding railroads paying rights of way, re townsites, reservations, Choctaw and Chickasaw Freedmen, Coal and Asphalt, Enrollment, Representatives of Tribes, Leases, Titles to Land, Townsite Commissions).-----Synopsis of Choctaw-Chickasaw agreement.-----



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

I.T. D. 314-1906.

January 10, 1906.

Direct.

U.S. Indian Inspector

for the Indian Territory,

Muskogee, I. T.

Sir:

The Department is in receipt of your report, dated January 5, 1906, (D 13, 930-1905) transmitting therewith an agreement in quadruplicate, extending the existing contract with St. Vincent's Institution for the Insane at St. Louis, Missouri, for the care of insane persons from Indian Territory, not Indians, which contract expired December 31, 1905.

Said agreement extends the contract referred to for a period of five months from December 31, 1905, or until May 31, 1906, and the United States Fidelity and Guaranty Company, Surety on the bond accompanying the original contract, has endorsed its consent to the renewal of such agreement for said period, and agrees that the said bond shall remain in full force and effect during the time specified.

You report that there are sufficient funds available from the appropriation contained in the act of April 28, 1904, (33 Stat., 539) to pay the expenses for the care and support of said insane persons, up to and including May 31, 1906.



You recommend that the agreement transmitted be executed and three parts thereof returned to your office for appropriate disposition.

The agreement has been examined, and there appearing to be no objection thereto, I have signed the same, and return three parts thereof, herewith, for appropriate action.

Respectfully,

E.A.Hitchcock.

3 enclosures.

SECRETARY.

(Endorsed) Union Agency # 13164 Received Jan. 15, 1906, Office of U.S. Indian Inspector for Indian Territory. Washington, Jan. 10 1906. Secretary. Approves extension of contract with St. Vincent's Institution for the Insane at St. Louis, Missouri, for a period of five months from December 31/1905 and returns three copies of the agreement.



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January 30, 1906

EXECUTIVE ORDER

It is hereby ordered that there be added to the duties of the United States Board on Geographic Names, created by Executive Order, dated September 4, 1890, the duty of determining, changing and fixing place names within the United States and insular possessions, and it is hereby directed that all names hereafter suggested for any place by any officer or employee of the Government shall be referred to said Board for its consideration and approval before publication.

In these matters, as in all cases of disputed nomenclature, the decisions of the Board are to be accepted by the Departments of Government as the Standard authority.

THE WHITE HOUSE, January 23, 1906.

(Signed) THEODORE ROOSEVELT.

DEPARTMENT OF THE INTERIOR,

Washington,

January 30, 1906.

Official copy for the information and guidance of the  
Commissioner to the Five Civilized Tribes

Edward M. Dawson.  
Chief Clerk.

Office of the Secretary.  
P. & M. Div.

(Endorsed) Union Agency No. 861. Rel.-----EXECUTIVE ORDER re. duties added to the U.S. Board on Geographic Names, created by Executive Order, that all names hereafter suggested for any place by any officer or employee of the Government, shall be referred to the board and in cases of disputed nomenclature, the decision of the Board are to be accepted as authority.-----



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PIONEER TELEPHONE AND TELEGRAPH COMPANY

Connecting lines---Exchanges.

E.D.Nims, President.  
Jno.M.Noble, Vice Pres. & Gen'l Mgr.  
E.E.Westervelt, Sec'y and Treas.  
Arthur Whorton, Auditor.  
Henry E.Asp, General Solicitor.

Oklahoma City, Oklahoma

February 2, 1906.

Honorable J. George Wright, Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:-

In reply to your letter of January 27th, the following is a list of telephone exchanges operated in the Indian Territory, other than Pioneer Telephone and Telegraph Company, and which are additional to the ones you now have on record.

Allen,  
Beegs, (Sic)  
Bennington,  
Bristown,  
Broken Arrow,  
Boynton,  
Burneyville,

Castle,  
Cameron, (only switch)  
Centralia,  
Cornish,  
Coweta,  
Davis,  
Dustin,  
Featherstone,  
Francis,  
Fort Towson,  
Gans,  
Garvin,

Citizens Telephone Company,  
Beggs Telephone Company.  
Valliant Telephone Company,  
Bristow Telephone Company.  
Broken Arrow Telephone Company,  
Boynton Telephone Company,  
Red River Telephone company, Marrietta,  
Indian Territory.  
Okemah Telephone company.  
Poteau Telephone Company, Poteau, I.T.  
Delaware Telephone Company,  
Chickasaw Telephone Company.  
Coweta Telephone Company.  
Spencer Telephone Company,  
Dustin Telephone Company,  
J.S.McCoullough,  
Francis Telephone Company,  
R.D.Cheatham,  
Conn and Conn,  
Valliant Telephone Company,



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Guertie,  
Haskell,  
Haleyville,

Hartshoren,  
Heavener,  
Henryetta,  
Holdenville,

Konawa,  
Kiowa,  
Lindsey,  
Mannsville,  
Minco,  
Mounds,  
Milburn,  
McCurtain,  
Marlow,  
Quinton,  
Ryan,  
Tuttle,  
Long,  
Okemah,  
Owl,  
Porter,  
Stonewall,  
Stigler,  
Stillwell,  
Valliant,  
Wister,  
Wynnewood,

Citizens telephone Company.  
Haskell Telephone Company,  
South McAlester-Eufaula Tel. Company,  
South McAlester, I.T.  
" " " "  
Poteau Telephone Company, Poteau, I.T.  
J.D. Munsell,  
Southern Arkansas Valley Telephone  
Company, Oklahoma City, Okla.  
E.P. Brinson,  
W. Caison,  
L.T. Hine,  
H.G. Mulkey,  
Monco Telephone Company,  
Mounds Telephone Company,  
Tishmingo Inter-National Tel. Company,  
McCurtain and Chant Telephone Co.  
Texas Telephone Company,  
San Bois Telephone Company,  
Mrs. Bell Culbertson,  
J.G. Wright,  
W.T. Martin,  
Okemah Telephone Company,  
Stonewall Telephone Company,  
Porter Telephone Company,  
Stonewall Telephone Company,  
Stigler Telephone Company,  
Stillwell Telephone Company,  
Valliant Telephone Company,  
Poteau Telephone Company,  
Spencer Telephone Company,

Antlers Exchange belongs to the Pioneer Telephone and  
Telegraph Company.

There has been a number of lines constructed in the past  
few months, the names of which we might be able to give you in  
the event you want them, and if we are informed of the ones you  
already have.

Yours truly,  
Jno. M. Noble  
General Manager.

OND-IM  
(Endorsed) Union Agency No. 53394 Received Feb. 5, 1906 Office of  
U.S. Indian Inspector for Indian Territory. Oklahoma City, OT. Feb.  
2, 1906. Pioneer Tel. & Tel'g Co. --- Transmits list of telephone  
exchanges operated in I.T. other than Pioneer Tel. & Tel'g Co.  
in addition to ones now on record. ---



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DEPARTMENT OF THE INTERIOR,  
Washington.

February 9, 1906.

The Indian Inspector

For the Indian Territory,

Muscogee, Indian Territory.

Sir:

I transmit herewith for your information and guidance copy of an Executive Order issued under date of January 20, 1906, on the subject of Departmental printing, and in connection therewith have to state that a Printing Committee has been duly appointed to effectuate its provisions.

In bringing this matter to your attention it is confidently expected that the Department will be accorded your hearty cooperation in accomplishing the purpose contemplated by the Order. A general circular regarding printing will shortly be promulgated.

Very respectfully,

Thos. Ryan

P. & M. Div.

First Assistant Secretary.

(Endorsed) Union Agency No. 13360 Received Feb. 13, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, February 9, 1906. Secretary.-----Transmits for information and guidance copy of executive order on the subject of Departmental printing.-----



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DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land.

14725-1906.

Washington.

February 20, 1906.

U. S. Indian Inspector,

Muskogee,

Indian Territory.

Sir:

There is enclosed letter of Charles Neumeyer, of Louisville, Kentucky, dated the 7th instant, and addressed to Hon. A. B. Kittredge, U. S. S., saying that he desires to secure the impressions of the seals of the Five Civilized Tribes for the benefit of one of the German societies of his city.

If these impressions can be secured for the Senator, the Office will be very glad to receive them.

Very Respectfully,

C. F. Larrabee.

EBH-Y.

Acting Commissioner.

(Endorsed) Union Agency No. 13435 Received Feb. 23, 1906. Office of U. S. Indian Inspector for Indian Territory. Washington, February 20, 1906. Commissioner.-----Encls. letter from Chas. Neumeyer., Louisville, Ky., to Hon. Alfred B. Kittredge, U. S. S., asking rel to getting impressions of the seals of the Five Civilized Nations.-----



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POSTAL TELEGRAPH-CABLE COMPANY THE COMMERCIAL CABLE COMPANY.

T E L E G R A M

236 CH EQ H 76 \$ 4 Ex. 620P

Ardmore, I.T. Feb. 24-06.

Tams Bixby,

"Or W. A. Beall,"

Care St. Nicholas Hotel,  
Cincinnati, Ohio.

Lawyers herettrying to force secretary Senate committee make you disclose true number applicats Martin case lawyers all Bombarding United States senators with telegrams touching this class applicants Potter lawyer Gainesville Texas who has large number contracts to get this class persons on roll influence senator Bailey to prevent consideration Curtis Bill by senate until committee Indian affairs yields favorable action placing them on roll people here are aroused and against their enrollment.

Walter Colbert.



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DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.3860-1906.

March 3, 1906.

DIRECT.

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

Sir:

In reply to your letter of February 24, 1906, the Department wired you as follows:

Your letter of the 24th instant approved. One discreet and competent representative should be sent immediately under proper instructions to each capital to act promptly on lines you suggest, when ordered by wire from yourself. You will be advised by wire when time for action arrives.

Afterwards, on the third instant, you were advised by wire:

Referring to telegram in answer to your letter 24th ultimo, joint resolution continuing tribal governments approved on the 2nd instant. Not necessary to take possession of tribal records, but appropriate action should be immediately taken continuing the tribal schools during the scholastic year. Letter follows.

Said telegrams are hereby confirmed, and you are authorized to take the action referred to in said telegram



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looking to the continuance of the tribal schools, and make immediate report to the Department what further Departmental action, if any, is necessary to continue the tribal schools during the scholastic year.

The joint resolution above referred to is found in the Congressional Record, Volume 40, No. 61, Page 3352, March 2, and reads as follows:

That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes, unless hereafter otherwise provided by law.

The Department is advised that said joint resolution was approved on the 2nd instant.

Respectfully,

Thos. Ryan

First Assistant Secretary.

(Endorsed) Union Agency No. 13538 Received Mar. 6, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, March 3, 1906. Secretary.-----Confirms telegrams in re continuance of tribal governments.-----



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DEPARTMENT OF THE INTERIOR,  
WASHINGTON.  
I.T.D. 2190-1906.

March 7, 1906.

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

Sir:

The Department is in receipt of your report, dated January 23, 1906, (52705-1906) in which reference is made to the regulations of March 20, 1905, governing oil and gas leases in the Creek and Cherokee Nations, and requiring the lessee to drill at least one well under each lease within twelve months from the date of the approval of the bond, and in cases where the bonds have been approved prior to March 20, 1905, said well must be drilled within one year from that date.

You report that one Mack E. Welch, a Cherokee citizen, executed an oil and gas mining lease in favor of Geo. W. Barnes, Jr., which was approved by the Department on October 21, 1904; that said Welch had personally called upon you and stated that he did not desire drilling operations to be begun on his land within one year from March 20, 1906, nor until a better price could be obtained for oil, and asked, without solicitation from anyone, "that the time within which the lessee is required to commence operations, be extended."

You ask to be advised whether said requirement of the regulations will be waived by the Department, where the lessor voluntarily appears at your office and requests, without solicitation on

13602



the part of the lessee, that such action be taken.

You recommend "that in cases where the lessor voluntarily appears at this office or that of the United States Indian Agent, or before an employe designated by this office and states that he desires this regulation waived, and does so without solicitation, such request be granted, report in each case, however, to be made to the Department."

The Indian Office, on February 7, 1906, (Land 9196) concurs in your recommendation.

The Department is willing that in the specific case reported by you, namely that of Mack E. Welch, lessor, and Geo. W. Barnes, Jr., lessee, the regulations be waived, and that said Barnes be not required to drill a well upon the lease until further notice by the Department.

It is not considered, however, advisable to make a general ruling in accordance with the recommendation of your office, but it is believed that each case should be determined upon its own merits, and where the lessors desire that the regulations be waived and the time for drilling the well be extended, he should make a written application, giving his reasons for such request, and stating also that his application is made freely and voluntarily, and without the solicitation of the lessee or anyone for him. Upon receipt of said application, you will forward it to the Department with your recommendation in the usual manner.

The petition for the waiving of the regulation may



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be directed to the Secretary of the Interior and filed either with the Agent or your office.

Respectfully,

E. A. Hitchcock,

Secretary.

Through the  
Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 13602. Received. Mar. 13, 1906. Office of U. S. Indian Inspector for Indian Territory. Washington, March 7, 1906. Secretary.-----Waives requirement that lessee must drill at least one well under each lease within 1 year from date of approval of the bond in case of Mack E. Welch, lessor, and Geo. W. Barnes, Jr., lessee.



Executive Committee  
I.B. Martin  
J.A. Russell  
P.W. Gardner  
Ben F. White  
M.P. Embach

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W.P. Langston, Pres.  
J.M. Howeth, Secretary.  
G.W. McShan, Treasurer  
J.R. Witty, Dis. Ex. Com.

D E M O C R A T I C   C L U B  
OF  
HOLDENVILLE WESTERN DISTRICT.  
Indian Territory.

Holdenville, I.T.  
March 8, 1906.

The President,

Washington, D. C.

Dear Sir:-

As I have been a resident off (Sic) the Indian Territory for some time and have frequently known of graft in its crudest form, I have become ac acustomed (Sic) to seeing it. But there is a limit to all things.

My ida (Sic) now is to expose one of the greatest grafts known to the history of the Indian Territory, provided the restrictions are removed from the Indians. The Trust Companies and Real Estate Men here in the Territory are working to buy or rather steal all the Land that will be put on the market before the Indian realizes that his restrictions are removed.

