

**Location.**—This reservation is embraced within the counties of Nez Percé, Shoshone, and Idaho, the principal part being in Nez Percé County. The school is located on the Culesac Branch of the Northern Pacific Railroad, 4 miles from North Lapwai, a station on the Palouse Branch of the Northern Pacific. There is a daily train service on this branch, but as it is an early morning train passengers coming to the school are obliged to drive from North Lapwai.

The reservation is traversed by the Clearwater River a distance of 85 miles. This stream is fed by a number of small streams at various points along its course. The river and its branches are located in valleys ranging from one-quarter to 2 miles in width. In these valleys the Indians live, farming small tracts of land. The allotments are located principally on the plateaus which surround these valleys.

The school is well located in the Lapwai Valley, with an abundance of good water for the school and for irrigating purposes. The agency was moved to the school in May, 1902.

**Buildings.**—The school plant consists of 14 buildings, located on a 20-acre campus. The large buildings are in a fair state of repair, much work having been done on them during the past year. A great deal of work should be done on them yet in order to make them convenient and homelike.

**Agriculture.**—There are 1,200 acres in the school farm, about 80 acres of which is in cultivation, the remainder being located on the hillside, and is used for pasture. The soil is fertile. An abundance of vegetables and fruit were produced on the place to supply the school during the school year. About 2,000 gallons of tomatoes, plums, prunes, and apples were canned for the pupils.

The past season has been one of unusual prosperity for both the Indians and white renters. Many of the Nez Percé Indians are inclined to till the soil, and in some instances have very creditable looking ranches. There are those among them, however, who farm a little in order to obtain permission to rent a portion of their holdings.

**Leasing.**—There is a great demand for leases on this reservation. Indians who are progressive and have more land than they can farm are allowed to lease a part of it. The regulations governing the execution of these leases are adhered to, and yet the number of leases is increasing. The annual collection for the present year derived from the leasing of land is estimated at \$50,000, with additional rents in improvements on allotments of about \$20,000.

**Education.**—There are two schools on this reservation—the Fort Lapwai Boarding School and the Catholic Mission School. Many of the pupils were away in the mountains with their parents and were late entering school in the fall. The enrollment at this school for the year was 172. Interest on the part of the teachers and pupils was good, and progress noted during the entire school year.

**Health.**—With the exception of an epidemic of diphtheria at the girls' building during the winter, from which no deaths were recorded, the general health of the school was good.

**Liquor.**—This reservation is dotted with towns, and in each one may be found designing white people who in every possible way try to evade the liquor law. At every session of the United States district court offenders are tried and sentenced, yet it is not possible to mete out justice to all, as the necessary proof of guilt in every instance can not be had.

**Employees.**—The employees are reliable, efficient, and willing workers.

**Needs.**—A good bath system and a more extended water system.

I am, very respectfully,

E. T. McARTHUR, *Superintendent.*

The COMMISSIONER OF INDIAN AFFAIRS.

## REPORTS CONCERNING INDIANS IN INDIAN TERRITORY.

### REPORT OF SCHOOL SUPERINTENDENT IN CHARGE OF QUAPAW AGENCY.

SENECA INDIAN TRAINING SCHOOL,  
QUAPAW AGENCY, IND. T.,  
*Wyandotte, Ind. T., September 1, 1903.*

SIR: I have the honor to submit herewith my annual report as superintendent in charge of the Quapaw Agency and the Seneca Indian Training School.

**Agency.**—Agency affairs mainly consist in the supervision of the sale of inherited Indian lands under rules and regulations promulgated by the Secretary of the Interior under date of October 4, 1902. At the close of the last fiscal year 67 peti-

tions, covering as many different tracts of land, had been received from heirs of deceased allottees of this agency asking for the sale of Indian lands. These "inherited lands" petitioned to be sold embrace over 5,700 acres. Of the 67 petitions above mentioned, 20 have resulted in deeds of conveyance properly approved by the Secretary of the Interior through the regular channels. Nine of the tracts listed for sale received no bids, two were withdrawn from sale on account of errors in the petition, three were relisted on account of the bids received being below the appraised value, one deed made under the rules was disapproved by the Secretary, and the remaining 32 petitions, or deeds made in consequence (as the case may be), are yet awaiting action in this office or the Department.

There have also been received 20 deeds for lands, sold by Peoria and Miami Indians under special act of Congress permitting them to sell a portion of their allotments. Of these 15 have been approved, 1 disapproved, and 4 are awaiting proper action.

During the past year the treaty and trust funds of the Seneca and Eastern Shawnee Indians, amounting for both tribes to nearly \$152,000, and which were capitalized by Congress during its previous session, have been disbursed per capita to the individual members of these tribes by Special Indian Agent D. W. Manchester and myself. Of these funds the Senecas received \$346.49 and the Eastern Shawnees \$286.45 per capita.

Under date of May 27, 1902, Congress ratified and confirmed certain acts of the Seneca and Eastern Shawnee Indians, providing for the allotment, out of their surplus or tribal lands, of 120 acres to each minor child belonging to these tribes who had no allotment (having been born since the first allotment to the tribes), and for the sale of the remainder of the tribal lands. Under this act the Senecas allotted to 134 children and sold some 10,000 acres of surplus land. The Eastern Shawnee made allotments to 33 minors and sold 405 acres remaining after the allotment.

The lands sold by the Eastern Shawnee included 160 acres and the buildings located thereon heretofore used for agency purposes. Thus passed into history the "Quapaw Agency." These matters have been made the subjects of special reports to your Office.

Under an act of Congress, approved March 3, 1903, "the principal chief of the Quapaw tribe, with the consent of the tribal council, may sell the surplus tract of 160 acres heretofore set apart for school purposes." As far as I know these lands have not been sold under the provisions of that act. However, it is worthy of notice that the acts of Congress mentioned, providing for the sale of surplus or tribal lands, make no provision for the supervision of the sale by the Secretary of the Interior or the Commissioner of Indian Affairs, but give full power and authority to the tribes to dispose of their lands through their respective chiefs and council.

By authority of an act of Congress approved May 27, 1902, the Secretary of the Interior sold during the past year, after advertising for sealed bids, the tribal lands of the Peoria and Miami Indians, amounting to 6,323 acres for about \$42,000.

The Wyandot and Ottawa tribes are the only ones of this agency who now have surplus or tribal lands, the Wyandot having 535 acres and the Ottawa 1,587 acres.

The following tables show the Indian population of the various reservations comprising this agency, the number of allotments in each tribe, etc.:

	Wyandot.	Seneca.	Quapaw.	Peoria.	Miami.	Ottawa.	Eastern Shawnee.	Modoc.	Total.
Number of allotments.....	241	436	247	153	65	157	117	68	1,484
Acres in each allotment.....	80	80 120	240	200	200	80	80 120	48	.....
Acres allotted .....	20,695	41,956	56,245	30,460	12,982	12,714	12,677	3,976	191,705
Unallotted or tribal lands.....	535					1,587		24	2,146
Population:									
1902.....	354	351	271	185	110	167	100	47	1,585
1903.....	360	358	272	191	119	170	98	51	1,619
Population, 1903:									
Males.....	166	162	127	92	55	99	44	24	769
Females.....	194	196	145	99	64	71	54	27	850
Males over 18.....	102	81	58	41	18	52	20	17	389
Females over 14.....	133	109	79	51	39	42	31	15	499
Children between 6 and 16.....	90	78	81	69	38	60	35	8	459

School.—The average attendance for the year was 137. Owing to various causes, mainly the prevalence of measles, which became epidemic in the agency, the attendance was not as large as the previous year. At the beginning of the school year over

30 children of this agency, most of whom were pupils of this school, were transferred to bonded Indian schools.

As nearly as practicable the Course of Study has been followed in both schoolroom and industrial work. Classes in carpentry, cooking, and needlework have been added to the curriculum during the past year with marked success. The individual gardens of the pupils were an improvement over those of former years. The school has raised and sold during the past year 9 head of cattle and 34 head of hogs; besides, 16 head of hogs have been slaughtered for school use.

Notwithstanding the existence of much sickness in the neighborhood, the general health of the school has been excellent.

The school is blessed with an efficient and willing corps of employees who have worked in harmony. In fact, the school has had a very successful year, and for this no small credit is due the pupils, who have evinced a desire to make the most of their opportunities, and have seemingly appreciated the efforts made to promote their moral, mental, and physical welfare.

Very respectfully,

HORACE B. DURANT,  
*Superintendent and Special Disbursing Agent.*

THE COMMISSIONER OF INDIAN AFFAIRS.

### REPORT OF AGENT FOR UNION AGENCY.

MUSKOGEE, IND. T., *August 12, 1903.*

SIR: In compliance with instructions, I have the honor to submit herewith my annual report of the affairs at this agency for the fiscal year ended June 30, 1903.

