

fear to disturb their title as at present situated, lest it be construed as involving such extinguishment of title to a part of their lands, and thus the conditional grants made to railroads be put into effect. This would entail great loss in their landed interests. They have an instinctive prejudice against sectionizing land, constantly associating it with a territorial government, and the introduction of a white population to overwhelm.

There are, however, some points on which the Cherokees desire legislation by Congress. The first and most important act which they desire is the unconditional repeal of all acts granting lands in the Indian country to railroad companies, to take effect when the Indian title is extinguished. These grants the Cherokees regard as unjust and unwarranted. They hold that the land was and is theirs, bought and paid for, and held by patent, and that the Government had neither moral nor legal right to give away, conditionally or otherwise. They, therefore, demand the immediate and unconditional repeal of the laws making such grants. Should a difficulty arise, growing out of the repeal of these conditional land-grants, the Cherokees demand that the Government settle that difficulty with the railroad companies in such a manner as in no way to jeopardize or compromise the interests of the Indians. They claim that these conditional land-grants were made without their consent, and contrary to their will, and that it is the duty of the Government to relieve them entirely of any complications that may arise out of the condition of affairs brought about by these conditional land-grants. They also desire such legislation as will secure to the Cherokees the payment at an early day of a fair price for all lands west of the 96° west longitude, upon which the Cherokees have agreed the United States may settle other Indians. The first step toward getting the Cherokees to consent to the allotment of their lands in severalty, or to the adoption of the Ocmulgee constitution, or other change in their government, is the repeal of all acts granting their lands to any parties whatever. This I regard as a necessary condition; without this they will scarcely consider the question of allotment or change in their government.

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

JOHN B. JONES,
United States Agent for Cherokees.

Hon. E. P. SMITH,
Commissioner Indian Affairs.

17.

U. S. INDIAN AGENCY FOR CHOCTAWS AND CHICKASAWS,
Boggy Depot, C. N., October 20, 1873.

Sir: In compliance with your instructions, I submit the following as the annual report of the condition of the Choctaw and Chickasaw Indians for the year 1873.

Because of the large extent of territory occupied by these nations—being about three hundred miles east and west by one hundred and twenty north and south—it has taken more time and labor than I expected to obtain the inclosed statistics. This is the reason of the late date of my report:

I have found, as my estimate shows, that the amount and kind of products are quite different from those reported last year. The growth of cotton, wheat, barley, and oats has largely increased. These nations have much more wealth and are making more progress in agriculture than they have heretofore been accredited with. They are opening new farms, building thousands of rods of fence, and preparing in every way to extend their agriculture. They are not limited, as formerly, to the crop of corn, but are now raising cotton, wheat, barley, oats, &c., with good success.

There has not been much change in their educational systems or opportunities. There are several more schools in each nation than reported last year. The progress of the pupils has been in accordance with the character of the teachers. The teachers are selected by the officers of the nations in all the schools except Spencer Academy and New Hope Female Seminary of the Choctaw Nation. A large part of the teachers of the other schools are unfit for their positions. The funds appropriated by the Chickasaw Nation are sufficient to support good schools, but through incompetency of many of the teachers less progress is made than should be. The funds of the Choctaw Nation are not so large; but much of theirs used in support of neighborhood schools does little good, because they have poor teachers. A majority of the officers appointed or elected to take charge of the schools and select the teachers are incompetent for the duties of their offices, and hence poor teachers and poor schools. If there were fewer schools, with educated teachers, selected, for instance, by some missionary board, or other competent authority, there would be much more moral, religious, and educational progress in these nations.

Much dissatisfaction has been expressed by the Choctaw Nation because the con-

tractors with the Missouri, Kansas and Texas Railway Company have been cutting ties and timber and shipping them out of the Territory without any authority or license from the nation. Individuals of the nation would claim to own a certain tract of timber land, and sell the timber to these contractors which really belonged to the nation. A few individuals would thus receive the pay that should have gone into the treasury of the nation. The railroad company claims that it has, by its charter and the treaty of 1866, the right to purchase and use ties and timber necessary to build its road; and as the Choctaw Nation did not provide a way to purchase the same, therefore the railroad company purchased, as best it could, of individuals of the nation. Although such matters create dissatisfaction with the majority of the nation, yet they peaceably await the action of the railroad company to settle any claims for ties or timber which by mutual consent were not claimed by or paid to individuals, and which I expect the railroad company will soon settle.

The peaceable character and law abiding disposition of these people I think must excel that of most Indian tribes. They seem as ready to have their private difference adjusted by their courts as do the white people, and they treat with the utmost respect all the wishes and commands of the United States Government. Their laws are few and not generally well executed, yet in most cases they respect each other's rights.

I have been very much pleased with the religious interest manifested by them, especially by the Choctaws. They attend religious meetings, and seem anxious to know the truth, and many of them, members of churches, appear to be living Christian lives.

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

As I stated in my last monthly report, I hope some provision will be made to meet this want. I wish the Choctaw and Chickasaw people could see that it was for their interest to educate these freedmen and thus prevent crime and secure the general welfare of society.

The subject of surveying the lands of the Choctaw Nation, and having them allotted to members of the nation, has occupied their minds more than any other subject since my arrival here. A large number of these people are in favor of this measure. I believe all the Chickasaws are in favor of it. Some of the Choctaw leaders have represented to the less enlightened part of the nation that they will lose the title to their lands if they are surveyed and allotted. They also represent that there would be no protection given them against the occupation of their lands by the whites when they are surveyed. They forget the assurances given them in the treaty of 1866, and remember only that they had to leave Mississippi against the wishes of some of them. I think the number is increasing who favor dividing their lands; and I hope it may be done very soon, and in accordance with some plan approved by themselves. Many difficulties arise because the title is in the nation, but in a certain sense claimed by individuals thereof, and (as in the matter of the ties hereinbefore mentioned) the individual takes advantage of any want of action by the nation. If the lands were owned in severalty by the members of the nations, each would jealously guard his rights, and all would unite in protecting individual interests against intruding whites. Besides each would be stimulated by the other in increasing and making his property valuable and drawing from it all the profits he could. Thus the nations would be enriched in proportion as the members were thriving, and religious and educational advantages would come to them through the means of their wealth.

Very respectfully, your obedient servant,

A. PARSONS,
United States Indian Agent.

Hon. EDWARD P. SMITH,
Commissioner Indian Affairs, Washington, D. C.

18.

CREEK AGENCY, INDIAN TERRITORY,
September 30, 1873.

SIR: In compliance with the duty imposed upon me as United States agent for the Creek Indians, I have the honor to submit herewith my report of affairs at the Creek agency for the year ending September 30, 1873.

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