Now I will try and explain to you the plan they have to do this. First they was obliged to get the Roll showing all that was less then (Sic) full blood, and to get this they must pay some one that is employed in the department at Muskogee to steal it for them, a fiew (Sic) names each Day for the past two Monts. (Sic)



Now by employing some of the shrudest(Sic) Indians to work for them they have been able to get Deeds on all the Land that will be put on the market. Next I want to explain to you how thes (Sic) Deeds are taken, they have their owne (Sic) Notary Public and the Indian signs the Deed before him, but he dose (Sic) not date the Deed at present. Now when Bill for the removal of the restrictions becoms (Sic) a Law, and is signed by you, they have some one in Washington to wire them at once, and thair (Sic) Notary Public dates and signs thes (SIC) Deeds and sends them off for Recording. I know of one Trust Company in Holdenville that has three hundred such Deeds at present and they are still at work, and the same graft is beeing (Sic) worked all over the Territory (Sic).

Now Mr. President, I know it is in your power to stop this and I fully believe you will, for I think you want to protect the Indian, and I am shure (Sic) that every one is oposed (Sic) to such a graft as this.

This is all being done on the quiet but I am next to all such graft here in the Territory.(Sic) If you will make an investigation you will find this all to be true. There shuld (Sic) be some provisions made so that the Indian could sell his land but all such graft as this can be cut off.

Hoping you will look after this mater (Sic ) at once

I am yours for Justice,

(Signed) C.R.Folk.



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

WASHINGTON.

ILT.D. 3059-1906.

March 19, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

There is inclosed for your information copy of a letter from C.R. Folk, of Holdenville, Ind.T., relative to the action of certain parties in securing undated deeds from members of the Five Civilized Tribes pending the removal of their restrictions by subsequent legislation.

Copies of this letter have been furnished to the chairman and other members of the Indian Conference Committee on H.R. 5976.

Respectfully,

Thos. Ryan.

FIRST ASSISTANT SECRETARY.

Though(Sic) the Commissioner of  
Indian Affairs.

(Endorsed) Union Agency # 13718 Received March 26, 1906. Office of the U.S. Indian Inspector for Indian Territory. Washington, March 19, 1906. Secretary. Encls. for information letter from C.R. Folk, Holdenville, I.T., with reference to the action of certain parties in securing undated deeds from members of the Five Civilized Tribes pending the removal of their restrictions.



Enclosure.

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

March 9, 1906.

J. George Wright,  
U. S. Indian Inspector for Indian Territory,  
Muskogee, Indian Territory.

Sir:-

Referring to the communication of Superintendent Benedict of the 14th ultimo, relative to continuing the schools in Indian Territory after the fourth of March, 1906, there is enclosed herewith for your information a copy of a communication from the Secretary of the Interior.

You will note that the Secretary deems it advisable for the Superintendent of Schools to submit through you before the beginning of the next school year, such regulations as he considers proper for the conduct of the schools of each nation.

In accordance with this suggestion, you will direct Superintendent Benedict's attention to this matter and have him submit at as early a date as possible such regulations, etc. as may be deemed necessary.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

J.H.D.(F).

(Endorsed) Union Agency No.13601 Received Mar.12,1906 Office of U.S.Indian Inspector for Indian Territory.Washington, March 9, 1906.Commissioner.-----Encls. copy of letter from the Secretary of the Interior, rel. to continuing schools, and desires that Supt.Benedict be instructed to furnish as early report rel. to regulations, etc. deemed necessary.-----



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D E P A R T M E N T O F T H E I N T E R I O R,  
W A S H I N G T O N.

Direct.  
I.T.D. 4212-1906.

March 15, 1906.

United States Indian Inspector  
for the Indian Territory.

Sir:

There is enclosed for your information press copy of a letter from acting Attorney General Purdy, dated March 9, 1906, relative to the placing of certain funds for the benefit of the school fund in the Indian Territory.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

-----  
Washington, March 9, 1906.

The Secretary of the Interior.

Sir:

, In reply to your letter of the 7th instant, I have the honor to say that I have to-day written to the Secretary of the treasury requesting that the amount now standing to the credit of the Treasury of the United States for the benefit of the school fund and such amounts as shall from time to time be deposited to the Treasurer's credit in like manner be placed to the credit of the Secretary of the Interior on the books of the Treasury.

Respectfully,

Acting Attorney General.

(Endorsed) Union Agency no. 23641. Received Mar. 19, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, March 15, 1906. Secretary.-----Encls. copy of letter from Acting Attorney General rel. to placing certain funds to the credit of the Secretary for the benefit of the school fund in Ind. Ter.



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

Washington.

I.T.D. 4564-1906.

March 20, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On March 7, 1906, you transmitted the application of Mr. William S. Jackson for permission to enter into a contract with the United States Indian Agent, Union Agency, (Sic) Ind.T., for the purchase of 1,000,000 cubic yards of sand and gravel to be procured from the Arkansas River, near the mouth of the Grand River, in the W/2 of section 9, T. 15 N., R. 19 E. This contract is sought under the provisions of the act of June 6, 1900 (31 Stat., 660) amended by the act of January 21, 1903. (32 Stat., 774).

You state that the royalty of 2 cents per cubic yard which is to be paid for the privilege desired is the same as has been heretofore fixed in similar contracts, and that this sand and gravel will be removed from within the meandered banks of the Arkansas River from land that will never be allotted. You consider that it will be to the best interests of the Cherokee Nation to grant the permission asked, and you recommend that the Indian Agent be permitted to enter into the desired contract under the usual conditions.



Reporting March 15, 1906, the Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Authority is hereby granted the United States Indian Agent, Union Agency, Ind.T., to enter into a contract with said William S. Jackson for the sale of 1,000,000 cubic yards of sand and gravel, to be taken from within the meandered banks of the Arkansas River, in the W/2 of section 9, T. 15 N., R. 16 E., in accordance with the regulations approved by the Department February 28, 1903.

Respectfully,

Thos. Ryan.  
FIRST ASSISTANT SECRETARY.

L INCLOSURE

(Endorsed) Union Agency # 13721 Received March 26, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, March 20, 1906. Secretary. Grants authority for Indian Agent to enter into contract with Wm. S. Jackson for the purchase of 1,000,000 cubic yards of sand and gravel to be procured from the Arkansas River near the mouth of the Grand River.



PIONEER TELEPHONE & TELEGRAPH CO.

RIGHT OF WAY:  
TULSA MINGO.

Oklahoma City, Oklahoma.

March 27, 1906.

Honorable J. George Wright, Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:-

I have your communication of March 1st, relative to our pole line being in the center of the section line road in Section 30, Township 20, North Range 14, East. I have investigated this matter, and to the best of my personal recollection, as well as reports of other parties, I am convinced that our poles are not in the middle of the section line road. I will say, however, that it may be in the middle of the road as the road now runs, but that the pole line is standing where it was originally intended to stand, and where the application approved by the Secretary of the Interior provided.

If I am not mistaken, this is our pole line along the Frisco Railroad right-of-way, East from Tulsa; and along there in several places the Railroad Company has moved its fence in towards the track, and therefore, has not fenced its entire right-of-way. Soon after the Railroad Company moved their fence in in various places, the farmers or allottees moved their fences an equal distance over towards the railroad, and as our pole line was not moved in towards the railroad, it now stands in what



now appears to be the middle of the public road, when as a matter of fact, it is standing on our approved right-of-way and that right-of-way has been encroached upon by adjoining property owners or allottees to this extent.

I believe this fully explains the situation, and I believe that you will agree with me that we have a perfect right and title to allow our poles to remain where they are now standing.

I sincerely hope this fully answers your inquiry of the 1st, instant, and also that of the Agent, written on January 27th,

Yours truly.

John M. Noble.  
GENERAL MANAGER.

(Endorsed) Union Agency # 54646 Received March 29, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Oklahoma, March 27, 1906. J. M. Noble, Mngr. Pioneer Tel. & Tel'g Co. Relative to its pole line along Frisco R.R. right of way, East from Tulsa.



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DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I. T. D. 4688-06.

March 28, 1906.

U. S. Indian Inspector for Indian Territory:

Sir:

Referring to Department letter dated March 22nd instand, directing you to procure information in connection with approved and other pending oil and gas leases in the Indian Territory, and for that purpose to proceed to various places where interested parties reside, you are hereby authorized, after procuring all information possible from parties at Pittsburg, to return to this city for further conference before proceeding elsewhere.

Respectfully,

Thos. Ryan

Acting Secretary.

(Endorsed) Union Agency No. 14123. Received May 18, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Mar. 28, 1906. Secretary.-----Directs Inspector in re investigation oil and gas operations, to return direct from Pittsburg to Washington, for further conference.



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April 5th, 1906

Honorable J. George Wright,  
United States Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:-

Under your verbal instructions, I called on the Seneca Telephone Company, Seneca, Missouri, and finding Mr. J.M. Berry, Vice President and general Manager of the Company, out of town I was referred to W. A. Chandler, one of the stock holders of this Company, who informed me that the total mileage of their lines in the Indian Territory was 17.8 miles and was constructed prior to the Act of March 3, 1901, and that said (Sic) line had not been approved by the Secretary of the Interior, and neither had there been any taxes paid. Mr. Chandler also informed me that they had transferred all of their lines in the Indian Territory to the Pioneer Telephone and Telegraph Company and it was the understanding that the Pioneer Telephone and Telegraph Company were to pay the taxes now due the line and also general (Sic) damages of \$3.30 per mile of the line that they maintain in operation.

The line is described as follows:

|                                              |                |
|----------------------------------------------|----------------|
| 3.40 miles in the Shawnee Reservation.....   | \$7.37         |
| 7.18 miles in the Wyandotte Reservation;.... | 16.82          |
| 6.50 miles in the Cherokee Nation;.....      | 15.17          |
|                                              | <u>\$39.36</u> |

and taxes due on said lines from March 3, 1901, till June 30, 1905, is \$39.36.

Yours truly,  
Albert A. Montee



(Endorsed) Union Agency # 54794 Received April 5, 1906. Office  
of U.S. Indian Inspector for Indian Territory. April 5, 1906.  
A. A. Montee. Transmits information regarding certain lines of  
the Seneca Telephone Company.



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PIONEER TELEPHONE AND TELEGRAPH COMPANY

(of the maps for the Owasso-Mingo line), even though they were  
E.D.Nims, President,  
Jno.M.Noble, Vice-Pres't & Genl.Mgr.  
E.E.Westervelt, Secy & Treas.  
Arthur Whorton, Auditor.  
Henry E.Asp.General Solicitor.

E.D.Nims.  
Thursday 116.  
Oklahoma City, Oklahoma.

Maps sent under Separate Cover.  
April 26, 1906.

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

Dear Sir:

Inclosed please find two tracing cloth maps showing the definite location of telephone line from Fanshawe, Choctaw Nation, Indian Territory, south to the line of the Saint Louis & San Francisco Railway to Talihina, Choctaw Nation, Indian Territory, a distance of twenty miles; also two tracing cloth maps showing the definite location of the telephone line from Owasso, Cherokee Nation, Indian Territory, south along the section lines to Mingo, Indian Territory, a distance of six miles.

I have forwarded to the principal Chief of the Cherokee Nation, and also to the Governor of the Choctaw Nation, copies of these maps with instructions to get the receipts from the Governors, and as soon as the same are received will forward them to you.

The damages on the above mentioned line have been paid, but it seems, through an oversight, that maps have not been heretofore filed, although our records show that there appears to have been no record made of them whatever, in the material department 52775.



I, E. D. Nims, being first duly sworn, hereby state under oath that I am President of the Pioneer Telephone and Telegraph Company, which company operates certain lines in Indian Territory; that every possible effort has been made to ascertain the dates of construction of lines hereinafter mentioned purchased by such company after the same had been constructed and operated a number of years; that the companies originally acquiring right-of-way and which constructed these lines have been called upon to supply this data but in some cases the companies have ceased to exist and the proper persons who should have knowledge of this fact cannot be located; that in other cases the records of these companies are incomplete and the data can only be given approximately; that in some cases the date of construction could not be ascertained approximately from the older residents in the different localities.

The exact date of construction of these lines is, therefore, given where the same can be ascertained and in other cases the approximate date of construction is given, which approximate dates have been arrived at from the best information obtainable in each case.

|                                                                     |      |      |                          |
|---------------------------------------------------------------------|------|------|--------------------------|
| From Collinsville to Owasso,                                        | 7.61 | mis. | Sept. 1904.              |
| " Bartlesville to Osage Line,                                       | .5   | "    | Mch. 1902.               |
| " Dewey along Katy Ry. to<br>Kansas State Line near<br>Coffeyville, | 23.2 | "    | 8/15/05                  |
| " Kansas State Line near Chetopa<br>along Katy Ry. to Vinita,       | 24.7 | "    | Mch. 1900                |
| " Vinita along Katy Ry. to<br>Wagoner,                              | 49.3 | "    | Mch. 1900                |
| " Coweta to Verdark,                                                | 19.5 | "    | July 1, '03              |
| " Wagoner to Muskogee along<br>Katy Ry.                             | 15.4 | "    | Prior to<br>March 3, '01 |
| " Muskogee along Katy Ry. to<br>Eufaula,                            | 34.5 | "    | " " "                    |



From Muskogee to Russell along  
Midland Valley Ry., 20.05 Mis. July, 1904.  
Which line was abandoned June 20, 1905.

From Correat along Muskogee  
Union Ry., Southwesterly, 3. " about 7/1/1903.

" Muldrow to Maple, 5. Don't know-line abandoned.

" Shady Point to Sutter, 7. Don't know-line abandoned.

" South McAlester to Durant 75.5 Mis. Fall of 1902.

" Atoka to Coalgate along  
Katy Ry. 16.38 " 10/15/1904

" Antlers to Red River, 26.02 " About 1/1/1903.

" Durant to Mead Junction  
along Frisco Ry., 7. " " 1/1/03.

" Sulphur to St. Louis and  
San Francisco Ry., 6.57 " April 7, 1905.

Chickasha North to Oklahoma  
Line. 21.5 " Prior to 1901.