The Union Agency has under its jurisdiction what are known as the Five Civilized Tribes of Indians, viz, Cherokee, Choctaw, Chickasaw, Creek, and Seminole, with headquarters at Muskogee, Ind. T., which town is located on the Missouri, Kansas and Texas and the Ozark and Cherokee Central railroads, the latter mentioned road having been recently purchased by the St. Louis and San Francisco Railroad Company.

The Indian population of the Indian Territory is about 70,000, with approximately 650,000 white people. The gradual extinction of tribal autonomy and the allotment of lands of the Five Civilized Tribes in severalty by the Commission to the Five Civilized Tribes, the segregation of town sites, and the general development of the Indian Territory have materially increased the population, and many new and thriving towns have and are constantly springing up.

The Indian Territory is divided into four judicial districts, with four judges, four marshals, and four district attorneys.

The courts of the Cherokee and the Creek nations have been entirely abolished by acts of Congress, and the courts of the Choctaw, Chickasaw, and Seminole nations are still in existence, but with very limited authority.

By agreements the tribal and political life of the Indian nations will expire in March, 1906.

For this reason, and the fact that the Commission to the Five Civilized Tribes will have completed its work by that time and the Indians placed upon allotments, it is thought that statehood will not be given to the Indian Territory until then.

**Duties of the Indian agent.**—In my annual report for the fiscal year ended June 30, 1902, brief reference was made to the duties of the Indian agent at this agency. As stated, in addition to regulating trade and intercourse between the Indians and whites, the agent is required, by act of Congress approved June 28, 1898 (30 Stat., 495), to collect the royalty on all coal and asphalt mined in Choctaw and Chickasaw nations, and to collect the royalty on all timber and stone removed from any of the lands of the Five Civilized Tribes in Indian Territory, except the Creek Nation.

In the Creek and Cherokee nations the agent collects the royalty on all coal mined, and also collects the tax from all noncitizen traders residing and doing business in said nations, and collects all hay, ferry, and other royalties and permit taxes.

The agent is also charged with the duty of receiving payments on all town lots in Indian Territory and paying all warrants drawn by the principal chiefs of the Creek and Cherokee nations and all Chickasaw school-fund warrants.

One of the most arduous and difficult duties that the agent has to contend with is that of placing allottees in unrestricted possession of their allotments and removing therefrom objectionable persons. In the recent agreements made with the Cherokee, Creek, Choctaw, and Chickasaw nations a clause therein places this duty upon the

honorable Secretary of the Interior, through the Indian agent, and his action in so doing in the Cherokee, Choctaw, and Chickasaw nations is not reviewable in the courts; and when a member of the three last-named tribes of Indians presents his certificate of allotment it is conclusive evidence of his right to the particular tract of land described therein.

The Indian agent has also the past three or four months been engaged in removing cattle from allotments of Creek and Choctaw citizens, and has also assisted in the collection of the royalty on hay illegally cut in the Choctaw Nation by seizing same and turning it over to the sheriffs for proper disposition.

The protection of the timber in the Choctaw and Chickasaw nations has also required time and attention.

**Receipts and disbursements.**—During the fiscal year ended June 30, 1903, the following sums of money have been received and disbursed by me:

RECEIPTS.

From the Indian Office, account requisitions.....	\$1,709,055.17
Royalties collected account Choctaw and Chickasaw nations.....	643,530.40
Royalties collected account Cherokee Nation.....	58,820.88
Royalties collected account Creek Nation.....	237,760.71
Cattle tax collected for Chickasaw Nation.....	30,511.65
Sale of town-site maps.....	194.78
Board of pupils and teachers at Cherokee national schools.....	4,325.89
Cherokee general fund account warrants.....	19,369.32
Sale of jail sites, Cherokee Nation.....	68.48
<b>Total.....</b>	<b>2,703,637.28</b>

DISBURSEMENTS.

Expenses in connection with town-site work in the Indian Territory.....	60,799.65
Salary of Indian agent.....	2,500.00
Salaries of Indian police.....	2,915.60
Tolls on official telegrams.....	125.41
Salaries of employees and incidental expenses incurred in connection with the management of the agency.....	17,533.59
Rent of offices and agent's residence.....	1,800.00
Choctaw warrants.....	292.20
Salaries of employees and incidental expenses incurred in connection with the management of Choctaw schools.....	62,123.77
Chickasaw warrants.....	50,779.69
Cherokee warrants.....	1,140,352.04
Creek warrants.....	113,605.65
Creek indigents.....	108.00
Destitute Cherokee Indians, and incidental expenses incurred in making said payment.....	327.00
Expenses Choctaw and Chickasaw citizenship court.....	1,439.34
Expenses incurred in suppression of smallpox in Indian Territory, from \$50,000 appropriated by act of May 21, 1900.....	341.00
Expenses incurred in connection with the removal of intruders of the Five Civilized Tribes.....	5,991.27
Per diem and mileage of witnesses in attendance before the Commission to the Five Civilized Tribes on behalf of the Cherokee Nation, and incidental expenses of Cherokee Citizenship Commission.....	2,288.97
Deposit of royalties collected account of Choctaw, Chickasaw, Cherokee, and Creek Nations.....	939,450.57
Deposit of collections Chickasaw cattle tax.....	30,491.88
Exchange paid account Chickasaw cattle tax collections.....	19.77
Paid expenses in connection with collection of Chickasaw cattle tax.....	856.85

164 REPORTS CONCERNING INDIANS IN INDIAN TERRITORY.

Deposit of collections account of board of pupils and teachers at Cherokee national school.....	\$4,325.89
Deposited collections account Cherokee school and orphan funds (transfer).....	19,438.80
Paid per capita to Chickasaw Indians, and expenses incurred in connection therewith.....	159,109.52
Paid salaries of employees from fund "Protection of the people of the Indian Territory".....	477.05
Paid salaries and expenses of Cherokee deputy revenue inspector.....	72.80
Paid salaries and expenses of Creek deputy revenue inspector.....	57.90
Deposited funds received on account of town-site maps.....	194.78
Paid exchange.....	661.42
Unexpended balances deposited.....	85,157.87
	2,703,637.28

Following is a detailed statement in reference to royalty collected for the Indian nations named below during the fiscal year ended June 30, 1903:

Choctaw and Chickasaw nations—

Coal royalty.....	\$259,686.58
Asphalt royalty.....	2,243.26
Timber royalty.....	43,226.25
Stone royalty.....	947.10
Payments on town lots.....	337,427.21
	643,530.40
Total.....	643,530.40
Less exchange.....	388.14

\$643,142.26

Chickasaw Nation—

Cattle tax.....	30,511.65
Less exchange.....	19.77

30,491.88

Cherokee Nation—

Rock and stone royalty.....	286.63
Hay royalty.....	3,444.82
Coal royalty.....	2,813.66
Merchandise tax.....	88.48
Oil and gas royalty.....	1,300.00
Gravel royalty.....	70.40
Ferry tax.....	178.77
Sale of intruder places.....	56.50
Account board of pupils and teachers at Cherokee national schools.....	20,067.54
Account board of teachers and employees at orphan asylum.....	144.50
General fund, from committee to settle with Cherokee advocate.....	147.83
General fund, from estray agents.....	1,618.15
Sale of jail property.....	140.20
Sale of buildings on old military reservation at Fort Gibson.....	7,177.00
Payments on town lots.....	21,286.40
	58,820.88
Total.....	58,820.88
Less exchange.....	53.71

58,767.17

Creek Nation—

Coal royalty.....	1,505.29
Hay royalty.....	26.50
Occupation tax.....	3.00
Pasture tax.....	24,795.70

Creek Nation—Continued.

Timber, confiscated and sold.....	\$20.00	
Payments on town lots .....	211,410.22	
<b>Total</b> .....	<b>237,760.71</b>	
Less exchange .....	219.57	
		<b>\$237,541.14</b>
<b>Total</b> .....		<b>969,942.45</b>
From sale of town-site maps .....		194.78
<b>Grand total</b> .....		<b>970,137.23</b>

**Financial.—Choctaw and Chickasaw nations.**—The regulations prescribed by the Secretary of the Interior, under act of June 28, 1898 (30 Stat., 495), provides, among other things, that the Indian agent for Union Agency, Ind. T., shall receive and receipt for all royalties on coal and asphalt mined in said nations.

In my last annual report I gave all the coal and asphalt leases that had been entered into up to and including June 30, 1902. Since then coal and asphalt leases have been entered into and approved by the Secretary of the Interior as follows:

Name of lessor.	Number of leases.	Date of approval.
<b>Coal:</b>		
Charles D. Adkins.....	1	July 23, 1902
The Johnson Co.....	1	July 29, 1902
Ardmore Coal and Power Co.....	1	Aug. 22, 1902
Fulsom-Morris Coal and Mining Co.....	1	Sept. 23, 1902
Perry Bros. a.....	1	Sept. 16, 1902
Brewer Mining Co.....	1	Sept. 19, 1902
Michael Perona.....	1	Sept. 20, 1902
Mazzard Coal and Mining Co.....	1	Do.
Standard Coal Co.....	1	Sept. 24, 1902
William C. Fordyce.....	1	Oct. 11, 1902
<b>Total number of leases</b> .....	<b>10</b>	
<b>Asphalt:</b>		
Gilsonite Roofing and Paving Co.....	1	Aug. 11, 1902
Rock Creek Natural Asphalt Co.....	1	Sept. 19, 1902
Geo. A. H. Mills b.....	1	Sept. 20, 1902
Farmer Asphalt Co.....	1	Sept. 22, 1902
<b>Total number of leases</b> .....	<b>4</b>	

a This lease transferred to the Coalgate Co.  
 b Transferred to Ravia Asphalt Co.