" Weleetka to Castle along  
Ft. Smith & Western Ry., 20.1 " August 1903.

" Ada to Byars, 25. " July 1903.

" McGee to North Oklahoma  
line, 9. " February 1903.

" Ada to Konawa, 16.98 " 12/15/04

" Coalgate to Stonewall, 22.2 " 1/15/04

" Chelsea to Alluwe, 11.5 " 4/15/05

" Stonewall to Ada, 12. " 11/21/05

" Wister to Poteau 8.5 " 3/24/06.

" Hughes to Talihina, 23.6 " 3/24/06.

" Antlers to Kosoma, 11.9 " Not complete.

" Barren Fork to Westville, 7. " 7/1.1902

" Wister to Wilberton, 3/24/06

" Scullin to Red River along  
Frisco Ry., 58.99 " March 20, 1905

(Signed) E. D. Nims

SUBSCRIBED AND SWORN TO before me this first day of  
May, A. D. 1906.

(Signed) R. A. Ratledge.  
Notary Public.

S E A L.

My commission expires June 5, 1906.



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

DIRECT.

May 3, 1906.

I.T.D. 7366-1906.

The United States Indian Inspector  
for Indian Territory, Muskogee, Ind.Ter.

Sir:

There are inclosed herewith copy of a letter received from the Indian Office, concerning the theft of the Creek and Seminole rolls, with certain newspaper clippings, and copy of a communication from Messrs. Apple and Franklin to W. W. Wright, Attorney at Law, in the Corcoran Building, of this city, dated March 2, 1906, with copies of affidavits of Nannie Buckanon, Boswell, Indian Territory, dated March 1, 1906; also of Emmer Sisney, sworn to March 17, 1906, and copy of letter from W. W. Writht to Messrs. Apple and Franklin, dated March 5, 1906, with a copy of a letter from said Wright to the commissioner to the Five Civilized Tribes, dated March 5, 1906, with memoranda made for the Assistant Commissioner of Indian Affairs, dated April 23, 1906.

You are directed to make a thorough and complete investigation of the matters referred to and make report thereon in duplicate with return of the papers.

Respectfully,

Thos. Ryan.  
First Assistant Sec.

2 inclosures.



510  
Norton, Indian Territory.  
May 7, 1906.

Dana H. Kelsey,

Dear Sir:

I will inform you a letter which stating that I would like to know if I can get an Indian Police force.

If so I wish you could do some favor for me. Agent? To get a force from you. If a chance for me. I would be verry (Sic) much oblige (Sic) if you can put me in as Indian Police.

Let me know soon as possible Agent? I am Chickasaw by blood, age 25 years old, weight 150 pounds, height 5 feet 6 inches.

Please peel ice. If so you can and dont drink are (Sic) gamble are (Sic) nothing I would like to be an officer to do som (Sic) thing. I have ben (Sic) staying in store for long time and so I would like get out and do something.

Answer real soon.

Yours truly,

Ben Underwood.

Norton, I. T.



571  
May 9, 1906

Ind.Ter. 190-

Received of \_\_\_\_\_ For \_\_\_\_\_

\$ \_\_\_\_\_)Dollars for advanced rents and royalties upon  
lands here inafter described, as provided to be paid under the  
terms of a certain oil and gas mining lease given to said \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 190-  
which sum of money shall be credited upon the royalties accruing  
to me when said lands shall become oil and gas producing property,  
as provided in the terms of said oil and gas mining lease above  
referred (Sic) to:

Witnessed by--

(Endorsed) Union Agency # 14127 Received May 19, 1906. Office  
of U.S. Indian Inspector for Indian Territory. Washington, D.C.  
May 16, 1906. Secretary. Refers for appro. action letter of  
John Doe, enclosing form of receipt used by certain companies  
under oil and gas leases, and suggesting investigation of opera-  
tions of The Kansas Nat., Gas & Oil Co., should be made.



517  
SUBJECT: Construction, Toll-Right-of-Way.

P I O N E E R T E L E P H O N E & T E L E G R A P H C O.

Okalahom City, Oklahoma  
May 9, 1906.

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

Dear Sir :

Replying to your favor of May 5, referring to the line from Dewey, along the Katy Railroad to the Kansas State Line near Coffeyville, a distance of 23.2 miles, where the date of completion is given as August 15, 1905, which you say "is evidently a typographical error, as such line was in operation when you purchased the same from the Cherokee Nation Telephone Company", and that we have paid taxes on such line from March 11, to June 30, 1905.

If we have paid taxes on this line prior to August 15, 1905, it was a mistake because the line was not completed and in operation until that date. This is a new line we built after purchasing the Cherokee Nation Telephone Company's property. That company had the right-of-way for a line along this route but had not constructed it. If you find that we have paid taxes on this line from March 1, to June 30, 1905 ~~we~~ should be given credit 1 for that amount.

Referring to the lines from Muldrow to Maple, and from Shady Point to Sutter, the date of construction we have been unable to obtain. However, we will make another effort to find out as nearly as possible the date of the construction of this line.

55616



I will say that this property was purchased by us from an Administrator of the Breedlove estate, and was sold by the order of the Court, free and clear from any liens or encumbrances.

Will you kindly advise me whether or not in case you find there was unpaid taxes or damages due on this line we would be responsible for the same or would the claim be filed with the Administrator.

Regarding the line from Tamaha to Whitefield, 24 miles, will say that the best information we can get is that this line was constructed prior to 1901. The probabilities are that the line from Eufaula to Whitefield was constructed at the same, but we did not purchase the line from Eufaula to Whitefield when we took over the other property. This line had been abandoned and was not in operation and we did not purchase that property but it is my understanding that we did purchase the Tamaha-Whitefield line and the same is in operation.

Yours very respectfully,

E. D. Nims.

:President.

(endorsed) Union Agency # 55616 Received May 11, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, May 9, 1906. E. D. Nims, Pres. Pioneer T. & T. Co. Reports relative certain telephone lines.



514  
Norton, I.T.

May 17, 1906.

Dana H. Kelsey,  
U.S. Indian Agent,  
Muskogee, I.T.

Sir:

In regard to Burney Underwoods application to act as police, you should be careful. I am satisfied he has some other motive in view to get a right to carry a gunn. (Sic) He is a young man and full blood. He seems to be posed (Sic) of an over-baring (Sic) princible (Sic) when drinking only. He has payed a fiew (Sic) fines in the last fiew (Sic) months and it seems as though he has got it in for some boddy. (Sic) His wife is a white woman. Him and his Mother all live togeather (Sic). They are all at outs or dont like each other and the women are afraid of him when he gets drunk. His father-in-law and brother-in-law and famlies (Sic) all live on the place, making a crop and Burney has got it in for them also. They are not afraid of him nor they wont hurt him, but if he was given permission to carry a gunn (Sic) and got drunk he might hurt some of them or try. He also seems to be absonminded (Sic) at tims (Sic). Romines is his father-in-laws name and there is other famlies (Sic) liveing (Sic) on the same farm by the name of Brown. I dont know what sort of people any of them are. They are all related, and there was a single man living with one famley (Sic) of the Browns, making a crop. Its claimed had some two or



515  
\$300. (three hundred) dollars. He has disapeard (Sic) and it seems as though no one scen (Sic) him after he left the house, excet (Sic) Browns famley (Sic). He left in the evening awhile before sunset last Satteday (Sic) 13th and never has been seen nor heard of since. He has a good spand of muls (Sic) and wagon. He oned (Sic) some other stock. Browns claims that they bought (Sic) his crop. They say that they new (Sic) he was fixing to leave but the idia (Sic) of him leaving the house just before dark and not saying anothing to any one as to where he was going or how long he intend staying and its 6 or 7 miles to the railroad station. Suming (Sic) it all up it naturaly (Sic) leads one to think that there has been foul play by some one. Unless he was on the dodge and got scared and sliped (Sic) off in that way and an understanding with the Browns to make this sort of report. I have sised (Sic) it up in all sorts of shaps (Sic). Maybe i'll work it out after awhile. But Burney Underwood dont want permission to carry a gunn (Sic) untill (Sic) he reforms. You may stand him off from time to time after awhile he will desid (Sic) that he dont want any gunn (Sic). No one will not hurt him if he hasent (Sic) got a gunn (Sic).

Yours,

Cicero S.Potts.

Dtct. & Protect.

(Endorsed) Union Agency No.113 Received May 19,1906 Office of United States Indian Agent,Muscogee,Ind.Ter. May 17,1906 Cicero S.Potts, Dtct. & Protect., Norton,I.T.----Writes in regard to one Burney Underwood, also some of his relatives, and suspects foul play to one man.----



516

Estimate of cost of testing coal lands in  
Indian Territory.

May 19, 1906.

The Honorable

Sir:

Referring to your letter of April 25, in which you request an estimate of the probable cost of testing the value of the coal in Indian Territory fields, and my reply of April 27, I beg to state that the necessary information has been secured for making such an estimate.

The coal beds of the Indian Territory fields have been so thoroughly opened by test pits on the outcrop and these test pits have been so thoroughly examined by Mr. Taff and his assistants, that it is not probable much additional information regarding the extent and value of the coal can be obtained from this source. Recourse must be had therefore to drilling. It is believed that at least one test hole should be put down on each of the 362 tracts into which the coal districts have been subdivided. Further, these holes should be so located that their average depth to the main coal seam will be about 500 feet. To test the entire field on this plan will therefore require the drilling of 181000 feet. It is estimated that this drilling can be done in a period of four years, with five drill outfits in charge of one competent expert. The cost of the five outfits complete will be about \$12,500, and the cost of drilling under the conditions prevailing in Indian Territory

14244



will probably average about \$1.25 per foot. Allowing \$2,000 per year for four years, the cost of expert geologic supervision will amount to \$8,000. The total cost of the work appears in the following tabular statement:

|                                                           |          |
|-----------------------------------------------------------|----------|
| Estimated number of drill holes needed to test the field, | 362      |
| Average depth-----,                                       | 500 ft   |
| Total number of feet to be drilled-----,                  | 181000   |
| Cost of drilling at \$1.25 per foot-----                  | 226250   |
| Cost of five (5) drill outfits complete-----              | 12500    |
| Cost of geologic supervision (locating holes)             |          |
| \$2000 per annum for four years-----                      | 8000     |
| Time required, 4 years                                    |          |
| Total estimated cost - - - - -                            | \$246750 |

Very respectfully,

Chas.D.Walcott.

Director.

(Endorsed) Union Agency No.14244 Received May 29,1906 Office of U.S.Indian Inspector for Indian Territory.Washington,D.C.May 25,1906.Secretary.-----Special-----Directs Inspector to make investigation and report, in connection with report of Director of Geological Survey, probable cost of determining value of coal in Ind.Ter.fields. (Director's report not encl.)----



518

DEPARTMENT OF THE INTERIOR,  
Washington.

May 25, 1906.

Mr. J. George Wright,  
U.S. Indian Inspector,  
Muskogee, Indian Territory.

Sir:

Recently, a conference was had at the Department between yourself, Mr. Cameron, the Mine Inspector for the Indian Territory, and the Secretary of the Interior, in relation to the deposits of coal in the Indian Territory. At that time, the report made by Mr. Taff, on coal beds of the Indian Territory, was discussed, from which it appeared that he had opened test pits on the outcrops of coal, and thereafter examined the same.

Thereafter, a call was made upon the Director of the Geological Survey, for an estimate of the probable cost of testing the value of the coal in the Indian Territory fields, and a copy of his estimate is herewith transmitted for your information. It will be observed therefrom that he expresses the opinion that it will be necessary to drill a large number of deep test holes in the several coal districts; that the work in connection therewith will cover a period of four years; and that the total estimated cost thereof will be \$246,750.00.

I have to request, therefore, that you will confer with Mr. Cameron and Mr. Bixby in this matter, and after careful consideration of the matters set up in the Director's letter,



advise me as to your conclusions as to the correctness thereof, and as to whether or not there is any other feasible and less expensive means of getting at the value of the coal in the district, together with any other information on the subject that will be of assistance in reaching a conclusion in the premises. Possibly, there may be in the possession of the various lessees information as to the value of the properties now under lease by them, which may be obtained. I understand that when you were at the Department you had a map showing the location of all these coal leases in the Indian Territory, and the names of the lessees; and also a printed statement covering the dates of the leases, the width of the veins, and other information. If you have no copy of the map in question, you can forward the original to the Department, with such additions thereto as you deem necessary; and I will cause a tracing thereof to be made, which will be useful to you, no doubt, in connection with your annual report of operations during the present fiscal year.

I have also to request that you will very carefully consider Mr. Taff's report hereinbefore mentioned, and make such inquiry as will enable you to determine, as far as practicable, the means employed and the work actually done by him in securing the information embodied in his report in regard to the coal beds of the Territory, as a result of which he reached the conclusions set forth in said report.

If consistent with the despatch of your other duties, it is desired that this matter be made special

Very respectfully,

E.A. Hitchcock,  
Secretary.

P. & M. Div.



520  
DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 8579-1906.

July 14, 1906.

The United States Indian Inspector

for Indian Territory, Muskogee, Ind. Ter.

Sir:

Referring to departmental letter of even date, transmitting a copy of the Indian Appropriation Act for the fiscal year ending June 30, 1907, approved June 21, 1906 (Public No. 258), your attention is invited to the fourth paragraph on page 16 thereof, which reads --

Ten thousand dollars, or so much thereof as may be necessary, to be immediately available, in the payment of indebtedness already incurred, necessarily expended in suppressing the spread of smallpox in the Indian Territory during the fiscal year ended June thirtieth, nineteen hundred, all accounts to be first examined and approved by the Secretary of the Interior as just and reasonable before being paid.

Also to the seventh paragraph, which reads --

To carry out the provisions of section ten of the supplemental agreements with the Creek Nation, as ratified by the act of June thirtieth, nineteen hundred and two, and section thirty-seven of the Cherokee agreement, as ratified by the Act of July first, nineteen hundred and two, eight thousand dollars.

And to the first paragraph on page 23, which reads ---



That the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to continue the publication of the Cherokee Advocate, at Tahlequah, Indian Territory, until June thirtieth, nineteen hundred and seven, and to pay the expense of the same out of the tribal funds of the Cherokee Nation.

You are requested to make report on each of said paragraphs, with a draft of such regulations in each case as in your judgment ought to be promulgated for the purpose of carrying out the several provisions of said act, above referred to.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 14653 Received Jul. 20, 1906 Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. July 14, 1906 Secretary.-----Calls for report and draft of regulations under certain provisions of the Indian Appropriation Act 1907.-----



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

I.T.D. 12526-1906.

July 17, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On June 14, 1906, you transmitted a report relative to the giving out of information concerning applications for the removal of restrictions made by allottees of the Five Civilized Tribes.

You recommend that the instructions heretofore given that no information whatever be given out concerning applications for the removal of restrictions be amended so as to permit the giving out of information to interested parties as to whether or not an application has been forwarded for the consideration of the Department.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

You are advised that the Department has this day requested the Indian Office to modify its instructions of February 19, 1906, to Agent Kelsey so as to permit information to be given to parties in interest as to the time when applications for the removal of restrictions are forwarded for departmental consideration.

Respectfully,

Thos. Ryan.  
Acting Secretary.

(Endorsed) Union Agency # 14670 Received Jul.21,1906.Office of U.  
S. Indian Inspector for Indian Territory. Washington, D.C.



-2-

(Endorsed) Cont. July 17, 1906. Secretary. Amends instructions relative giving out information in re applications removal of restrictions. # 14670



524

D E P A R T M E N T   O F   T H E   I N T E R I O R.  
W A S H I N G T O N.

I.T.D. 12592-1906.

July 20, 1906.

Direct.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

The Department is in receipt of your letter of July 11, 1906, transmitting an agreement extending the terms of a contract originally entered into on December 3, 1904, with the St. Vincent's Institution for the Insane, at St. Louis, Mol., for the care of insane persons from Indian Territory, not Indians, for a period of one year from June 30, 1906, or until June 30, 1907.

The only change in the provisions of the original contract is a provision that no more negroes shall be confined in said institution.

This agreement is dated June 30, 1906, and is executed by the St. Vincent's Institution for the Insane, and the United States Fidelity and Guaranty Company, surety on the bond accompanying the contract, has also indorsed its consent to the extension of said contract, and agrees that the bond shall remain in full force and effect until June 30, 1907.

It appears that they have no separate wards for negroes, and have no facilities or provisions made for caring for them separate from the whites. They agree, however, to keep the



seven negroes (Sic) now confined in such institution until such time as they can be discharged, provided no more are sent there.

There appears to be no objection to the extension of the contract with the St. Vincent's Institution for the Insane for the period named in the contract. I have this day executed said agreement, in quadruplicate, and three parts thereof are returned herewith for appropriate disposition (Sic.

You are authorized to submit propositions from such institutions which may have the facilities and make offers for the care of insane negroes who are not members of any tribe in the Indian Territory.

Respectfully,

Thos. Ryan.  
Acting Secretary.

3 inclosures.

(Endorsed) Union Agency # 14684 Received July 23, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. July 20, 1906. Secretary. Authority to submit propositions from certain institutions for care of insane negroes(not Indians) in Ind.T. Returns executed agreements with St. Vincent's Institution.



526  
L a n d.

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

August 14, 1906.

J. George Wright, Esq.,  
United States Indian Inspector,  
Muskogee, I.T.

Sir:

You are hereby advised that the Secretary of the Interior has appointed Mr. William E. Johnson, of Maryland, a Special Officer to assist in the suppression of the liquor traffic in the Indian Territory and Oklahoma under the provisions of the Act, approved June 21, 1906 (Public No. 258), making appropriations for the current and contingent expenses of the Indian Department, etc., for the fiscal year, 1907.

All mail addressed to Mr. Johnson, care the United States Indian Agent, Muskogee, Indian Territory, will reach him. His duties will be to take such action as may be necessary to suppress the traffic in intoxicating liquors among the Indians in these Territories. You are therefore instructed to cooperate with him and extend to him every facility possible in the discharge of his duties. If you have reason to believe that the law against the sale of liquor to Indians is being violated, you will promptly advise him of the facts in the case.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

T.B.W:E.



527  
(Endorsed) Union Agency No.14970 Received Aug.16, 1906 Office of  
U.S.Indian Inspector for Indian Territory.Washington,D.C.aug.  
14,1906.Commissioner.----Advises Secy of Int. has appointed Wm.  
E.Johnson, of Md., special officer, to assist in suppression  
of liquor traffic in Ind. T. and Okla.----



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D E P A R T M E N T O F T H E I N T E R I O R.  
O F F I C E O F I N D I A N A F F A I R S .  
W A S H I N G T O N .

Accounts  
Auth-100864  
1 Encl.

August 15, 1906.

Mr. J. George Wright,  
U.S. Indian Inspector for Indian Territory,  
Muskogee, I.T.

Sir:

Your letter dated the 1st instant, addressed to the Secretary of the Interior, recommending the promotion of Mr. William H. Crawford, Clerk at the Union Agency, from \$1500 to \$1800 per annum, approved by the Secretary under date of the 1st instant, is enclosed herewith.

You will report the promotion of Mr. Crawford on form 5-240 for the records of the office.

Very respectfully,

C.F. Larrabee,  
Acting Commissioner.

(Endorsed) Union Agency # 14971 Received Aug. 17, 1908. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Aug. 15, 1906. Commissioner. Returns approved by Secretary Interior, promotion of Clerk Wm. M. Crawford to \$1,800. per annum from Aug 1, 1906.



529

DEPARTMENT OF THE INTERIOR,  
Washington.

September 5, 1906.

Mr. J. George Wright,  
U. S. Indian Inspector for Indian Territory,  
Muskogee, Indian Territory.

Sir:

I have to invite your attention to the fact that Section 3738 of the Revised Statutes provides as follows:

"Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States."

The Act of August 1, 1892 (27 Stat. 340) provides as follows:

"That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

"Sec. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ,

15187



direct or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

This latter act was held by the Attorney-General, under date of August 27, 1902 (20 Opin. Atty. Gen. 459), to be of general application, and it was stated by him that the limitation as to public works in the act applies only to such persons as are in the employ of contractors and subcontractors.

I have to request that you will at once advise the Department as to whether or not there are any mechanics or laborers employed in your Office, or by contractors executing work under your supervision, who are employed more than eight hours a day. If there are any such laborers or mechanics so employed, a statement should be submitted giving the number, their grade and rate of compensation, where they are employed and length of employment; and if it will not involve any great amount of labor, the names of such persons should be given.

This matter should receive immediate consideration.

Very respectfully,

Thos. Ryan

Acting Secretary.

P. & M. Div.

(Endorsed) Union Agency No. 15187 Recd Sep. 7, 1906 Office of U.S. Indian Insp. for I.T. Wash. D.C. Sept. 5, 1906. Secy----Requests advice re laborers mechanics or workmen employed more than 8 hrs per day under Inspectors supervision.----



531

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.  
I.T.D. 7418-1906.

September 7, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

Receipt is acknowledged of your letter of April 10, 1906, forwarding an application for permission to construct and operate a telephone exchange in the town of Mill Creek, Ind. T., accompanied by a map in duplicate, showing the location of the several lines of poles for which right of way is desired, and remittance in the sum of \$10.20 in the form of draft dated April 10, 1906, tendered in payment of damages and annual taxes thereon.

Computing the damages and annual taxes in accordance with the instructions containing in departmental letter of March 10, 1906, relative to the town of Bristow, you find the amount due to be the sum named above. You recommend that the right of way be granted as requested, that permission be granted to operate an exchange in the town of Mill Creek, Ind. T., and the remittance tendered be accepted in payment of general damages and taxes from May 1 to June 30, 1905.

You request that one copy of the inclosed map, forwarded by you, be returned for appropriate disposition.

Forwarding the papers in the matter on May 1, 1906, the Indian Office concurred in your recommendations. A copy of Indian Office letter of said date is inclosed.



The Department is not sufficiently advised as to the date of the completion of the line covered by the application of Messrs. Webster and Kirby. The papers submitted however indicate that said line was not completed until some time during the year, 1905. The records of the Department show that the town plat of Mill Creek was approved November 12, 1903. It is therefore possible that this matter comes within the approved opinion of the Assistant Attorney-General of June 9, 1906, relative to the town of Wetumka. Your attention is also directed to the approved opinion of the Assistant Attorney-General of October 27, 1905, concerning the collection of taxes in incorporated towns in Indian Territory.

To the end that the Department may be sufficiently advised in the matter, a further report is requested.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(Endorsed) Union Agency No. 15271. Received. Sep. 17, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Sept. 7, '06. Secretary.-----Requests further report relative date of construction of line and tel Ex in Mill Creek, I.T.



533

PIONEER TELEPHONE & TELEGRAPH CO.

Oklahoma City, Oklahoma

9/8/1906.

Mr. J. Geo. Wright.

U.S. Indian Inspector,  
Muskogee, Ind.Ter.

Dear Sir:-

Herewith we beg to hand you voucher No. H. 313 dated September 5th for \$1331. 41 covering tribal damage and taxes on toll lines in Indian Territory to June 30, 1905.

Please sign and return the voucher to us at your earliest convenience and oblige,

Yours truly,

W. E. Larsh.

Asst. Treas.

(Endorsed) Union Agency # 58513 Received Sep. 10, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla., Sept. 8, 1906. PIONEER TELEPHONE & TELEGRAPH CO. Enc. voucher No. 313 for \$1331.41 covering tribal damages and taxes on tel. lines in Ind. Ter.



534  
THE WESTERN UNION TELEGRAPH COMPANY

RECEIVED at

112.KS.FS.RN.30 Collect Govt.

DW-Washington, D.C. Oct.3rd-06.

Wright, Inspector,

Muskogee, I.T.

Attorney general will appear before the supreme court for  
Indians personal appearance of Porter and others mentioned  
by you not necessary.

Thos. Ryan Actg. Secy.

6:10 PM.

(Endorsed) Union Agency No. 15569 Received Oct 4, 1906 Office of  
U.S. Indian Inspector for Indian Territory. Washington, D.C. Oct.  
3, 1906. Secretary.-----WIRE: Attorney-General will appear before  
Supreme Court for Indians. (In M.K. & T. land case).-----



535  
Muskogee, I.T.

Oct 10th, 1906.

J. George Wright,  
United States Indian Inspector,  
Muskogee, I.T.

Dear Sir:-

Under your verbal instructions I visited the following towns herein named, and secured the information concerning the dates that the telephone exchanges were constructed in said towns:- All such exchanges are operated by the Pioneer Telephone & Telegraph Company.

| Town              | Date of Construction of Exchanges. |
|-------------------|------------------------------------|
| Sapulpa, I.T.     | Sept. 2nd 1901                     |
| Tulsa, I.T.       | Jany. 5th 1903                     |
| Dewey, I.T.       | March 1st 1906                     |
| Ramona, I.T.      | Oct. 21st 1904                     |
| Chelsea, I.T.     | Jany. 21st 1901                    |
| Vinita, I.T.      | Aug. 21st 1899                     |
| Okmulgee, I.T.    | Apr. 6th 1901.                     |
| Copan, I.T.       | May 1st 1906                       |
| Miami, I.T.       | Sept. 26th 1899                    |
| Pryor Creek, I.T. | July 2nd 1902.                     |
| Grant, I.T.       | August 1st 1905.                   |

In reference to the land in which Dewey, I.T. in the Cherokee Nation is located on, I enclose plat showing the description, and also the name of the allottees written thereon.

Yours truly,

A.A. Montee.

(Endorsed) Union Agency No. 59163 Received Oct. 11, 1906 Office of U.S. Indian Inspector for Indian Territory. Muskogee, I.T., Oct. 10, 1906. A.A. Montee. ---- Giving dates of construction of cert. tel. lines operated by Pioneer Tel. Co. ----



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D E P A R T M E N T O F T H E I N T E R I O R,  
W A S H I N G T O N.

I.T.D. 19666-1906.

October 12, 1906.

Direct.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

The Department acknowledges the receipt of your report of October 1, 1906, relative to the discharge and death of various persons heretofore admitted to the St. Vincent's Institution for the Insane, at St. Louis, Mo., from the Indian Territory, and the same is approved.

Your attention is called to the escape from the institution of Wade H. Badgett and Sam Patch, as well as others heretofore reported. If in your judgment these escapes are too numerous, you will suggest to the asylum authorities that greater care should be exercised over those inmates confided to the care of the Institution by the Department.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

(Endorsed) Union Agency No. 15697. Received Oct. 15, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Oct. 12, 1906. Secretary----Approves report of Oct. 1, 1906, relative insane persons confined in St. Vincent's Institution, suggesting if escapes are too numerous Institution should be notified more care necessary to prevent same.



Oscar L. Miles,  
General Attorney,  
Lovick P. Miles.  
Assistant Attorney,

537  
ST. LOUIS IRON MOUNTAIN & SOUTHERN R.R. CO.  
LEGAL DEPARTMENT  
For Western Arkansas & Indian Territory.  
Ft. Smith, Ark.

10/25/06.

Mr. J. Geo. Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

My Dear Sir:

I have your favor of Oct. 18th, your No. D-15619-1906, in re station grounds along the line of the Kansas and Arkansas Valley Railway in the Indian Territory.

For your information, I will say that I think the records in the Engineer's Office at Muskogee will show that when these station plats were surveyed by the U.S. Indian Agent oru engineer went along with your engineer and assisted to jointly make these surveys so that the boundaries of our station grounds would correspond with the plats in your office. I am morally certain this is true and an investigation in your office should reveal this fact.

Mr. H. V. Hinkley was the civil engineer in charge of these surveys, as I understand it, at the time they were made.

At all events, you will find that some such action was taken as I have herein indicated.

If I can be of further assistance to you in this matter, kindly let me hear from you.

Very truly yours,

Oscar L. Miles.



(Endorsed) Union Agency # 59536 Received Oct. 27, 1906.

Office of U.S. Indian Inspector for Indian Territory. Ft.

Smith, Ark., Oct. 25, 1906. Oscar L. Miles. Stating that the records of the engineer's office at Muskogee will show that station grounds were surveyed by the U.S. Ind. Agt.