For the sake of comparison, I give below a statement in reference to the coal, asphalt, and other mineral royalties collected for the Choctaw and Chickasaw nations from June 28, 1898, to June 30, 1903:

June 28, 1898, to June 30, 1899.....	\$110,145.25
July 1, 1899, to June 30, 1900.....	138,486.40
July 1, 1900, to June 30, 1901.....	199,663.55
July 1, 1901, to June 30, 1902.....	247,361.36
July 1, 1902, to June 30, 1903.....	261,929.84
<b>Total</b> .....	<b>957,586.40</b>

Payments on town lots and issuance of patents.—Patents conveying town lots in the Choctaw and Chickasaw nations issue under the joint hands of the respective executives of said nations. The recent Choctaw-Chickasaw supplemental agreement provided that certain lands be segregated for coal purposes, and pending such segregation no patents conveying town lots were issued in the Choctaw and Chickasaw nations. This segregation has been completed, and it is thought that it is now definitely known what towns have lying thereunder coal and asphalt deposits and what towns have not, and patents are now being issued.

No patents were issued conveying any town lots in the Choctaw and Chickasaw nations during the fiscal year ended June 30, 1903.

During the fiscal year ended June 30, 1903, remittances made to this office of payment of lots in the Choctaw and Chickasaw nations amounted to \$337,427.21.

Timber and stone.—Under the regulations covering the procurement of timber and stone for domestic and industrial purposes in the Indian Territory, as provided in the act of June 6, 1900 (31 Stat., 660), as amended by the act of January 21, 1903 (Public—No. 32), during the fiscal year ended June 30, 1903, I have entered into contracts with the following-named corporations and persons to remove timber and stone from lands of the Indian Territory.

Name and address.	Date of contract.
Timber:	
Eugene A. Kline, South McAlester, Ind. T.....	Aug. 16, 1902
Dennis B. Hussey, St. Louis, Mo.....	Oct. 24, 1902
Hobart-Lee Tie Co., Springfield, Mo.....	Sept. 27, 1902
A. McLeod & Co., Neosho, Mo. (extension of contract).....	Mar. 30, 1903
Stone:	
Missouri, Kansas and Texas Railway Co., St. Louis, Mo. (extension of contract of June 22, 1901).....	June 19, 1902 June 22, 1901
St. Louis and San Francisco Railroad Co., St. Louis, Mo.....	

From various parties who had contracts to remove timber from lands in the Choctaw and Chickasaw nations there was received as royalty on such timber removed during the fiscal year ended June 30, 1903, the sum of \$43,226.25.

During the fiscal year ended June 30, 1903, there was paid into this office by the St. Louis and San Francisco Railway Company and the Missouri, Kansas and Texas Railway Company, under their contracts, royalty on stone removed from certain lands in the Choctaw and Chickasaw nations, Indian Territory, \$947.10.

Schools.—All teachers employed in the Choctaw Nation, and such teachers in the Chickasaw Nation as teach Choctaw Indian pupils by blood, receive pay for such services through this office, upon vouchers approved by the superintendent of schools for the Indian Territory. The incidental expenses incurred in connection with the management of the schools are paid by this office. The total amount paid out during the fiscal year ended June 30, 1903, for these purposes was \$62,123.77.

Payment of incidental expenses, Choctaw-Chickasaw citizenship court.—The act of Congress approved July 1, 1902, ratifying and confirming a supplemental agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, appropriated \$5,000 to pay the current and contingent expenses of the Choctaw-Chickasaw citizenship court created under such act. Such expenses are paid by this office when approved by the Secretary of the Interior. During the fiscal year ended June 30, 1903, there was disbursed in payment of the incidental expenses of said court the sum of \$1,439.34.

Payment of Choctaw warrants.—Out of the unexpended balance of the \$75,000 appropriated by the act of Congress approved March 3, 1899 (30 Stat., 1099), there were paid Choctaw warrants amounting to \$292.20.

Chickasaw school-fund warrant payment.—During the fiscal year ended June 30, 1903, the following sums of Chickasaw moneys were disbursed in payment of Chickasaw school-fund warrants:

Under advertisement of October 1, 1902.....	\$28,563.97
Under advertisement of May 12, 1903.....	22,215.72
Total .....	50,779.69

A very careful examination is made before any Chickasaw school-fund warrant is paid, and it is then paid only under the direction of the Department.

Chickasaw per capita payment.—Section 72 of the act of Congress approved July 1, 1902, ratifying and confirming an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes (Public—No. 228), contains the following clause:

There shall be paid to each citizen of the Chickasaw Nation, immediately after the approval of his enrollment and right to participation in distribution of tribal property, as herein provided, the sum of \$40. Such payments shall be made under the direction of the Secretary of the Interior, and out of the balance of the "arrears of interest" of \$558,520.54 appropriated by the act of Congress approved June 28, 1898, entitled "An act for protection of the people of the Indian Territory, and for other purposes," yet due the Chickasaws and remaining to their credit in the Treasury of the United States, and so much of such moneys as may be necessary for such payment are hereby appropriated and made available for that purpose, and the balance, if any there be, shall remain in the Treasury of the United States and be distributed per capita with all other funds of the tribe.

The general deficiency act of March 3, 1903, appropriated \$5,000 to pay the expenses incurred in making the payment. As will be noted, the payment was to be made to only such citizens of the Chickasaw Nation whose enrollment had been approved by the honorable Secretary of the Interior.

The Commission to the Five Civilized Tribes prepared rolls of all Chickasaw Indians who were alive September 25, 1902, the date of the ratification of the Choctaw-Chickasaw supplemental agreement, approved by the act of July 1, 1902, *supra*, except what are termed "intermarried citizens"—that is, such persons as had married Chickasaw Indians. From these rolls the pay rolls were made up and contained the names of 4,659 persons.

The payment commenced at Tishomingo, Ind. T., May 14, 1903, and continued up to and including June 17, 1903. Payment was made to 3,892 persons, at \$40 each, \$155,680. The incidental expenses incurred in making the payment amounted to \$3,429.52.

Inasmuch as the Commission to the Five Civilized Tribes had been enrolling the Chickasaw Indians for a number of years prior to September 25, 1902, and only such persons were to be paid as were alive on that date, it was found during the progress of the payment that quite a number of persons had died, and previous to September 25, and, therefore, were not entitled to payment.

While the payment was in progress at Tishomingo, every effort was made to protect the Indians, and the amount that each was entitled to receive was paid to him direct.

The United States marshal, with the assistance of certain members of the Indian police force who were acting as guards at the payment, preserved peace and maintained order. Fakirs, grafters, and whisky peddlers were driven from Tishomingo and not allowed to ply their nefarious trades in and around the pay house. The Commission to the Five Civilized Tribes has a land office for the Chickasaw Nation at Tishomingo, and rendered assistance in connection with establishing the identity of any Indian whenever asked to do so. It is gratifying to state that not one single complaint has been made in reference to this payment.

It is proper to remark that the unexpended balance of this appropriation is now being paid to certain Indians who were not paid and whose enrollment had been approved, as well as certain other intermarried citizens whose enrollment has recently been approved by the Secretary of the Interior.

**Chickasaw cattle tax.**—Under date of June 3, 1902, the honorable Acting Secretary of the Interior promulgated regulations concerning the introduction by non-citizens of live stock in the Chickasaw Nation, Indian Territory. Under these regulations noncitizens introducing or holding cattle within the limits of the Chickasaw Nation must pay an annual permit tax on all stock so introduced and held within the limits of the said nation, such permit tax to be paid to the United States Indian agent, and the money so collected to be deposited to the credit of the Treasurer of the United States for the benefit of the Chickasaw Nation. Section 7 of the regulations referred to provides:

Authorized agents of the Interior Department will make necessary investigations and reports, and see that proper remittances are forwarded.

During the fiscal year ended June 30, 1903, there was collected on account of Chickasaw cattle tax the sum of \$30,511.65. The greatest difficulty was encountered in the collection of this tax, rich cattlemen fighting it to the bitter end by injunction suits, by writs of replevin, and any other method they could use.

Under date of November 3, 1902, the Commissioner of Indian Affairs authorized and directed me, with the approval of the Secretary of the Interior, to remove from the Chickasaw Nation and the Indian Territory all cattle which were held and pastured in the Chickasaw Nation in violation of the regulations referred to.

When the Indian police, under my direction, attempted to remove cattle held in the Chickasaw Nation and on which the tax had not been paid, they were served with writs of replevin. It was held, among other things, by the Department that cattle which were being removed from the Chickasaw Nation while in the course of removal were in the custody of the law, and that the administration and execution of the intercourse laws and treaties are matters in which the courts can not interfere or impede executive action, and therefore that the removal of cattle, unless lawfully within the Chickasaw Nation, should proceed in the prescribed manner, without regard to actions in replevin and the writs issued thereunder. The attention of the Attorney-General having been called to the fact that the clerks and deputy clerks of the United States court for the Indian Territory, southern district, were issuing writs of replevin, thus interfering with the removal of cattle, ordered and directed the United States district attorney for the southern district to disregard the writs of replevin which had been or might be issued and to cooperate with me in every way in the matter of removing cattle from the Chickasaw Nation.

In this connection it is proper to add that Judge Hosea Townsend, of the United States court for the southern district of the Indian Territory, ordered and directed that such clerks and deputy clerks above referred to cease issuing such writs of replevin. No further writs of replevin being issued, the cattlemen, seeing that



further resistance was useless and that if the tax was not paid their cattle would be driven from the Indian Territory, in many instances paid such tax. It was necessary, however, to remove the cattle of several parties, which action resulted beneficially and had a salutary effect on other cattlemen who had attempted to evade this tax.

**Financial, Cherokee Nation.**—Under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), the United States Indian agent is required to receive and receipt for all payments of royalties, rents, taxes, and permits of whatever kind and nature that may be due and payable to the Cherokee Nation, and when collected to be deposited to the credit of the Treasurer of the United States for the benefit of said nation.

Since the passage of the act referred to the following sums of money have been collected for the benefit of the Cherokee Nation:

From June 28, 1898, to June 30, 1899.....	\$3,150.87
From July 1, 1899, to June 30, 1900.....	19,455.05
From July 1, 1900, to June 30, 1901.....	19,392.65
From July 1, 1901, to June 30, 1902.....	17,060.08
From July 1, 1902, to June 30, 1903.....	58,767.17
Total.....	117,825.82

**Rock and stone royalty.**—Under its contract dated April 15, 1902, the St. Louis and San Francisco Railway Company removed from lands in the Cherokee Nation such an amount of rock and stone that the royalty thereon amounted to \$286.63.

**Hay royalty.**—The laws of the Cherokee Nation impose a tax of 20 cents per ton on all hay shipped from beyond its limits. The royalty on hay cut and shipped during the fiscal year ended June 30, 1903, amounted to \$3,444.82.

**Coal royalty.**—There are several small coal operators in the Cherokee Nation, working under permits granted by the Department, and who pay royalty on all coal mined at the rate of 8 cents per ton, including that which is commonly called "slack." There was collected from this source, for the benefit of the Cherokee Nation, during the fiscal year ended June 30, 1903, \$2,813.66.

**Merchandise tax.**—The Cherokee Nation imposes a tax of one-fourth of 1 per cent on all merchandise introduced and offered for sale within its limits. The courts have held, however, that the citizens of the nation were not required to pay this tax; collections, therefore, during the fiscal year ended June 30, 1903, were small, amounting to only \$88.48.

**Oil and gas royalty.**—The honorable Secretary of the Interior approved 12 oil and gas leases for the Cherokee Oil and Gas Company, and a lease of similar nature for the Cudahy Oil Company, and these companies paid advance royalty, at the rate of \$100 per annum, on each of their leases. Total received, \$1,300.

**Gravel royalty.**—Under date of September 28, 1898, the honorable Secretary of the Interior granted a permit to the Kansas and Arkansas Valley Railway Company to remove gravel from the bars and beds of the Grand River, Cherokee Nation, Indian Territory, and pay royalty on such gravel at the rate of 2 cents per cubic yard, measured when loaded upon cars of said company. Total amount received from this source during the fiscal year ended June 30, 1903, \$70.40.

**Ferry tax.**—The Cherokee Nation imposes upon its citizens who desire to operate ferries on rivers traversing said nation an annual tax of \$25 for each ferry on the Arkansas and Canadian rivers and \$10 for each ferry on the Illinois, Grand, Verdigris, and Neosho rivers. The total royalty received from this source during the fiscal year ended June 30, 1903, aggregated \$178.77.

**Sale of intruder places.**—Under the law enacted by the national council of the Cherokee Nation the sheriffs of the several districts of said nation offered for sale certain farms or places that had been improved by noncitizens, otherwise known as "intruders," proceeds of said sales, less 10 per cent commission, to be paid into this Office. There was remitted under this act of the national council, by the sheriffs of the Cherokee Nation, the sum of \$56.50.

**Board of teachers and pupils at the Cherokee national schools.**—Under the provisions of the act of the national council of the Cherokee Nation approved by the President January 24, 1902, and the rules and regulations governing education in the Cherokee Nation approved by the honorable Acting Secretary of the Interior on October 2, 1902, there was paid into this Office, during the fiscal year ended June 30, 1903, on account of collections made from teachers, employees, and pupils in payment of board, \$20,067.54.

**Board of teachers and employes at the orphan asylum.**—Under an act of the council and the rules and regulations just above referred to there was collected, on account of the board of teachers and employes at the orphan asylum during the fiscal year June 30, 1903, \$144.50.

From committee to settle with Cherokee Advocate.—An act of the Cherokee council approved by the President on January 11, 1902, made an appropriation for the current and contingent expenses of the Cherokee Advocate for the fiscal year ending November 19, 1902. The closing paragraph of said act reads as follows:

*Be it further enacted, That the unexpended balance appropriated for 1902 for the Cherokee Advocate, be, and the same is hereby, refunded to the general fund.*

The unexpended balance referred to, amounting to \$147.83, was forwarded to this Office by the treasurer of the Cherokee Nation, to be placed to the credit of the Cherokee general fund.

From estray agents.—An act of the Cherokee council, approved by the President on December 20, 1900, provides for the disposition of estray property and the appointment of estray agents in the several districts of the Cherokee Nation, the money collected by them to be remitted to the treasurer of the Cherokee Nation, and the proceeds of the sale of said estray property to be placed to the credit of the Cherokee general fund. The several estray agents of the Cherokee Nation remitted to this Office, as the net proceeds of sales of estray property during the fiscal year ended June 30, 1903, the sum of \$1,618.15.

Sale of jail property.—Under the act of the Cherokee council approved by the President on December 22, 1899, all buildings used for jail purposes in the Cherokee Nation were ordered sold, the proceeds thereof to be turned over to the United States Indian agent and applied to the Cherokee general fund. Under the provisions of this act there was remitted to this Office during the fiscal year ended June 30, 1903, \$140.20.

Sale of buildings on old military reservation, Fort Gibson, Ind. T.—In accordance with an act of the national council of the Cherokee Nation, and the regulations of the Secretary of the Interior thereunder, the buildings and improvements situated on lands formerly occupied by the United States as a military reservation at or near the town of Fort Gibson, Cherokee Nation, Ind T., were sold at public auction. Said sale took place under the direction of the United States Indian inspector for the Indian Territory. The amount received was \$7,177.

Payments on town lots and issuance of patents.—The act of Congress approved July 1, 1902, ratifying and confirming an agreement with the Cherokee tribe of Indians, provides, among other things, that payments on town lots shall be made to this agency, and that patents conveying said lots, when fully paid for, shall issue under the hand of the principal chief of said nation, upon advice of full payment from this Office.

There was paid into this Office on account of town lots in the Cherokee Nation, during the fiscal year ended June 30, 1903, \$21,286.40. Patents were issued conveying lots in the town mentioned below during said year, as follows: Vinita, Cherokee Nation 74.

Per diem and mileage of witnesses, and expenses of Cherokee citizenship commission.—The President, on January 20, 1902, approved the act of the national council, making provision for the representation of the Cherokee Nation before the Commission to the Five Civilized Tribes, in connection with the work of completing the roll of citizens of the Cherokee Nation, and for other purposes. This Office pays the incidental expenses of said commission and the mileage and per diem of witnesses in attendance before it. There was expended for this purpose during the fiscal year ended June 30, 1903, the sum of \$2,288.97.

Payment to destitute Cherokee Indians.—During the spring of 1902, this Office made a small payment to certain destitute Cherokee Indians. Certain expenses incurred in connection with said payment were not paid until the beginning of the fiscal year ended June 30, 1903, and amounted to \$327.