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P I O N E E R T E L E P H O N E & T E L E G R A P H C O .

Oklahoma City, Oklahoma

November 1, 1906.

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

Dear Sir:

Referring further to your letter of July 2d relative to the purchase of additional lines in the Indian Territory by this Company, beg to advise that on February 1, 1906, we purchased the telephone lines of James F. Rogers, Muldrow, I.T., consisting of a line from Muldrow to Ft. Smith, length 16 miles, and another line from Muldrow, I.T. to Ft. Smith, via Pawpaw, 20 miles in length; and another line from T.A. Cates, Westville, I.T., consisting of a line from Westville to the Arkansas line along the Frisco railroad, 2 miles in length (sic) and another line from Westville, I.T. to the Arkansas line towards Cincinnati, a distance of 3 miles; April 1, 1906, we purchased of the Valliant Telephone Company, Valliant, I.T., telephone lines extending from Valliant, I. T. to the Red River, 8 miles in length, and line from Valliant to Garvin, a distance of 10  $\frac{1}{2}$  miles; July 15th, we purchased a line extending from Madill, I.T. to Aylesworth, a distance of 12 miles; August 1st, we purchased from the Quick Service Telephone Company of Sterrett, I.T., a line extending from Durant to Wade, I.T., a distance of 30 miles, and a line from Sterrett, I.T. to the Red River via Kemp, a distance of 20 miles; August 1, 1906, we purchased from the Durant-Yarnaby Tele-



phone Company of Durant, I.T. telephone line extending from a point 4 miles east of Durant to Yuba, with the Spur, to Yarnby, a distance of 28 miles; August 1st, we purchased from the Ft. Towsen Telephone Company, telephone line extending in a northeasterly direction from Ft. Towsen to Alikchi via Rufe post office, a distance of 21 miles, also line from Ft. Towsen south to Frogville, a distance of 10 miles; July 1, 1906 we purchased all of the telephone lines of the Tishomingo International Telephone Company at Tishomingo, I.T., and as you no doubt, have the mileage of these lines in your office, we would like to receive statement of taxes on this property, together with all foregoing lines.

Yours truly,

Authur Wharton

Auditor.

(Endorsed) Union Agency # 59693 Received Nov. 3, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla., Nov. 2, 1906. Pioneer tel. & tel. Co. Rel. to having purchased cert. tel. lines in Ind. TER.



541

PIONEER TELEPHONE & TELEGRAPH CO.  
LAW DEPARTMENT

Oklahoma City, Okla.,

November 17, 1906.

Hon. J. George Wright,  
Indian Inspector,  
Muskogee, I.T.

Dear Sir:

With further reference to your letter of recent date, regarding dates of construction and abandonment of the following lines beg to give you this information: The Muldrow-Maple line was constructed about May 1902, and was abandoned about June, 1906; the Gans-Muldrow line was constructed about February, 1898, and abandoned about June, 1906; The Shady Point-Sutter line was constructed about August, 1900, and abandoned about March, 1906. I am unable to give the exact dates of the above.

This information comes from outside sources, in reply to a request from us for the same, and we hope this will be satisfactory, our lack of records concerning same making it impossible for us to give you more definite information.

Yours truly,

J. R. Spielman  
Solicitor.

(Endorsed) Union Agency # 59980 Received Nov. 19, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla., Nov. 17, '06. Pioneer Tel. & Tel. Co. Giving dates of construction and abandonment of the following tel. lines; Muldrow-Maple, Gans-Muldrow & Shady Point-Sutter.



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

Muskogee, Ind.T.,  
November 28, 1906.

Hon. J. Geo. Wright,

U.S. Indian Inspector

Muskogee, Indian Territory.

Dear Sir:

I hereby tender my resignation as Telephone Inspector, to take effect December 1, 1906, or as soon thereafter as my successor may be appointed.

I assure you, sir, that it is with a feeling of regret that I leave, and I thank you heartily for the courtesy and support which I have always received from you.

The duties of the office cause me to be away from my family most of the time, and it is for this reason that I resign.

Very respectfully,

Albert A. Montee.

(Endorsed) Union Agency # 60194 Received Nov. 28, 1906. Office of U.S. Indian Inspector for Indian Territory. Department of the Interior, Muskogee, Indian Territory. Nov. 28, 1906. Albert A. Montee.----- Tenders his resignation as telephone inspector to take effect Dec. 1, 1906, or as soon thereafter as his successor may be appointed.



543  
Marlow, I.T.

Dec.6,1906.

Hon.Dana H.Kelsey,

Dear Sir:

I've just received your letter and will thank you in advance for this posison (Sic) and all so will inclose my measurement but will say that I cant understand your blanks for filling out so I've just had to blank filled out my way.

Hoping that you wont get offended of me, so I'll remain

Yours Respt.

T.D.Lee

P.S. Hoping my blank will give you satisfaction.

(Endorsed) Union Agency No.73164 Received Dec.8,1906 Office of  
U.S.Indian Agent,Muskogee,Ind.Ter.Dec.6,1906. T.D.Lee,Marlow,I.T.  
----Encloses oath of office and gives measurements for uniform,  
for U.S.I.P.----



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DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED  
TRIBES.

Muskogee, Indian Territory,  
December 8, 1906.

United States Indian Inspector  
for Indian Territory.

Sir:

Receipt is hereby acknowledged of your letter of December 4, 1906 requesting that this office furnish you, for use in investigations of unlawful timber cutting, plats showing the allotments of minors and also unallotted land in Townships 1, 2, 3, 4, 5, 6, and 7, in Ranges 26 and 27 each.

In order that the plats requested by you may be properly prepared, it is requested that you advise this office whether the townships referred to by you are North or South of the base line, and whether you desire to be furnished with the names and roll numbers of the allottees of such land in those townships as may be allotted to minors.

Respectfully,

Geo. D. Rodgers  
Acting Commissioner.

(Endorsed) Union Agency # 60356 Received Dec. 10, 1906. Office of U.S. Indian Inspector for Indian Territory. Muskogee, I.T. Dec. 8, 1906. Tams Bixby, Comm. Asking further instructions rel. to information asked for in letter of Dec. 4, rel. to unlawful timber cutting.



545  
TO THE SECRETARY OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS, WASHINGTON, D.C.,

The undersigned, the PIONEER TELEPHONE AND TELEGRAPH COMPANY, a corporation duly organized and existing under the laws of the Territory of Oklahoma, and now engaged in the construction and operation of telephone and telegraph lines throughout the Territory of Oklahoma, and other Territories and States, respectfully petitions, that it be granted a right-of-way in the nature of an easement and under and in accordance with the ruling and regulations prescribed by your Department for the construction, operation and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business, through and along the route hereinafter described, I.E. :

Commencing at a point, A, North of Ramona, and running along the section lines in a Northerly direction to the North-east corner of Section 21, then East three miles to the South-east corner of Section 18, thence North two miles to the North-west corner of Section 7, thence East one mile to the Northwest corner of Section 8, to a point, B, being in all a distance of seven and one-half (7 1-2) Miles.

Respectfully submitted,

PIONEER TELEPHONE & TELEGRAPH CO.  
J.R. SPIRLMAN  
ATTY.

(Endorsed) Union Agency # 60253 Received Dec. 10, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla., Dec., 1906. Pioneer Tel. & Tel. Co. Petition for right of way for construction of cert. tel. line.



546  
J.W. Hocker.  
Purcell, I.T.

Purcell Ind. Ter.  
Dec. 12th 1906.

Hon. J. Geo. Wright,  
Muskogee Ind. Ter.

Dear Sir:

Replying to the enclosed application of the Pioneer Telephone Company to condemn lands for Telephone purposes, I wish to state, that the Patent has issued for the lands, over and across which this Company wish to condemn right of way and that these lands have been allotted to me, as 'surplus' other than my homestead--

Under the law, that I may alienate one fourth of these 'surplus' lands, within one year from the DATE of patent, I insist that the Secretary of Interior has no authority to condemn these lands, at this time.

This same company, already have a line running through the lands of my husband, and their poles are a great nuisance, and I would dislike very much to have a line of poles run through my land.

Yours truly.

Nora Shannon.

(Endorsed) Union Agency # 60486 Received Dec. 14, 1906. Office of U.S. Indian Inspector for Indian Territory. Purcell, I.T. Dec. 12, 1906. Mrs. Nora Shannon. Protesting against Pioneer Tel. Co. securing right of way through her land.



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P I O N E E R T E L E P H O N E & T E L E G R A P H C O .

Oklahoma City, Oklahoma.

12/14/1906.

Mr, J. Geo. Wright,  
U.S. Indian Inspector,  
Muskogee, I.T.

Dear Sir:-

Replying to your letter of the 12th ult. addressed to J.R. Spielman; with reference to the affidavit to which you refer, we will ask you to change the date if you so desire, to show that this line was immediately abandoned after its purchase from the Muskogee National Tel. Co. and to substantiate this, you will refer to Mr. Nims' affidavit which was furnished you at the time we made the remittance of \$552.68, for which you sent receipt on Nov. 4th, 1906. The date of July 1 1905, was used in this latter affidavit, in view of the fact of your asking us to pay taxes for the year ending June 30th, 1906.

Relative to the line from Welch to Centralia, we will at once take the matter up with the Delaware Tel. Co. and the former owners of this property and see that you are protected.

Referring to the line purchased from the J. N. Coulter Construction Co. we would, like to inquire relative to the additional 3.2 miles, as we have no extensions or spurs on this line from the time we enter the Indian Territory until we reach the junction of the railroad near Tulsa.



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If we are wrong in this, we would be glad to make the correction, but our records at present show 14.8 miles, and this is the amount that we paid taxes on for the year ending June 30th, 1904.

We would like to inquire if you have received remittance from the Seneca Telephone Co. for tribal damage and taxes on the lines of that company up to Dec. 1st, 1905, on which date the property was purchased by this Company. We took this matter up with them on Oct. 31st and asked that they remit to you direct \$94.91, but so far we have no advice as to whether this has been received.

Yours very truly,

Author Whorton

Auditor.

(Endorsed) Union Agency # 60514 Received Dec. 17, 1906. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla. Dec. 14, 1906. Pioneer Tel. & Tel. Co., Rel certain telephone lines purchased by them.



549

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. 1568-1906.  
2712- "

December 17, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind. T.

Sir:

On January 24, 1906 (Land 5425), the Indian Office transmitted your report dated January 9, 1906, with reference to damages assessed against the lines of the Muskogee, National Telephone Company, now owned and operated by the Pioneer Telephone and Telegraph Company.

You recommend that as the Muskogee National Telephone Company complied in all respects with the act of the Creek Council in the payment of taxes and general damages on its lines constructed prior to March 3, 1901, that no demand be made upon it for taxes or damages due prior to that time.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

It appears that the affairs of this company have been considered in connection with your report with reference to the Pioneer Telephone and Telegraph Company dated October 25, 1906, and are rapidly approaching a complete settlement.

In view of the opinion of the Assistant Attorney-General dated and approved June 10, 1904, your recommendation relative to the collection of taxes and damages on the line of the Muskogee National Telephone Company from the date of its construction to March 3, 1901, is hereby approved.



-2-

The papers transmitted with your report, together with those forwarded with Indian Office letter dated February 15, 1906 (Land 13139), have been returned for the files of the Indian Office.

Respectfully,

E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 6 to Ind. Of.

(Endor sed) Union Agency # 16397 Received Dec. 31, 1906. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. Dec. 17, 1906. Secretary. Approves report on lines of Muskogee National Tel. Co., relative collection of taxes and damages.



551  
DEPARTMENT OF THE INTERIOR,  
Washington.

I.T.D.18316-1906.

December 19, 1906.

United States Indian Inspector

for Indian Territory, Muskogee, Ind.T.

Sir:

On September 15, 1906 (Land 69343), the Indian Office transmitted your report dated August 4, 1906, regarding rights of way for the construction of telephone lines within incorporated towns after the approval of town plats, and relative to the assessment of damages in connection therewith.

You make recommendations involving 117 telephone exchanges and request to be advised in reference thereto.

The Indian Office also forwards its recommendations in the matter of these exchanges. A copy of its letter is inclosed.

In response to your report, you are advised as follows:  
In towns established on Indian allotments where exchanges were constructed prior to the removal of restrictions upon alienation, you will collect damages. Annual taxes should be collected from the date of construction to the date of the removal of restrictions upon alienation. Damages in these cases, the land being allotted, would go to the allottee. No action need be taken with reference to the exchange in Miami, Ind.T., as the land covered by this town site was sold to the Miami town company for the Ottawa Indians under the provisions of the act of Congress approved March 3, 1891 (26 Stat., 1010).



You are requested to report in regard to the establishment of the town of Wewoka, Ind.T., in order that proper action may be taken as to the exchange situated therein.

In towns the plats of which were approved prior to the passage of the act of March 3, 1901, it would appear that in view of the opinion of the Assistant Attorney-General dated and approved June 9, 1906, no further action by the Department is possible.

In the case of towns where exchanges were constructed prior to the approval of the town plat, you will demand the filing of maps of definite location, the payment of damages, and also annual taxes from the date of the construction of the exchange to the date of the approval of the plat.

You have heretofore been advised with respect to the collection of annual taxes upon lines after the approval of the town plat.

All exchanges not coming within the classes above enumerated should be the subject of a separate report.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,  
Jesse E. Wilson  
Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 3 to Ind.Of.

(Endorsed) Union Agency No.16395 Received Dec.31,1906 Office of U.S.Ind.Insp.for I.T.Washington,D.C.Dec.19, 1906.Secy----Instructions rel. tel rights of way and assessment of damages within incorporated towns after approval of town plat.Requests report rel.town of Wewoka, and directs all exchanges not coming within classes mentioned should be reported upon separately.----



55  
Micawber Ind.T.  
12-20th'06.

Department of Interior,  
Muskogee, I.T.

Dear Sir:

Will stock be allowed to run at large for the year of 1907? If so how much revenue if any will have to be paid per head.

Is Eugene T. Johnson authorized by law to collect Revenue on stock?

Yours truly,

Oscar M. Ross

Micawber, I.T.