Cherokee warrant payment.—All Cherokee warrants issued prior to October 1, 1902, drew interest at the rate of 6 per cent per annum until advertised for payment. Under advertisement dated July 1, 1902, the following sums of money were paid out in retiring Cherokee warrants and interest:

National-fund warrants and interest .....	\$68, 276. 04
School-fund warrants and interest .....	41, 594. 70
Orphan-fund warrants and interest .....	21, 507. 38
Insane-fund warrants and interest .....	3, 645. 08
Total .....	135, 023. 20

The act of Congress approved July 1, 1902, ratifying and confirming an agreement with the Cherokee tribe of Indians provided, among other things, that the Secretary of the Interior shall cause to be paid all just indebtedness of said tribe. Accordingly, under date of October 1, 1902, I issued the following advertisement, stating that I

would pay all Cherokee warrants that had been issued for valid and subsisting obligations rendered the Cherokee Nation bearing date prior to October 1, 1902, viz:

Notice is hereby given that I. J. Blair Shoenfelt, United States Indian agent and disbursing officer, acting under instructions from the honorable Secretary of the Interior, at my office at Muskogee, Ind. T., will, on October 1, 1902, and subsequent days until payment is completed, pay all Cherokee warrants that have been issued for valid and subsisting obligations rendered the Cherokee Nation dated prior to October 1, 1902. The interest on all warrants issued prior to October 1, 1902, will be paid up to and including September 30, 1902. This payment is to be made under the rules and regulations prescribed by the Secretary of the Interior approved September 18, 1902, which are as follows:

"Sec. 1. The United States Indian agent at Union Agency is hereby authorized and directed to advertise the payment of all lawful outstanding warrants, together with the interest on the same, and shall proceed to complete said payment at the earliest practicable date, acting under the present regulations of the Department concerning Cherokee warrant payments.

"Sec. 2. All warrants drawn by the proper tribal authorities of the Cherokee Nation dated on or any time after October 1, 1902, shall not be circulated, but shall be submitted to the proper United States officials in the Indian Territory for examination and approval, and if found correct, shall then be transmitted to the United States Indian agent at Union Agency, who shall issue to the parties in whose favor such warrant is drawn a Government check from funds applicable for the amount named in said warrant.

"Sec. 3. No interest shall be paid upon warrants so drawn after October 1, 1902."

In making this payment the indorsement of the original payee will be required before the warrant will be paid, or if the original payee is deceased then to the indorsement of the legally appointed administrator or executor of the estate will be necessary. Certified copies of the letters of administration must be furnished in cases where indorsements are made by administrators.

Powers of attorney will not be recognized.

In payment of principal and interest the present legal holder of the warrant will be required to receipt for same over his own signature.

Warrants should not be presented for payment prior to October 1, 1902.

If any further information is desired, apply to the United States Indian agent at Union Agency, Muskogee, Ind. T.

Under the above advertisement the following sums were disbursed:

National fund and interest .....	\$698, 476. 06
School fund and interest .....	164, 678. 26
Orphan fund and interest .....	5, 685. 53
Insane fund and interest .....	6, 800. 97
<b>Total .....</b>	<b>875, 640. 82</b>

No Cherokee warrant issued after October 1, 1902, bears interest, nor are they permitted to circulate; but the holders thereof are required to indorse the same, and they are forwarded to me through the United States Indian inspector for the Indian Territory for payment direct. During the fiscal year ended June 30, 1902, the following sums of money were disbursed in payment of noninterest-bearing Cherokee warrants:

National fund .....	\$29, 433. 61
School fund .....	82, 732. 20
Orphan fund .....	15, 663. 87
Insane fund .....	1, 858. 34
<b>Total .....</b>	<b>129, 688. 02</b>

It will be noted from the above that during the fiscal year ended June 30, 1903, there was disbursed in payment of Cherokee warrants and interest due thereon the sum of \$1,140,352.04.

**Financial—Creek Nation.**—The act of June 28, 1898 (30 Stat., 495), requires the Indian agent to receive and receipt for all payments of royalty, rents, taxes, and permits of whatever kind and nature that may be due and payable to the Creek Nation, and when collected to be deposited to the credit of the Treasurer of the United States for the benefit of said nation. Since the passage of the act referred to there has been collected for the benefit of the Creek Nation, during the period mentioned, the following sums of money:

From June 28, 1898, to June 30, 1899 .....	\$4, 913. 63
From July 1, 1899, to June 30, 1900 .....	26, 370. 19
From July 1, 1900, to June 30, 1901 .....	30, 827. 60
From July 1, 1901, to June 30, 1902 .....	97, 733. 35
From July 1, 1902, to June 30, 1893 .....	237, 541. 14
<b>Total .....</b>	<b>397, 385. 91</b>

**Coal royalty.**—The royalty on coal mined in the Creek Nation is 8 cents per ton on mine run coal, including that which is commonly called "slack." During the fiscal year ended June 30, 1903; there was mined such an amount of coal in the Creek Nation that the royalty thereon amounted to \$1,505.29.

**Hay royalty.**—The recent Creek agreements provide that after a citizen has selected his allotment he may dispose of the timber thereon. This has been so construed, in the absence of any laws providing a royalty on hay, as also to permit the citizen to dispose of hay on his allotment. The attention of this Office having been invited to the fact that certain noncitizens were cutting hay on the public domain of the Creek Nation, the said hay was seized and sold for the benefit of the Creek Nation, and the net proceeds of said sale amounted to \$26.50.

An act of the Creek council imposes an occupation tax on noncitizens residing in the Creek Nation. The revenue derived from this source during the fiscal year ended June 30, 1903, amounted to \$3.

**Pasture tax.**—Section 37 of the Creek agreement (31 Stat., 861), provides as follows:

Creek citizens may rent their allotments, when selected, for a term not to exceed one year, and after receiving title thereto without restriction, if adjoining allottees are not injured thereby, and cattle grazed thereon shall not be liable to any tribal tax; but when cattle are introduced into the Creek Nation and grazed on lands not selected by citizens, the Secretary of the Interior is authorized to collect from the owners thereof a reasonable grazing tax for the benefit of the tribe. \* \* \*

Under the section of the agreement referred to, during the fiscal year ended June 30, 1903, there was collected, on account of the rent of unselected land used by non-citizens for grazing purposes, the sum of \$24,795.70.

**Timber confiscated and sold.**—As stated above, Creek citizens, after selecting their allotments, may dispose of any timber thereon. It was ascertained by this Office that certain noncitizens were cutting timber on the public domain of the Creek Nation. This timber was seized and sold, and the proceeds of said sale, viz, \$20, was placed to the credit of the Creek Nation.

**Payments on town lots and issuance of patents.**—Town-site record books of such towns as have been appraised and platted by the Creek town-site commission are placed on file in the office of the United States Indian agent, who is required to receive and receipt for all payments made on said lots, and when any lot has been fully paid for the principal chief and the Secretary of the Interior are duly notified, in order that patents conveying said lot may issue.

During the fiscal year ended June 30, 1903, payments on town lots in the Creek Nation amounting to \$211,410.22 were made to this Office. During the same period patents were issued conveying lots in the towns mentioned, as follows:

Kellyville.....	9	Wildcat.....	1
Wagoner.....	67	Checotah.....	193
Muskogee.....	382	Enfaula.....	74
Tulsa.....	288	Clarksville.....	1
Sapulpa.....	140	Coweta.....	12
Bristow.....	82	Inola.....	1
Mounds.....	31	Beggs.....	25
Henryetta.....	25	Okmulgee.....	131
Holdenville.....	161	Red Fork.....	32
Wetumka.....	45	Bixby.....	4
Lee.....		Foster.....	6

**Creek warrant payment.**—During the fiscal year ended June 30, 1903, the following sums of money were disbursed in payment of Creek warrants:

Under advertisement of July 5, 1902.....	\$38,457.90
Under advertisement of January 15 and February 24, 1903.....	75,147.75
	113,605.65

It may be proper to remark that before any Creek warrant is paid it is audited by the auditor of the Creek Nation, and school-fund warrants are approved by the school supervisor for the Creek Nation, and the general-fund warrants by the United States Indian agent.

**Creek indigents.**—Under the provisions of the act of the national council of the Muskogee Nation of November 5, 1900, there was paid to the Creek indigents during the fiscal year ended June 30, 1903, the sum of \$180.

**Financial—Miscellaneous.**—Payment of expenses for surveying and platting of town sites in the Indian Territory.—During the fiscal year ended June 30, 1903, there was disbursed in payment of the expenses incurred in connection with the surveying and platting of town sites in the Indian Territory \$60,799.65.

**Sale of town site maps.**—The Department has placed on file in this Office for sale photolithographic plats of certain town sites in the Indian Territory. The total sum received from this source during the fiscal year ended June 30, 1903, was \$194.78.

**Settlement of smallpox claims.**—Out of the \$50,000 appropriated by the act of May

31, 1900, to be used in payment of expenses incurred in connection with the suppression of the spread of smallpox in the Indian Territory among those resident of said Territory not members of any Indian tribe or nation therein, there was expended during the fiscal year ended June 30, 1903, for the purposes mentioned in said act, \$341.

Payment of expenses for collection of tribal revenues.—On April 30, 1903, the revenue inspector for the Indian Territory tendered his resignation, and during the balance of the fiscal year this Office paid the expenses incurred in connection with the collection of tribal revenues, aggregating \$987.55.

Payment of exchange.—Remittances made to this Office are in the form of drafts, express money orders, postal money orders, and cash, all of which later have to be deposited with the assistant treasurer of the United States, St. Louis, Mo., who will not handle any item unless it is in the form of cash or exchange drawn on some bank in St. Louis. Numerous remittances, therefore, have to be converted into St. Louis exchange before being forwarded, and the exchange on such during the fiscal year ended June 30, 1903, amounted to \$661.42.

Transfer of Cherokee funds.—Attention is invited to the disbursement of \$19,438.80, account of transfer from the general fund of the Cherokee Nation to the Cherokee school and orphan funds. The following explanation thereto is respectfully made:

Under date of November 4, 1902, the treasurer of the Cherokee Nation transmitted to this Office general-fund warrant B 238 for \$14,280.99, and general-fund warrant B 239 for \$1,518.32, and also general-fund warrant A 3232 for \$193.50, with the request that they be paid out of the general fund and the proceeds thereof placed to the credit of the school and orphan funds; in other words, it was simply a transfer of funds. These warrants drew interest at the rate of 6 per cent from date until advertised for payment and netted \$19,370.32.

The balance of said disbursement, viz, \$68.48, came into my possession in the following manner: Under date of September 25, 1900, the principal chief of the Cherokee Nation forwarded to this Office warrants the principal of which amounted to \$60, advising that they were received by him as payment for certain jail property belonging to the Cherokee Nation, the sale of this jail property having been made under the provision of the act of the national council approved by the President on December 20, 1899. These warrants drew interest, and when finally paid netted \$68.48.

The portion of the Cherokee act referred to reads as follows:

And the funds or proceeds of such sale to be turned in to the Secretary of the Interior and applied to the general fund of the Cherokee Nation.

**Correspondence.**—Correspondence during the fiscal year has been voluminous. Every communication received is answered, or referred to the proper officer for attention. The letters received average between 300 and 400 per day, and those sent out average between 400 and 600 per day.

**Indian police.**—The Indian police force at this agency consists of 1 captain, 2 lieutenants, and 23 privates, with salaries of \$15 per month for officers and \$10 per month for privates.

The Indian police have been busy placing allottees in possession of their allotments, seizing timber unlawfully cut, and carrying out instructions given from time to time. They also assist the United States marshals, when requested to do so, in making arrests to suppress the whisky traffic. Their services, considering their small pay, have been satisfactory.

**Roads.**—Under date of February 12, 1903, the honorable Acting Secretary of the Interior approved the following public notice in reference to establishment of roads in the Cherokee and Creek nations, in accordance with the acts of Congress referred to:

*To whom it may concern:*

Section 10 of the supplemental agreement of the Creek Nation, approved June 30, 1902 (30 Stat., 500), provides, in part, as follows: "Public highways, or roads, three rods in width, being one and one-half rods on each side of the section line, may be established along all section lines without any compensation being paid therefor, and all allottees, purchasers, and others shall take the title to such land subject to this provision."

Section 37 of the act of July 1, 1902 (32 Stat., 716), providing for the allotment of lands in the Cherokee Nation, etc., makes similar provision for section-line roads in the Cherokee Nation, with the exception that such roads are to be 2 rods in width, 1 rod on each side of the section line.

To the end that there may be uniformity in the establishment of roads throughout the Creek and Cherokee nations, all persons are hereby notified that where section lines are obstructed in any manner such obstructions must be removed and the section-line roads opened immediately.

I am instructed by the Secretary of the Interior to notify all persons failing to open roads as required that if they do not do so the Department, through its proper officials in Indian Territory, will take steps to enforce the law.

No funds have been provided to enforce the law, yet despite this fact, with the aid of the Indian police and by other methods, the road law is being fairly well observed,

and as far as practicable, considering the growing crops, the roads are being placed upon section lines.

In the Choctaw and Chickasaw nations no road laws have been passed, yet this Office endeavors to maintain the established and old tribal roads where it does not seriously interfere with the allotment of lands and best subserves the public interest.

**Placing allottees in possession of their allotments.**—A clause in the Creek, Choctaw, and Chickasaw supplemental agreements, and the recent Cherokee agreement, provides, in the cases of Choctaw, Chickasaw, and Cherokee citizens, that allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of an allottee to the tract of land described therein, and the United States Indian agent for the Union Agency shall, upon the application of the allottee, place him in possession of his allotment and shall remove therefrom all persons objectionable to him, and the acts of the Indian agent hereunder shall not be controlled by the writ or process of any court.

In the Creek Nation the allottee is placed in possession of his allotment when he produces a certificate from the Commission showing his right to the tract of land described therein, or his allotment deed.

The allotment of lands in the Creek Nation has been practically completed, while the work in the Choctaw, Chickasaw, and Cherokee nations has just begun, and but few certificates of allotment have been issued by the Commission to the Five Civilized Tribes; hence but few applications to be placed in possession of their allotments have been made by citizens of the three last-mentioned tribes.

During the fiscal year ended June 30, 1903, 641 applications in writing to be placed in possession of allotments were made by Creek citizens, and 458 of these cases have been settled by placing allottees in possession, leaving yet to be acted upon 183 cases.

Several thousand cases have been settled or adjusted by this Office on verbal complaints, the plan adopted being to call to the office the person complained of, as well as the allottee, and the matter is then carefully investigated and necessary relief afforded. The usual proceeding is, after the allottee has made application to be placed in possession of his allotment, to notify the person complained of, or in the possession of the same, giving him a reasonable time to answer the complaint, and if no answer is filed or good and sufficient reason shown why the Indian should not be put in possession, the person complained of is summarily removed from the allotment by a United States Indian policeman.

In the Cherokee Nation, owing to the fact that but few certificates of allotment have been issued by the Commission to the Five Civilized Tribes, only 19 applications from allottees have been received, and but 1 settled. In 8 of the 19 cases, upon examining the records of the Commission to the Five Civilized Tribes, it was found that contests were pending before the Commission in connection with the allotment, therefore no action could be taken, and in the other 11 cases action is being taken.

In the Choctaw and Chickasaw nations numerous complaints have been received from Indian citizens, asking to be placed in possession of their allotments, but owing to the fact that certificates of allotment have not been issued to the allottees by the Commission to the Five Civilized Tribes no action could be taken or relief afforded.

**Trouble in Choctaw Nation in connection with election and installation in office of principal chief.**—Much feeling was engendered in the recent election of the chief and tribal officers of the Choctaw Nation. The issues were tightly drawn, the principal one being the ratification or rejection of the supplemental agreement made with the Choctaw and Chickasaw tribes of Indians and ratified by act of Congress approved July 1, 1902. (32 Stat., 641.) Green McCurtain and his followers urged the ratification, and T. W. Hunter and his party were opposed to it. The then principal chief Dukes supported Hunter.

Upon the urgent request of prominent citizens, I advised the Department of possible trouble in the Choctaw Nation, and was directed to proceed to the capital, located at Tuskahoma, with sufficient police to preserve peace and order during the session of the national council. Immediately after my arrival at the capital I saw that there was imminent danger of a conflict between the contending factions, as Principal Chief Dukes had filled the capitol building with armed light-horsemen, who refused admission to certain members of the council and all but a few Choctaw citizens. This action aroused a feeling of indignation among the peaceable and law-abiding Choctaws.

My police force being insufficient to cope with the situation, I at once conferred with the United States marshal, who had been directed by the Department of Justice to cooperate with and be guided largely by my suggestions, he having been sent to Tuskahoma to assist in preserving the peace, and I suggested that the only way

to prevent serious trouble was to disarm all persons in the capitol building and permit all peaceable citizens to enter the building, provided they were disarmed. The United States marshal refused to give his cooperation in disarming the men in the capitol building.

On Monday, October 6, 1902, when the legislative body assembled and tribal officers and certain Choctaw citizens attempted to enter the capitol building, they were confronted by these armed men at the door, and only those persons whom they desired to have do so were permitted to enter, while others were refused. Those who were denied admission appealed to me. I consulted with them, and asked that they remain quiet and commit no overt acts. I then had a conference with Marshal Hackett and Principal Chief Dukes, and urged the latter to disarm his light-horsemen. This he refused to do, and the marshal would not cooperate with me in disarming them, and urged Dukes not to permit his light-horsemen to be disarmed.

Immediately after the conference, and just as I reached the door coming out of the capitol, 150 determined men made a rush for the door. It was with the utmost difficulty that I prevailed upon them to remain quiet, stating that every effort was being made to adjust matters so that the legislative body could assemble according to law and canvass the votes and determine who had been rightfully elected principal chief.

Affairs remained in this condition until Tuesday morning, when another effort was made by certain persons to enter the capitol building, but they were again denied admission by armed men.

Finding myself powerless to cope with the situation, and the marshal having refused to cooperate with me, I asked that troops be sent to assist me in preserving the peace. Pending the arrival of the troops it was an extremely difficult matter to keep the contending factions from having trouble.