(Endorsed) Union Agency No.60737 Received Dec.28,1906 Office of U.S.Indian Inspector for Indian Territory. Dec.20, 1906 Oscar M.Ross, Micawber, I.T. o o o ----Asks if stock will be allowed to run at large next yr. Asks if Eugene T. Johnson is authorized to collect revenue on same.----



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PIONEER TELEPHONE & TELEGRAPH CO.  
LAW DEPARTMENT.

Oklahoma City, Okla.  
January 15, '07.

Honorable J. George Wright, Indian Inspector,  
Muskogee, Indian Territory.

Dear Sir:

We are in receipt of your letter of January 10th, in which you set forth the fact that the application sent you showing on which side of the section line our line running out of Ramona was to be constructed did not conform to the information by your agent.

In reply we beg to state that it is our intention to file an amended map for this line, as we find that the line set forth in the first map that we sent in, must be changed on account of obstructions in our way. We would ask you therefore, to hold the map which you now have, and in its place substitute one which we shall send you in a day or two, and which will be accompanied by an application setting forth all sides of the section line on which the proposed line is to be built.

Yours very truly,

J. R. Spirlman  
Solicitor.

(Endorsed) Union Agency # 61166 Received Jan. 17, 1907. Office of U.S. Indian Inspector for Indian Territory. Okmulgee, I.T. Jan. 15, 1907. Pioneer Tel. & Tel. Co. Rel. to furnishing map of line running out of Ramona.



55  
Baxter Springs, Kan.  
February 25, 1907.

Secretary of Interior.

Washington.

Would you please inform me about the hog law of the Indian Territory, or is there any hog law? The hogs are running at large and are destroying the crops.

Yours Respectfully,

Mr. J.B.C. Anderson.  
R.F.D. 3

(Endorsed) Union Agency # 16991 Received March 11, 1907. Office of U.S. Indian Inspector for Indian Territory. Washington, D.C. March 7, 1907. Secretary. Refers for appro. action letter from J.B. C. Anderson, of Baxter Springs, Kansas, asking if there is a law in I.T. to prevent hogs running at large.



556  
Ada, Indian Territory.  
February 28th, 1907.

J. Geo. Wright,

U. S. Indian Inspector

Muskogee, Indian Territory.

Sir:

Your letter of December 11, 1906, relative to a right of way crossing the portion of the allotment I filed for Carrie Hayes, dec. by the Washita Valley Telephone Co., was long been received. But I have had no opportunity to go and see the right of way to comply with your receipt in triplicate to receive the general damages which you say was paid by the Telephone Company at the rate of \$3.30 per mile. One reason is, that I live some where in the neighborhood of sixty miles away from the place and it would take all the general damages for me to go and inspect to comply with your receipt in triplicates. I will leave this to you to ascertain for yourself, the length of the right of way from the maps or the filings of the land in plats and advise me further.

Respectfully,

Wm. R. Hayes  
Administrator, Estate Carrie  
Hayes, deceased.

(Endorsed) Union Agency No. 62209 Received Mar. 2, 1907 Office of  
U.S. Indian Inspector for I.T. Ada, I.T. Feb., 28, 1907. Wm. R. Hayes-----  
Rel. to damages due on acct. of Washita Valley Tel. Co. crossing the  
allotment of Carrie Hayes, deceased.-----



557  
Robber's Roost, I.T.  
March 5, 1907.

U.S. Indian Agent

Muskogee, I.T.

Sir:

There is a telephone line running through my farm. The wire stays down all time. The line runs from Tishomingo to Dunison.

My place is in T. 5, S. R. 8-E Sec. 20-29 Would like to know what I can do. Can I make them move wire on line as it would not be any further.

Yours,

W.A. Bates

(Endorsed) Union Agency # 62424 Received March 9, 1907. Office of U.S. Indian Inspector for Indian Territory. March 5, 1907  
W.A. Bates, Robber Roost, I.T. Complains that telephone line runs through his farm & asks if they cannot be made to move same to the section line.



DEPARTMENT OF THE INTERIOR.  
UNITED STATES INDIAN SERVICE.

Refer in reply to  
O&G Div. # 2-286--07

The Osage Indian Agency,  
Pawhuska, Okla.

Mar. 13, 1907.

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

Sir:-

The Prairie Oil & Gas Company have what is known as the "Bartlesville-Tulsa & Redfork 6-inch Pipe Line," which runs from Caney, Bartlesville, Tulsa and Redfork, and between Bartlesville and Tulsa running alternately in the Cherokee and Osage Nations. They have also what is known as the "Cleveland 6-inch Discharge Line," from a point on the line between the Cherokee and Osage Nations in Section 15, Township 24, Range 12, east, running in a southwesterly direction to Cleveland, Oklahoma. They have also what is known as the "Cleveland 4-inch Discharge Line," which runs from a point on the line between the Cherokee and Osage Nations in Section 10, Town. 21, Range 12, westerly to Cleveland, Oklahoma.

These three main lines have been properly approved by the Honorable Secretary of the Interior, but in addition to these lines there are a number of lesser lines emanating from them which extend into and over the Osage reservation various distances, and



are for the purpose of reaching the various leases from which oil is produced. These lines vary from a few hundred feet to several miles in length, and in many instances along these lateral lines there are others branching off to other leases and tanks. A number of these lateral lines the Prairie Oil & Gas Company have filed maps of location for, which are pending in the Department at Washington, but in a number of cases they have failed to do so, and in bringing this question to the notice of the Prairie Oil & Gas Company they inform us that their interpretation of the regulations are that it is not necessary to file maps for these lateral lines or to have them approved by the Secretary of the Interior, but that they have done so in a number of instances, on account of the near transition from the Territory of Oklahoma to the State of Oklahoma, and was done for the purpose of protecting themselves.

Quoting from the regulations adopted by the Department of the Interior on December 21, 1906:

"No company or individual is authorized to construct oil pipe lines across Indian lands in Oklahoma and Indian Territories until authority therefor has been obtained from the Secretary of the Interior."

We are somewhat at a loss for an interpretation as to whether this refers to all lines, both trunk lines and lateral lines, or whether it applies as is considered by the Prairie Oil & Gas Company to trunk lines only, and we are asking for a more explicit interpretation of the regulations as to what lines



it is deemed necessary that the applicant or operator shall submit maps or have approved by the Secretary of the Interior before the same can be constructed under the regulations.

Under the provisions of the original Foster lease, I quote as follows:

"xxx Also the right of way over and across said land to any point desired to prospect upon and to any points where drilling, boring, or prospecting or operating under this lease shall be carried on, and the right of way and the right to construct and operate such pipe lines or roadways as may be reasonable necessary to carry on and successfully prosecute the objects of this indenture."

I respectfully ask instruction as to what procedure I shall take in the matter of these lateral lines for which there have been no maps or applications filed by the Prairie Oil & Gas Company.

Very respectfully,

Ret. Millard  
U.S. Indian Agent.

(Endorsed) Union Agency # 62437 Received March 14, 1907. Office of U.S. Indian Inspector for Indian Territory. Pawhuska, Okla. March 13, 1907. Ret. Millard. Reports in the matter of the pipe lines of the Prairie Oil & Gas Company.



561

SAGAMORE OIL & GAS COMPANY,  
(Incorporated)

BARTLESVILLE, IND. TER.

H. Johnson, Pres. & Mgr.  
Bartlesville, Ind. Ter.  
Harry Bradley, Vice-Pres.  
Wellsville, N.Y.  
Paul B. Hanks, Treasurer,  
Wellsville, N.Y.  
Charles C. Farnham, Secretary,  
Buffalo, N.Y.

March 19, 1907.

Hon. J. George Wright,  
Chief Inspector,  
Muskogee, Ind. T.

Dear Sir:-

I should have called your attention yesterday to a situation which ought to receive careful consideration, but how to correct the evil without having it work to disadvantage of innocent parties, is somewhat of a problem.

I refer above to the wastage of gas. I am aware that you have done considerable in this direction, and in fact I think the provision that does not permit of warming a derrick by derrick stove fed with gas, if fully investigated, would not be approved by you. But there are a good many wells that are permitted to exhaust the gas in the air from the gas sand by reason of the fact that they drill through to the oil sand without casing in and shutting off this gas, which is expensive but quite practical.

We have on one property 5 wells which are cased down with 5-3/16" casing, which we find practical, but somewhat expensive. We drill to the top of the gas sand and put in a

6-5/8 casing, then we drill through to the oil sand and put in a 5-3/16" casing, and thus have a dry space which we close at



the top; then we drill the well in through the 5-3/16" casing and take our production. This should be the rule especially where gas wells are on the edge of gas belts, because a well exhausting a million or two feet a day may in the end, do incalculable damage.

Sincerely yours,

W.H.Johnson.

(Endorsed) Union Agency No. 62570 Received Mar.20,1907 Office of U.S.Indian Inspector for Indian Territory.Bartlesville,I.T.Mar. 19,1907. W. H. Johnson Sagamore Oil & Gas Co.----Relative a practical way to avoid waste of gas in drilling.----



563

P I O N E E R T E L E P H O N E & T E L E G R A P H C O .  
L A W   D E P A R T M E N T

Oklahoma City, Okla., March 20, 1907.

Hon. J. Geo. Wright, Indian Inspector,  
Muskogee, I.T.

Dear Sir:--

Referring to your letter of the 15th inst., I beg to state that I am today recommending the paying of the \$59.40 due on the telephone line from Castle to the Oklahoma Line. As regards the date of the construction of this line I must refer you to Mr. Jarrett of the S.S.S. Telephone Co., as we have no record of the date of the construction of the same here at the General Offices. Mr. Jarrett constructed this line himself and will be able to furnish you with an affidavit.

As regards the date of construction of our lines from Ada to Purcell and Durant to Ardmore: The line from Ada to Purcell has not been constructed as yet.

As regards the dates of construction of the lines from Durant to Ardmore, we can only furnish the exact date of the construction of that section of the line from Madill to Ardmore, which was June 6, 1906. The line from Madill to Aylesworth was taken over by this company about February, 1906, but we have no knowledge of the date of the construction of same. The line from Alesworth to Mead was constructed Feb. 23<sup>rd</sup>, 1907, and the line from Mead to Durant was taken over by this Company about Jan. 1, 1905.

62668



Referring to your letter of March 16th relative to the payment of taxes on certain exchanges which you have submitted to us, I am today placing this matter in the hands of the proper official here at Oklahoma City.

I am enclosing herewith the applications for the four lines submitted for approval some time ago, which are now signed by the proper official of the company here at Oklahoma City.

As per your request of recent date, I am sending you under separate cover maps of our exchanges(Sic) at Muldrow and Roff. At Muldrow the company has 10,200 feet of pole line and 19 street crossings; at Roff 15,900 feet of pole line and 52 street crossings.

Yours truly,

Solicitor.

enc.

(Endorsed) Union Agency # 62668 Received Mar. 23, 1907. Office of U.S. Indian Inspector for Indian Territory. Oklahoma City, Okla., March 20, 1907. Pioneer Telephone & Telegraph Co. Reports in the matter of construction of lines from Ada to Purcell and from Durant to Ardmore also encloses applications for 4 lines heretofore submitted for approval.



565  
W.H.JOHNSON, Pres. & Mgr.  
HARRY BRADLEY, Vice Pres.

PAUL B.HANKS, Treas.  
CHAS.C.FARNHAM, Secy.

SAGAMORE OIL & GAS CO.,  
Incorporated.

OFFICES.

Buffalo, N.Y. 713 Mutual Life Bldg.  
Wellsville, N.Y.  
Bartlesville, Ind. Ter.  
50-51-52 & 53 Masonic Bldg.  
Phone 19.  
P.O. Box 256.

Bartlesville, I.T.  
March 31, 1907.

Hon. J. George Wright,  
Chief Inspector,  
Muskogee, Ind. T.

Dear Sir:-

Replying to your favor of the 20th, will say that in my judgment, the wording of the amendment to the rules covering waste of gas is in language sufficiently explicit so that the spirit and the letter of the rule can with reason be complied with.

The only suggestion I have to make is in the matter of gas in the derrick stove. Of course that is not an important matter during the Summer months; yet there are some chilly nights, but this is reasonable use of the product of the lease and if a man has the lease in fee and if he could sell his gas for 20¢ a thousand, he would rather heat his rig with gas than any other fuel.

Thanking you for the inquiry, I remain,

Sincerely yours,

W.H.Johnson.

(Endorsed) Union Agency No. 62657 Received Mar. 22, 1907 Office of  
U.S. Ind. Insp. for I.T. Bartlesville, I.T., Mar. 21, 1907 W.H. Johnson-----  
States the amendment to the rules covering waste of gas is sufficiently explicit.-----  
327



566

DEPARTMENT OF THE INTERIOR.  
United States Indian Service,  
Office of Superintendent of Schools in Indian Territory.

Muskogee, Ind. Ter.,

September 4, 1907.

To Supervisors:

We are just entering upon another year's school work and I am anxious to make it the best. As fast as you learn that teachers and other employees are at work, you should report them to me on the descriptive statement blank. The boarding school employees should be reported this week.

When sending in lists of day school teachers, you should remember to arrange their names alphabetically, and report those who are paid out of tribal funds and Congressional Appropriation on separate lists. Do not forget this. No employee can be paid until his appointment is approved by the Commissioner of Indian Affairs.

Inasmuch as Labor Day ( Sept. 2) is a holiday, all employees who actually begin work not later than Tuesday, Sept. 3rd, should be reported by you as entering upon duty Sept. 1st.

Inasmuch as you now have a clerk to attend to your office work, you should devote the greater part of your time to visiting schools. The day schools should receive your special attention. In visiting them, you should ascertain whether or not the petitions for schools have correctly represented facts to you. Have the petitions been padded? Have deserving neighborhoods been overlooked by you? Are your schools fairly well distributed? Are the school houses comfortable? If not, get after the patrons. Does the teacher put in full time? Does she keep her register of attendance properly? Does she have a regular program of exercises? Does she give each branch or class its rightful share

7



of time and attention? Does she practice and inculcate habits of neatness, promptness and thoroughness? Is she doing her whole duty to the school? If not, call her attention to her weak points and encourage her to study her own methods with the view of improving them. Whenever possible, meet the local directors or leading patrons and confer with them upon school matters. Strive to make your visits helpful to teacher, pupils and patrons. Perfunctory visitation of schools does not pay.