In the meantime certain persons were permitted to enter the capitol building, and Principal Chief Dukes convened both houses of the legislative body and organized, with Mr. James Bowers as president of the senate and Robert J. Ward as speaker of the house of representatives. Afterwards, while in session, members were ordered out of the capitol building by armed men, under instructions from Principal Chief Dukes, and members who had retired were not allowed to return. Under the circumstances an adjournment was taken.

Green McCurtain urged me to call for troops in order to avoid a serious conflict and that the capitol building might be cleared and the supreme judges be given an opportunity to canvass the vote, as these judges were afraid to enter the capitol building, fearing that the vote of the nation would be taken from them, the vote being in their possession, or at least they had the vote of 50 out of 51 precincts.

Saturday afternoon, the 11th of October, troops arrived under the command of Major Starr. After a short conference with him, he threw around the capitol building a squad of troops and disarmed every person in the capitol building and in the yard. I then detailed a detachment of police to accompany the supreme judges to the capitol building. When they arrived I announced publicly that the building had been cleared of all armed forces, and that all persons desiring to enter the building could do so, providing they were disarmed. The supreme judges then delivered the vote in accordance with the Choctaw law, the result showing Green McCurtain elected principal chief.

During the interim between Tuesday and Saturday, Hunter, who had possession of the vote of one of the precincts of the Choctaw Nation, in collusion with certain of his followers, claimed to have taken the oath as principal chief of the Choctaw Nation, and then declared and held himself out as such principal chief, demanding recognition from me, which I refused to give.

I am satisfied that if Marshal Hackett had cooperated with and assisted me in disarming the light-horsemen in the capitol building, troops would not have been necessary. During the period from the first assembling of the council until the arrival of the troops Saturday evening there was imminent danger of the two contending factions coming together and shedding blood, as Indian politicians are partisans of the worst stripe, and bitter feeling was engendered.

I returned to headquarters at Muskogee shortly after the induction into office of Green McCurtain, and submitted my report to the Department, which afterwards recognized Green McCurtain as principal chief of the Choctaw Nation, and he has continued to hold said office.

It is regarded by the citizens generally of the Choctaw Nation that the election of Green McCurtain as principal chief was to the best interests of the Choctaw people, as he is progressive and liberal in his ideas and is in harmony with the views of the Department in settling up the affairs of the Indians in the Indian Territory in accordance with recent Congressional acts.

**Sale of Creek Lands.**—The regulations amended July 10, 1903, governing the sale

and leasing of lands in the Creek Nation, prescribed by the Secretary of the Interior for the purpose of carrying into effect the provisions of sections 16 and 17 of the act of Congress approved June 30, 1902 (32 Stat., 500), and ratified by the Muskogee (or Creek) national council July 26, 1902, require that Creek citizens desiring to sell such of their land as they are by law authorized to do may apply to the Indian agent by petition to sell said land.

The sections of the act of Congress referred to are given below:

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 nor be alienated by the allottee or his heirs before the expiration of five years from the date of the approval of this supplemental agreement, except with the approval of the Secretary of the Interior. Each citizen shall select from his allotment forty acres of land, or a quarter of a quarter section, as a homestead, which shall be and remain nontaxable, inalienable, and free from any encumbrance whatever for twenty-one years from the date of the deed therefor, and a separate deed shall be issued to each allottee for his homestead, in which this condition shall appear.

Selections of homesteads for minors, prisoners, convicts, incompetents, and aged and infirm persons, who can not select for themselves, may be made in the manner provided for the selection of their allotments, and if for any reason such selection be not made for any citizen it shall be the duty of said Commission to make selection for him. The homestead of each citizen shall remain, after the death of the allottee, for the use and support of children born to him after May 25, 1901, but if he have no such issue then he may dispose of his homestead by will, free from the limitations herein imposed, and if this be not done the land embraced in his homestead shall descend to his heirs, free from such limitation, according to the laws of descent herein otherwise prescribed. Any agreement or conveyance of any kind or character violative of any of the provisions of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity.

17. Section 37 of the agreement ratified by said act of March 1, 1901, is amended, and as so amended is reenacted to read as follows:

"Creek citizens may rent their allotments, for strictly nonmineral purposes, for a term not to exceed one year for grazing purposes only and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same. Such leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and leases for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this paragraph shall be absolutely void and not susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Creek Nation and grazed on lands not selected for allotment by citizens, the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section 2117 of the Revised Statutes of the United States shall not hereafter apply to Creek lands."

These regulations require that Creek citizens desiring to sell their lands shall apply to the Indian agent by petition, as stated before, which application must contain an accurate description of the land and the improvements thereon. A copy of this petition is forwarded to the Commissioner of Indian Affairs. The agent also, on each Monday morning, posts in a conspicuous place in his office, for a period of sixty days, a list of lands described in petitions received by him during the week preceding such Monday, and on each Monday morning forwards to the Commissioner of Indian Affairs a complete list of the lands posted in his office for sale.

The Indian agent is also required to visit, view, and appraise all lands offered for sale. This appraisement is not made public, but no bid for less than the appraised value shall be considered.

Sealed bids are received by the agent for any lands listed. All such bids should be inclosed in sealed envelopes, on which must be written "Bid for Creek lands, described as follows," and each bid must be accompanied by a duly certified check on some solvent bank, payable to the Commissioner of Indian Affairs, for 20 per cent of the amount offered, as a guaranty for the faithful performance by the bidder of his proposition. If the bid is accepted, and the successful bidder shall, within a reasonable time, not exceeding ten days, fail to comply with the terms of the bid, his 20 per cent check shall be forfeited to the use of the owner of the land. The right to reject any and all bids is reserved, but the highest bid will be accepted, and such acceptance shall be subject to the approval of the owner of the land. Bidders and other interested persons may be present when the bids are opened.

The Commissioner of Indian Affairs is required to cause an advertisement of the lands listed to be published in at least one weekly newspaper published at Muskogee and such additional weekly newspapers as he may deem advisable, so that each tract listed shall, as near as practicable, be advertised during the listed period.

The deed conveying the land must be executed in the presence of two subscribing witnesses and must be transmitted to the Secretary of the Interior for approval, accompanied by the original petition, the certificate of appraisement, all bids relating to the land covered by said deed, and a duly certified check on a solvent bank for the full purchase price, payable to the order of the Commissioner of Indian Affairs, and full report must be submitted by the Indian agent of all proceedings previous to the execution of the deed.

When the deed has been returned to the Indian agent, duly approved by the Secretary of the Interior, it shall be accompanied by the certified check for the purchase



price, duly indorsed, with appropriate instructions from the Commissioner of Indian Affairs to the Indian agent relative to the delivery of the deed to the grantee and the payment of the purchase price to the grantor.

The Indian agent, in reporting on deeds, is required to show the value of the land as appraised by the Commission to the Five Civilized Tribes, in order that the Department may know how it was classified for distribution, and is also required to ascertain whether the party or parties seeking to sell have had the land properly allotted, and will give his opinion as to whether the instrument should be approved, with his reasons therefor.

**Leases of Creek lands.**—No lease will be approved for a greater term of years than as follows: Three years for grazing purposes, ten years for agricultural purposes, and fifteen years for mineral purposes, all leases to be made in quadruplicate, to be executed in the presence of two subscribing witnesses, one part to be filed in the office of the Commissioner of Indian Affairs, one with the Indian agent, one to be delivered to the lessee, and one to the lessor. Prescribed forms for leasing and selling lands are attached to the regulations.

The rules and regulations governing the sale and leasing of Creek lands meet with the approval of the Creek Indians. They feel that they are afforded, under these rules and regulations, protection against the horde of grafters who have settled in the nation for the purpose of acquiring possession of the choicest lands of the Creek Nation at prices far below their real value. In my judgment, the restrictions thrown around the sale of the lands of these Indians are the best possible safeguard for their protection and will deliver the lands into the hands of the actual farmers. It is to be remembered that out of 160 acres allotted to each citizen 40 acres are reserved for homestead purposes and can not be sold for twenty-one years from the date of the ratification of the supplemental Creek agreement.

All the conventions held by Indian citizens have passed resolutions indorsing the policy adopted by the Government; that the promulgation of the rules and regulations protect their interests, and have indorsed the action of the honorable Secretary of the Interior and the officials of the Interior Department in Indian Territory in their efforts to carry out the letter and spirit of the agreement.

If these lands pass into the hands of actual farmers when they are offered for sale under the regulations now in force, the Indian will be benefited to the extent of having as his neighbor a progressive farmer, or at least a farmer who has purchased 40, 80, or 120 acres with the view to improving the same and making it his home. Such farmers will be interested in the construction and maintenance of good roads and bridges, and will see that schools are established and that their lands are properly fenced and cultivated. Their example will be an inspiration to the Indian, who will naturally imitate and follow his neighbor, and doubtless will be persuaded to plant diversified crops and will look to his white neighbor for guidance in his farming operations.