I shall endeavor to visit all of the boarding schools during this year but will have to depend upon you to keep in touch with the day schools.

Yours truly,

John D. Benedict.

Supt. of Schools  
in Indian Territory.

(Endorsed) # 7 Instructions to School Supervisors



568  
No. 16157  
C.F.C.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, D.C.

Aug. 15, 1908.

Sir:

I have the honor to advise you of the approval, by the proper authorities, of articles of agreement entered into between Muskogee Realty Co. and yourself dated July 1, 1908, for lease of office rooms for Supt. of Indian Schools throughout the Five Civilized Tribes for the Indian Service, and to inclose copy of contract for your information.

Please acknowledge receipt hereof, on inclosed card.

Very respectfully,

S.E. Seater  
Chief, Purchase Division.

Mr. Geo. Hillman

Special Disbg. Agent,  
Muskogee, Okla.

(Through Mr. J.G. Wright, Commr. Five Civilized Tribes)

Address all communications to Commissioner of Indian Affairs.

(Endorsed) Union Agency No. 1323 Received Aug. 17, 1908 Indian Office, Slater, Washington, D.C. Aug. 15, 1908 ---- TO HILLMAN \*\* Approves contract for office rooms for Superintendent of Indian Schools. ----



569  
August 10, 1908

This AGREEMENT made this 1st. day of July, 1908, between the Muskogee Realty Company, party of the first part, and George Hillman, Special Disbursing Agent, party of the second part, both parties of Muskogee, Oklahoma.

WITNESSETH:

That in consideration of the premises hereinafter mentioned, the said party of the first part agrees to rent to the party of the second part, for office purposes, the following described rooms, to-wit: Rooms 12, 13, 15, 16, 17, and 18, on the second floor of the Colorado Building, located in the town of Muskogee, Oklahoma, for the term of one year beginning July 1, 1908, and ending June 30, 1909.

The said party of the second part agrees to pay the said party of the first part as rent for said rooms, at the rate of sixty(\$60) Dollars per month, payable at the end of each and every quarter. It is further agreed by and between the parties hereto that this agreement may at any time be annulled by the Secretary of the Interior.

It is also understood and agreed that the said party of the second part shall be furnished, free of charge, with sufficient heat for the use of said rooms from the apparatus for heating in the said building, and shall have without further charge, the services of a janitor to care for said rooms and electric lights



sufficient to light said rooms.

Witness our hands this first day of July, 1908.

WITNESSES:

Chas. Mercer  
Muskogee, Okla.

E.E. Hass Jr.  
Muskogee, Okla.

Warren Butz  
Muskogee, Okla

Jesse Jameson  
Muskogee, Okla

Muskogee Realty Company--Robt.S. Owen---Pres't.  
Party of first part.

George Hillman.  
Party of Second part.



571  
Refer in reply to the following:

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

Education  
Authy. 64856-1908  
E.A.F.

October 5, 1908.

SUBJECT:  
Contracts with boarding  
schools in Oklahoma.

Supt. of Indian Schools,  
Through the Commissioner to the Five Tribes,  
Muskogee, Oklahoma.

Sir:

There are herewith inclosed copies of contracts for the care and education of Indian children of the Five Civilized Tribes during the fiscal year 1909, entered into between the Indian Office and the following institutions:

|                                |                             |
|--------------------------------|-----------------------------|
| Emahaka Academy                | Mekusuke y Academy          |
| Cherokee Female Seminary       | Colored Boarding School     |
| Cherokee Orphan Asylum         | Cherokee Male Seminary      |
| Creek Orphan Home              | Tallahassee Boarding School |
| Pecan Creek Boarding School    | Euchee Boarding School      |
| Wetumka Boarding School        | Eufaula High School         |
| Selvidge Business College      | Chickasaw Orphan Home       |
| Collins Institute              | Harley Academy              |
| Rock Academy                   | Bloomfield Seminary         |
| Wheelock Female Orphan Academy | Tuskahoma Female Academy    |
| Armstrong Male Orphan Academy  | Jones Male Academy          |

You will deliver one copy of each contract to the Superintendent and retain the other copy for your office files.

Very respectfully,

F.M. Conser.

Chief Clerk.

(Endorsed) Union Agency No.3 Schools----re. children of Five Civilized Tribes.----



17 Inclosures.

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

Education

October 6, 1908.

57554-57744-1908

57786-57787- "

57885-58452- "

58458-58462- "

Authy. 67158-1908

E. A. F.

SUBJECT:

Contracts with boarding  
schools among Five Civilized  
Tribes; forwards copies for  
file.

Supt. of Indian Schools,

Through the Commissioner to the Five Tribes,  
Muskogee , Oklahoma.

Sir:

There are herewith inclosed copies of contracts for the  
care and education of Indian children of the Five Civilized Tribes  
during the fiscal year 1909, entered into between the Indian  
Office and the following institutions:

|                             |                              |
|-----------------------------|------------------------------|
| Nuyaka Boarding School      | St. Agnes Mission School     |
| St. Elizabeth's Convent     | Durant Boarding School       |
| St. Agnes Academy           | Chishoktak Boarding School   |
| Murrow Indian Orphans' Home | Old Goodland Boarding School |

You will deliver one copy of each contract to the  
Superintendent and retain the other copy for your office files.

Very respectfully,

F. M. Conser

Chief Clerk.

(Endorsed) # 4 Schools in Indian Territory, (Five Tribes.)



573  
D E P A R T M E N T O F T H E I N T E R I O R

OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Education-  
Administration  
55892-1909  
E A F

Sep. 28, 1909.

Contracts.

John D. Benedict, Esq.,

Superintendent of Schools,

Through the Commissioner to the Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Referring to your letter of July 6 asking authority to submit boarding school contracts for the ensuing year, you are informed that contracts with the following schools have been approved:

Wetumka Boarding School,  
Chickasaw Orphan Home,  
McKuskey Academy,  
Nuyaka Boarding School,  
Creek Orphan Home,  
Eufaula High School,  
Cherokee Orphan Asylum,  
Cherokee Seminary,  
Emahaka Academy,  
Armstrong Male Orphan Academy,  
Chishoktak School,  
Tuskahoma Female Academy,  
Wheelock Female Orphan Academy,  
Harley Academy,



Bloomfield Seminary,  
Collins Institute,  
Jones Male Academy,  
Old Goodland School,  
Euchee Boarding School,  
Pecan Creek School.

Copies of these contracts will be returned to you as soon  
as possible.

Very respectfully,

J. H. Dortch.

Chief, Education Division.

JMK-28  
4837



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D E P A R T M E N T O F T H E I N T E R I O R.  
O F F I C E O F I N D I A N A F F A I R S ,  
W a s h i n g t o n .

C C  
Circular No. 353.  
L. C.

October 11, 1909.

News Service.

To Superintendents and

Men in the Field.

Beginning Monday, October 18, 1909, a BUREAU OF INFORMATION will be inaugurated in the Indian Office, Washington, D. C., in charge of Mr. Leo Crane.

The Object of this bureau is to place before the public through the newspapers of the country news of the Indian Service that will appeal to readers, either by its informative quality or its live news interest.

You are requested to bear in mind that the Office will be interested in any news of this class coming to your notice, and to notify your subordiantes.

Stories may pertain to any branch of the Service. The rumor of an Indian outbreak, of a dance, or of an interesting fight, with its confirmation or denial and authority for same, would constitute that sort of material newspapers are most willing to print. However, this service means to embrace ALL KINDS of Indian news: Plans for work on reservations, leasing, building, education, mission work, the result of these, interesting suits or complications, curious Indian customs, results of important Indian legislation, plans for and results of irrigation, mining, allotment, strange experiences in the field, etc.

Stories should be long enough to give all necessary detailed information and color. Give the facts first, and then



your clearly defined opinions, with references to similar cases, if any.

"Live Stories," (already on the Associated Press wire-- or likely to be reported by correspondents) should be despatched by mail without delay, giving all details that can be procured. When possible without undue expense, forward photographs.

The copy should be addressed to Mr. Leo Crane, Bureau of Information, Indian Office, Washington, D. C.

Very respectfully,

C. F. Hauke

Chief Clerk.

# 353 News Service Circular to Superintendents and Men in the Field announcing the inauguration in the Indian Office at Washington, D. C., a BUREAU OF INFORMATION.



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D E P A R T M E N T O F T H E I N T E R I O R.  
O F F I C E O F I N D I A N A F F I A R S .  
W A S H I N G T O N .

Education-

Administration.  
References below.

Oct. 30, 1909.

E A & F

Tribal boarding  
school contracts.

John D. Benedict, Esq.,

Superintendent of Schools,

Muskogee, Oklahoma.

(Through the Commissioner to the Five Civilized Tribes)

Sir:

There are inclosed two copies each of contracts entered into with various tribal boarding schools for the care and education of Indian children among the Five Civilized Tribes, as follows:

|                                    |                                              |
|------------------------------------|----------------------------------------------|
| Eufaula High School                | Rock Academy                                 |
| Tulahassee Boarding School         | Collins Institute                            |
| Euchee                   "       " | Chickasaw Orphan Home                        |
| Wetumka                       "    | Harley Academy                               |
| Nuyaka                       "     | Bloomfield Seminary                          |
| Creek Orphan Home       "          | Murray State School of<br>Agriculture (Sic ) |
| Pecan Creek Boarding   "           | Old Goodland Bd. School                      |
| Colored                       "    | Jones Male Academy.                          |
| Cherokee Orphan Asylum             | Chishoktak Bd. School.                       |
| Cherokee Seminary                  | Armstrong Male Orphan Acdy.                  |
| Mehusukey Academy                  | Orphan Academy                               |
| Emahaka                   "        | Tuskahoma Female Acdy,                       |
| Wheelock Female Orphan Academy.    |                                              |



As customary, please deliver one copy of each contract to the Superintendent, and retain the other for your office files.

Very respectfully,

J. H. Dortch.

Chief Education Div.

EH-28  
5556

|            |            |            |                         |
|------------|------------|------------|-------------------------|
| 68106-1909 | 68829-1909 | 69069-1909 | 71164-1909              |
| 68107-1909 | 68830-1909 | 69070-1909 | 71165-1909              |
| 68159-1909 | 68852-1909 | 69115-1909 | 71156-1909              |
| 68160-1909 | 68853-1909 | 69196-1909 | <del>71171</del> 5-1909 |
| 68161-1909 | 68854-1909 | 70876-1909 | 73506-1909              |
| 68161-1909 | 68855-1909 | 70877-1909 | 78278-1909              |
| 68162-1909 |            |            |                         |
| 68825-1909 |            |            |                         |

(Endorsed) Union Agency # 1755. Nov. 2, 1909. Indian Office, Dortch, Washington, D. C., Oct. 30, 1909. To Benedict. Transmits two copies each of contracts entered into with various tribal boarding schools, as follows: Eufaula High School, Tullashae Boarding School, etc.



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

Ed. Schools.

Circular #1116.

American Indian Day.

May 2, 1916.

To all Superintendents:

I wish to call your attention to the matter of observance with suitable exercises of "American Indian Day." To the Society of American Indians is due the conception of this plan for an anniversary to be generally held, and the Society has assigned the second Friday in May for schools, Saturday for field day, and Sunday for religious exercises.

As a day of this character is particularly appropriate to the work of our schools and agencies and is in harmony with the spirit and purpose of the Indian Service, I wish you to assign sufficient time on the days given, or one of them, and to plan such exercises as will be wise and appropriate. This day is not to be a holiday nor a "lazy man's lay-off day," but a "thinking man's consideration day," a day of "resolution and patriotism."

I do not think it will be necessary that the duties and activities of your schools be materially interfered with, and the program for such occasion must be left entirely to the judgment and discretion of those in charge. If any precept is to be given prominence, I think it should teach the pupils under your care that industry and self-reliance, coupled with a definite vocational aim, will be essential if the Indian boy or girl is to be prepared for the inevitable day when he must stand or fall according to his own resources, just as his white brother does. (Indian Day-no number).



Without attempting further to outline our recognition of this occasion, I will request that you report briefly as to the manner in which it has been observed in your jurisdiction.

Cato Sells,  
Commissioner.

(Endorsed) Union Agency-no number. Relative-----Indian Day-holiday-----



581  
GABE E. PARKER,  
Superintendent.

Make all remittances payable to  
W. M. BAKER, Cashier.

DEPARTMENT OF THE INTERIOR,  
United States Indian Service.  
Five Civilized Tribes.

Superintendent  
ADC 5-10-16  
Encl.

In re American  
Indian Day.

Local Offices:

|            |              |
|------------|--------------|
| Vinita,    | Idabel,      |
| Jay,       | Hugo,        |
| Nowata,    | McAlester,   |
| Sapulpa,   | Holdenville, |
| Okmulgee,  | Atoka,       |
| Muskogee,  | Madill,      |
| Tahlequah, | Ardmore,     |
| Sallisaw,  | Chickasha,   |
| Poteau,    | Paulsvalley. |

Muskogee, Oklahoma  
May 10, 1916.

Mr. George R. Clements,  
Field Clerk,  
Hugo, Oklahoma.

Dear Mr. Clements:

The Society of American Indians, a national organization to promote the welfare and advancement of the American Indian, has founded American Indian Day. Dr. Sherman Coolidge, President of the Society, has invited every American to participate in the observance of this day.

There is transmitted herewith a photographic reproduction of the president's proclamation, also Circular No. 1116 issued by the Honorable Commissioner of Indian Affairs, relative to the appropriateness of this day, in which he has requested that all Superintendents plan such exercises as will be in keeping with the spirit of this occasion.

It is not contemplated that this shall be a holiday, or that official duties shall be materially interfered with; rather our observance of this day shall extend to timely reflection on our

(Indian Day-no number)



duty to the Indian race and a wise consideration of its future.

At the hour of ten o'clock A. M., May 13th, 1916 employees in Muskogee will assemble, the proclamation will be read, and short appropriate references made thereto.

The employees in your district are requested to observe this day. Please post a copy of the proclamation in the most conspicuous place in your office and explain to Indians and others alike the purposes of such a memorial. At ten o'clock on Saturday next, pause in your work for a few minutes and give special thought to our high duty as citizens and employees in the Indian service, to the Indian race, and to the purposes which gave rise to American Indian Day.

Sincerely yours,

Gabe Parker,  
Superintendent for the  
Five Civilized Tribes.



589

THE SOCIETY OF AMERICAN INDIANS

Headquarters: Washington, D. C.

---

KNOW YE ALL MEN BY THESE PRESENTS:

That I, Sherman Coolidge, President of The Society of American Indians, by virtue of power in me vested by the Executive Council of the Society do hereby declare.

---

THE SECOND SATURDAY IN THE MONTH OF MAY

EACH YEAR HENCEFORTH

---

AMERICAN INDIAN DAY

---

And call upon every person of American Indian ancestry to specially observe this day as one set apart as a memorial to the Red Race of America and to a wise consideration of its future.

In the judgment of wise and impartial men, the heroic struggle of our fathers against forces which they had no means of measuring or appreciating, yet which they fought against for homes, for family, for country and the preservation of native freedom, has no parallel in all history. Yet while we consider these things we are not unmindful that they made upon occasions the same mistakes that have been common to all human kind, of every race and age,-and yet were virtuous men. Now that the glory and the shadows of the past have become a part of historic record that has been written, we are not to forget the present and the future of our people, that we may henceforth live in greater fullness. Let us now move forward and acquire all those things that make races and nations more efficient and more noble; let us reach out (Indian Day--no number).



584

for a larger life, through brotherly love, purposeful action and constructive service to our country, not only for our own welfare, but in order that the American people and all humanity may be uplifted because we have performed, and strive to perform, our full duty as men. Let these things, and the means by which they may be accomplished, be considered upon American Indian Day.

Likewise do we invite every American who loves his country and would uphold its honor and dignity, to celebrate this day and to consider our early philosophy, our love of freedom, our social institutions and our history in the full light of truth and in the balances of justice, in honest comparison with the annals of other races, and to draw therefrom those noble things that we believe are worthy of emulation. But we call upon our country not only to consider the past but to earnestly consider our present and our future as a part of the American people. To them we declare our needs now and tomorrow as those primarily of Americans struggling for enlightenment and that competency that is consistent with American citizenship. We do avow our hopes and our destiny inseparably united to that of the people of the United States of America and that our hearts and minds are now and forever loyal to our country, which we would serve in our fullest capacity as men and Americans.

Unto this declaration I do set my hand and seal this 28th day of September in the Year of our Lord Nineteen Hundred and Fifteen. Done at Lawrence, Kansas.

Sherman Coolidge,  
President of the Society of American Indians.

Attest:

ARTHUR C. PARKER,  
National Secretary.

(Indian Day--no number).



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LIST OF ALL INDIAN TREATIES AND AGREEMENTS MADE WITH THE  
SEVERAL TRIBES OF INDIANS IN THE UNITED STATES WHICH HAVE BEEN  
RATIFIED (ALPHABETICALLY ARRANGED), WITH THE DATE OF EACH TREATY  
AND WHERE THE SAME APPEARS IN THE STATUTES AT LARGE.

---

| <u>Statutes at<br/>Large</u> |              | <u>Date of Treaty</u> | <u>Name of Indian Tribe.</u> |
|------------------------------|--------------|-----------------------|------------------------------|
| <u>Vol.</u>                  | <u>Page.</u> |                       |                              |
| 7                            | 18           | Nov.28, 1785          | Cherokee.                    |
| 7                            | 39           | July 2, 1791          | Do.                          |
| 7                            | 42           | Feb. 17, 1792         | Do.                          |
| 7                            | 43           | June 26, 1794         | Do.                          |
| 7                            | 62           | Oct. 2, 1798          | Do.                          |
| 7                            | 228          | Oct. 24, 1804         | Do.                          |
| 7                            | 93           | Oct. 25, 1895         | Do.                          |
| 7                            | 95           | Oct. 27, 1805         | Do.                          |
| 7                            | 101          | Jan. 7, 1806          | Do.                          |
| 7                            | 103          | Sept.11, 1807         | Do.                          |
| 7                            | 138          | Mar. 22, 1816         | Do.                          |
| 7                            | 139          | Mar. 22, 1816         | Do.                          |
| 7                            | 148          | Sept.14, 1816         | Do.                          |
| 7                            | 156b         | July 8, 1817          | Do.                          |
| 7                            | 195          | Feb.27, 1819          | Do.                          |
| 7                            | 311          | May 6, 1828           | Do.                          |
| 7                            | 414          | Feb.14, 1833          | Do.                          |
| 7                            | 478          | Dec.29, 1835          | Do.                          |
| 7                            | 488          | Mar. 1, 1836          | Do.                          |
| 9                            | 871          | Aug.6, 1846           | Do.                          |



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|    |      |                |                       |
|----|------|----------------|-----------------------|
| 14 | 799  | July 19, 1866  | Do.                   |
| 16 | 727  | Apr. 27, 1868  | Do.                   |
| 7  | 24   | Jan. 10, 1786  | Chickasaw.            |
| 7  | 65   | Oct. 24, 1801  | Do.                   |
| 7  | 89   | July 23, 1805  | Do.                   |
| 7  | 150  | Sept. 20, 1816 | Do.                   |
| 7  | 192  | Oct. 19, 1818  | Do.                   |
| 7  | 381  | Oct. 20, 1832  | Do.                   |
| 7  | 450  | May 24, 1852   | Do.                   |
| 11 | 573  | Jan. 17, 1837  | Do. and Choctaw.      |
| 10 | 1116 | Nov. 4, 1854   | Do.                   |
| 7  | 21   | Jan. 3, 1786   | Choctaw.              |
| 7  | 66   | Dec. 17, 1801  | Do.                   |
| 7  | 73   | Oct. 17, 1802  | Do.                   |
| 7  | 80   | Aug. 31, 1803  | Do.                   |
| 7  | 98   | Nov. 16, 1805  | Do.                   |
| 7  | 152  | Oct. 24, 1816  | Do.                   |
| 7  | 210  | Oct. 18, 1820  | Do.                   |
| 7  | 234  | Jan. 20, 1825  | Do.                   |
| 7  | 333  | Sept. 27, 1830 | Do.                   |
| 7  | 340  | Sept. 28, 1830 | Do.                   |
| 11 | 573  | Jan. 17, 1837  | Choctaw and Chickasaw |
| 10 | 1116 | Nov. 4, 1854   | Do.                   |
| 11 | 611  | June 22, 1855  | Do.                   |
| 14 | 769  | Apr. 28, 1866  | Do.                   |



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|    |     |               |                     |
|----|-----|---------------|---------------------|
| 7  | 35  | Aug. 7, 1790  | Creek.              |
| 7  | 56  | June 29, 1796 | Do.                 |
| 7  | 68  | June 16, 1802 | Do.                 |
| 7  | 96  | Nov. 14, 1805 | Do.                 |
| 7  | 120 | Aug. 9, 1814  | Do.                 |
| 7  | 171 | Jan. 22, 1818 | Do.                 |
| 7  | 215 | Jan. 8, 1821  | Do.                 |
| 7  | 217 | Jan. 8, 1821  | Do.                 |
| 7  | 237 | Feb. 12, 1825 | Do.                 |
| 7  | 286 | Jan. 24, 1826 | Do.                 |
| 7  | 289 | Mar. 31, 1826 | Do.                 |
| 7  | 307 | Nov. 15, 1827 | Do.                 |
| 7  | 366 | Mar. 24, 1832 | Do.                 |
| 7  | 417 | Feb. 14, 1833 | Do.                 |
| 7  | 574 | Nov. 23, 1838 | Do.                 |
| 9  | 821 | Jan. 4, 1845  | Do. and Seminole.   |
| 11 | 599 | June 13, 1854 | Creek               |
| 11 | 699 | Aug. 7, 1856  | Creek and Seminole. |
| 14 | 785 | June 14, 1866 | Creek               |

(Endorsed) Union Agency No. 28 Relative----List of Indian Treaties and Agreements, with dates.----



UNITED STATES INDIAN SERVICE  
FIVE CIVILIZED TRIBES.

- - - - -

SPECIFICATIONS FOR  
VEGETABLE STORAGE HOUSE.

- - - - -

BUILDING SITE:

Wherever it is desired to construct this vegetable storage house, great care should be exercised in locating it on the highest ground convenient, in order that the least amount of moisture from the ground will be accessible to the building. It is not the idea of the office to arbitrarily say what size this building should be constructed, that matter should be governed by the probable amount of storage required.

FOUNDATION:

A careful study of the detail will show that the footings under the entire foundation wall must be eighteen inches (18") wide and twelve inches (12") deep with a six inch (6") bevel water table. Footings for the center foundation wall should be the same size, but without water table. Footings only should be excavated below the grade line, and the earth should be removed inside this area, and the dryest sand possible to obtain substituted; sand to finish level with the top of the footing wall. Above these footings, forms should be set to make a concrete foundation thirteen inches (13") wide two feet (2') six inches (6") high with a concrete floor twelve inches (12") thick resting --no number. vegetable storage house.--



on the sand base. Frames for the ventilating doors as shown in detail three feet (3') wide and fourteen inches (14") high should be set in their position before pouring the concrete. Covering this floor and extending up on the inside and on top of the foundation wall, there must be laid four thickness of 2 ply tar paper thoroughly saturated with roofing tar, applied hot; the cement floor to be well covered with hot tar before paper is laid, and the last layer of paper to be thoroughly covered with tar also. 1/2" x 18" "Tee" headed bolts are to be inserted in foundation walls not over four (4) feet on centers with nut and washer to receive 2" x 12" sill.

#### SILLS:

Sills should be constructed as shown on detail with 2" x 12" sill, 2" x 10" side piece with 2" x 12" cap to receive studding and the spaces between the ends of floor joists resting on wall to be filled with concrete as shown on detail, the same width and height of concrete to be laid across each end parallel with joist.

#### FORMULA FOR CONCRETE:

Concrete footings, floor and foundation wall must be made according to a formula as follows: Take one part of fresh Portland Cement, and mix with two parts clean sharp sand, after thoroughly mixing the sand and cement add four parts of Joplin chats or clean gravel, the whole to be turned three times on a tight floor and then wet to the proper consistency (Sic) placed in the forms and well tamped.

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JOISTS:

Joists are to be 2" x 10" placed twelve inches (12") on center with two rows of bridging. The wooden floor is to be made of 2 x 6 and placed 3/4" apart, and well spiked to floor joist.

OUTSIDE AND INSIDE WALLS:

The construction of the walls including the ceiling consists of 2 x 4 studding and 2 x 4 ceiling joist placed two feet (2') on centers and covered inside and out with 1 x 8 No. 1 shiplap well mailed on each bearing. On this shiplap should be laid insulation one-half (1/2") thick put on according to the manufacturer's instruction. Flaxlinum manufactured by the Northern Insulating Company, St. Paul, Minn., or its equal as recommended. Over the insulation must be nailed 1" x 2" strips twelve inches (12") on centers to receive the 1" x 6" D & M "B" grade inside lining, and the drop siding on the outside of the wall. The top course of the ceiling should be 1" x 6" D & M as shown on detail. Outside of walls to be covered with "B" grade of drop siding nailed to each bearing with 2 10d casing nails.

DOORS:

The construction of the front door and the ventilating doors are similar, consisting of three (3) courses of 1" x 6" dressed and matched, two (2) courses of insulation with 1" x 2" twelve inches (12") on centers to form the air space. Entrance door should be hung with four (4) 8" "Tee" hinges so as to prevent any sagging, and secured with Haspan staple. Ventilating doors

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in foundation wall should be hung with three (3) 4" loose pin butts and held in position with a good quality of adjuster. The ventilating door in the ceiling at base of ventilating shaft should be made and hung as shown on plan, and fitted with eye bolt and the necessary pulleys with a line extending through the space over ceiling and down on outside of building, the line to be fastened to a suitable anchor within reach of the ground, to permit of the adjustment of door.

#### ROOF:

Roof to be constructed as shown with 2 x 4 rafters spaced two feet (2') on centers, and sheathed with 1" x 4" spaced not over two inches (2") apart and covered with extra Star A Star shingles laid four and one-half (4-1/2") inches to the weather and nailed with 3d galvanized nails.

#### CORNICE:

Cornice to consist of twelve inch (12") frieze, twelve inch (12") plancia with bed mould, and four inch (4") facia. Finish corners with five inch (5") corner boards, and case door with five inch (5") casing.

#### VENTILATING SHAFT:

The ventilating shaft must be constructed as shown on the plan, and in size corresponding to the size of the building. This plan of building show a ventilating shaft four feet (4') square outside measurements, and to extend thirteen feet (13') six inches (6") above the comb of the roof to the plate line of ventilating shaft. The construction of the walls of the shaft

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is similar to the construction of the building below except that it is not lined on the inside. Louvers must be set in the space between the roof and ceiling, and in top of ventilating shaft as shown on plan. Galvanized wire netting to be placed on the inside of the louvers to prevent the entrance of birds. Care must be taken to flash properly around the base of the ventilating shaft to make a water proof job.

PAINT:

Paint outside of building except roof, with three coats of lead and pure linseed oil paint, color to suit owner.



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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,  
O f f i c e o f S u p e r i n t e n d e n t , U n i o n A g e n c y  
f o r t h e  
F i v e C i v i l i z e d T r i b e s .

Dana H. Kelsey, Supt. in charge , Muskogee, Oklahoma.

LOCAL DISTRICT AGENTS' OFFICES AT:

|               |          |
|---------------|----------|
| Vinita,       | Oklahoma |
| Nowata,       | "        |
| Sapulpa,      | "        |
| Okmulgee,     | "        |
| Checotah,     | "        |
| Westville,    | "        |
| Antlers,      | "        |
| Hugo,         | "        |
| McAlester,    | "        |
| Holdenville,  | "        |
| Atoka,        | "        |
| Tishomingo,   | "        |
| Armore,       | "        |
| Pauls Valley, | "        |
| Chickasha,    | "        |