Many of the more progressive families are desirous of disposing of the surplus lands belonging to the head of the family, in order that they may build houses, dig wells, plant orchards, and generally improve their 40-acre homestead, and as their children become of age they will take up their own allotments of 160 acres and, having been educated in the matter of cultivating the land and raising crops, will necessarily receive the greatest benefit from the products of the soil, and will doubtless have acquired a competency by reason of the opportunities they have had and will farm as their white neighbors have taught them. The Creek Indians are inclined to be progressive, and all they need is to have energetic white men in their midst, so that they may observe how and in what manner the greatest benefit can be derived from the cultivation of the soil.

It is thought the regulations solve this complex question and provide the only practicable way to dispose of the surplus lands of the Five Civilized Tribes. The tribal governments will have ceased to exist in 1906; and the Indians will then be left to shift for themselves, and if safeguards are not thrown around them, many will dispose of their lands to speculators and unscrupulous persons for inadequate prices.

This office has been greatly annoyed during the past year by a few worthless Creek freedmen, who persist in leasing their lands as often as they can find anyone who will pay them a few dollars in hand. In these practices they are encouraged and assisted by irresponsible real-estate agents.

In many instances the Creek Indian, unskilled in the ways of the white man, has been imposed upon. Especially is this true of the full-blood Indian who can not read or write the English language. They have been induced to enter into contracts or leases for long terms in flagrant violation of the letter and spirit of the agreement.

A few of such leases have been submitted to this office by the Indian allottees. An examination discloses that the leased lands were unimproved and were leased for

periods ranging from five to seven years, at a rate of 25 cents per acre per annum, when the fair rental value would have been from \$1 to \$3 per acre per annum. I have urged upon Creek citizens to whom allotment certificates or deeds have been issued not to enter into these long leases, and in many instances have induced Indians who have made long and improvident leases to return them to the lessee, together with a small advanced payment, and have prevented such lessees from taking possession of the allotments. Such action as this, however, can only be taken when attention is called to the transaction. Real-estate agents and speculators endeavor to keep the allottees away from the agency, and but few of these transactions are brought to the attention of the agent. These remarks are made in order that such remedial measures can be taken as will prevent the continuance of the unlawful practice cited and make clear the way for legitimate renting and leasing of Creek lands.

The Creek agreement provides that allotments may be leased for agricultural purposes for a period of five years. There is nothing in the agreement indicating upon what conditions the allottee can rent his land, except for a period of five years. The real-estate agent has heretofore made his own conditions, agreeing to pay the allottee 25 cents per acre per annum for a period of five years, and a clause is usually inserted in the lease providing for the removal by the lessee of all improvements placed on the land at the expiration of the term of the lease. It is plain, therefore, that the allottee at the end of five years will be in worse shape than he is to-day, and I can not see how it is possible for the Department to interfere, as the Creek supplemental agreement leaves the matter of the conditions of the lease, with the exception of the five-year clause, wholly and entirely with the allottee. It may be, however, under the forty-fifth article of the agreement referred to, that the honorable Secretary of the Interior might have authority to specify the conditions under which Creek lands can be leased.

In an opinion rendered by the Hon. Willis Van Deventer, Assistant Attorney-General, approved by the honorable Secretary of the Interior, on the 31st day of October, 1902, with reference to the powers and duties of the agent in passing upon improvident leases made by Creek allottees, he stated, in part:

It is clear that one claiming possession of allotted land under a lease for grazing purposes for a term more than one year, or for agricultural purposes for a term of more than five years, unless such lease shall have been approved by the Secretary of the Interior, is subject to be removed from such land, if objectionable to the allottee. The invalid and illegal lease would afford him no protection. If, however, the lease under which a party in possession claims is one which the allottee was authorized to make, it can not be disregarded solely upon the ground that the rental provided for is inadequate, or that it was improvidently made, or that it was obtained by fraud and deception. Those are matters properly cognizable by the courts and redress must be sought therein.

It will therefore appear that the honorable Assistant Attorney-General is of the opinion that where a person is in possession of an allotment under a lease which the allottee was authorized to make it can not be disregarded solely upon the ground that the rental provided for is inadequate, or that it was improvidently made, or that it was obtained by fraud and deception; that those are matters properly cognizable by the courts, and that redress must be sought therein.

Notwithstanding the fact that where the allottee entered into an agricultural lease for a period of five years, which he had a perfect right to do, paying no attention to the conditions and stipulations of such lease, many of them have besieged this office to set aside such leases and insisted that the authority vested exclusively in the agent to give them possession of their allotments. In many instances I have gone beyond what, in my judgment, the law warranted in order to protect these people against the great frauds that were being constantly perpetrated upon them. I pay particular attention to the full-blood Indians and the more ignorant and incompetent members of the tribe. The more enlightened and intelligent class of Creek Indians have not been imposed upon, they being able to conduct their affairs to their entire satisfaction.

**Leasing of Cherokee lands.**—The Secretary of the Interior has, under the provisions of section 72 of the act of Congress approved July 1, 1902 (32 Stat. L., 716), promulgated regulations governing the leasing of lands in the Cherokee Nation. The section of the act referred to is quoted herewith:

Cherokee citizens may rent their allotments when selected for a term not to exceed one year for grazing purposes only, and for a period not to exceed five years for agricultural purposes, but without any stipulation or obligation to renew the same; but leases for a period longer than one year for grazing purposes and for a period longer than five years for agricultural purposes and for mineral purposes may also be made with the approval of the Secretary of the Interior, and not otherwise. Any agreement or lease of any kind or character violative of this section shall ever prevent the assertion of susceptible of ratification in any manner, and no rule of estoppel shall ever prevent the assertion of its invalidity. Cattle grazed upon leased allotments shall not be liable to any tribal tax, but when cattle are introduced into the Cherokee Nation and grazed on lands not selected as allotments by citizens the Secretary of the Interior shall collect from the owners thereof a reasonable grazing tax for the benefit of the tribe, and section twenty-one hundred and seventeen of the Revised Statutes of the United States shall not hereafter apply to Cherokee lands.

178 REPORTS CONCERNING INDIANS IN INDIAN TERRITORY.

The agent is required to transmit, with his recommendation, all leases submitted to him to the Secretary of the Interior for approval.

No leases will be approved for a greater term of years than as follows: Three years for grazing purposes, ten years for agricultural purposes, and fifteen years for mineral purposes.

All leases must be in quadruplicate, one part to be filed in the office of the Commissioner of Indian Affairs, one with the agent, one to be delivered to the lessee, and one to the lessor.

If the lessee fails to comply faithfully with the terms and conditions of the lease, such failure shall constitute a forfeiture of the lease and all improvements placed on the land by the lessee, and that the lessor shall be entitled to immediate possession of the leased lands and the improvements located thereon.

All original lessees, except of mineral lands, shall be required to furnish a bond, executed by two or more sufficient sureties, guaranteeing the payment of all rents and the performance of all covenants and agreements named in the indenture to be paid and performed by the lessee.

No lease shall be sublet, transferred, or assigned without the consent and approval of the Secretary of the Interior.

A lease of undivided inherited lands will be approved only in cases where all the heirs join in the lease.

Leases to which minors are parties grantor must be made by a guardian, and the lease must be accompanied by certified copies of the orders of the proper court appointing the guardian and authorizing him to make such lease.

Where leases cover lands allotted to a deceased allottee or citizen the agent is required to show the relationship, as shown by the records of the Commission to the Five Civilized Tribes, existing between such deceased allottee or citizen and the parties grantor to the lease.

Since the promulgation of these regulations the following number of leases have been filed in this office for consideration:

Mineral .....	13
Coal and asphalt .....	0
Marble and stone .....	6
Oil and gas .....	58
<b>Total .....</b>	<b>77</b>

**Railroads.**—The marked increase in population and the development of the Indian country has stimulated railroad companies to renewed activity and many new miles of railway have been constructed in Indian Territory. I am only able to give such information in reference to this matter as has been furnished me by the companies mentioned below:

*Miles of railway constructed during the year ended June 30, 1903.*

Chicago, Rock Island and Pacific Railway Co .....	25.25
St. Louis and San Francisco Railroad Co.:	
St. Louis, San Francisco and New Orleans Railway .....	90.7
Platter cut-off, from Platter to a point near Mead, Ind. T. ....	9.35
Sulphur Springs Railway .....	8.83
Arkansas Valley and Western .....	22
Ozark and Cherokee Central .....	114.761
<b>Choctaw, Oklahoma and Gulf Railroad Co .....</b>	<b>245.641</b>
Fort Smith and Western Railroad Co .....	9.41
Missouri, Kansas and Texas Railway Co.:	49
Krebs Branch, Carbon to Gaines Creek .....	4
Missouri, Kansas and Oklahoma—	
Stevens to Dewey .....	23.4
Wybark to Coweta .....	21.2
<b>.....</b>	<b>48.6</b>

**Conclusion.**—I appreciate the cordial support given me by your Office and the Department in discharging the difficult and arduous duties devolving on the agent at this agency.

I have the honor to be, sir, very respectfully, your obedient servant,

J. BLAIR SHOENFELT,  
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.