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An Act for the Protection of the People of Indian Territory

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PROTECTION OF THE PEOPLE OF INDIAN TERRITORY.

L E T T E R

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A COMMUNICATION FROM THE SECRETARY OF THE INTERIOR SUBMITTING AN ESTIMATE OF APPROPRIATION, \$106,600, TO CARRY INTO EFFECT THE PROVISIONS OF THE ACT OF JUNE 28, 1898 (30 STAT., P. 495), ENTITLED "AN ACT FOR THE PROTECTION OF THE PEOPLE OF THE INDIAN TERRITORY, AND FOR OTHER PURPOSES."

DECEMBER 14, 1898.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., December 13, 1898.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of the Interior, of the 10th instant, submitting an estimate of appropriation, \$106,600, to carry into effect the provisions of the act of June 28, 1898 (30 Stat., p. 495), entitled "An act for the protection of the people of the Indian Territory, and for other purposes," the same being for the remainder of the fiscal year ending June 30, 1899, and which, from the pressing need of the said appropriation, he requests that it be provided in the urgent deficiency bill now pending.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1898.

SIR: The act of Congress entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898 (30 Stat., 495), imposes certain duties upon the Commission to the Five Civilized Tribes and the Secretary of the Interior, but makes

no appropriation of any moneys to enable this Department to execute the same.

Section 11 of said act declares that "the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands" of the several nations or tribes susceptible of allotment among the citizens thereof. Section 12 requires said allotments to be confirmed by the Secretary of the Interior.

Under section 13 thereof the Secretary of the Interior is required to make rules and regulations in regard to "the leasing of oil, coal, asphalt, and other minerals," and to fix the amount of royalty to be paid by the lessees. Rules and regulations have been prepared under said section, and also under the agreement set out in section 29 of said act, which require all mineral leases to be approved by the Secretary of the Interior.

Section 15 requires that a commission shall be appointed for each town in the Choctaw, Chickasaw, Creek, and Cherokee nations, and prescribes the manner of laying out town sites by said commissions where the towns have a population of 200 or more, and designates the way in which owners of improvements upon town lots may acquire title thereto. The provisions of this section relative to the Choctaw and Chickasaw nations are modified by the agreement in said section 29 of the act, to the extent that only one such commission, consisting of two members each, shall be appointed for said nations, respectively; but said agreement expressly declares "that no charge or claim shall be made against the Choctaw or Chickasaw tribe by the United States for the expense of surveying and platting the lands and town sites, or for grading, appraising, and allotting the lands, or for appraising and disposing of the town lots as herein provided."

Section 16 makes it unlawful for any person to claim for his own use, or for the use of anyone else, any royalty on minerals or on any timber or lumber or any other kind of property whatsoever, and declares that "all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong." But said section contains a proviso which allows any citizen to receive the rents upon agricultural or grazing lands to the amount of his reasonable share, and that to which his wife and minor children are entitled in the allotments provided for by said act. The provisions of this section are modified, so far as the Choctaw and Chickasaw nations are concerned, by the provisions of the agreement in section 29 of said act with respect to the duty of disposing of town sites and the collection of royalties from leases of mineral lands as therein provided.

Section 19 of said act prohibits the payment of any moneys on any account by the United States to any officer of the tribal governments for disbursement, and requires the payment of all sums to the individual members of said tribes under the direction of the Secretary of the Interior.

Section 20 allows "the Dawes Commission" to employ necessary clerical assistance, "including competent surveyors, to make allotments."

Section 21 requires said commission to make correct rolls of citizenship of the several tribes, which rolls, when approved by the Secretary of the Interior, are declared to be final.

Section 27 authorizes an Indian inspector to be located in the Indian Territory, to perform any duties relating to affairs therein, under the direction of the Secretary of the Interior.

Section 29, containing the agreement with the Choctaw and Chickasaw tribes, which has been duly ratified, declares—

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

Moreover, the agreement confirmed by the act of Congress approved July 1, 1898 (30 Stat., 567), requires the lands of the Seminole tribe to be allotted, under the supervision of the commission, to the Five Civilized Tribes without charge or claim against said tribe.

No appropriation was made to carry out the provisions of this law, and the Secretary of the Interior was obliged to organize a division in his office known as the "Indian Territory Division," which has charge of all business relating to the Indian Territory, and to assign clerical force to said division, notwithstanding they could not be well spared from the places in which they were regularly employed. These details should be no longer continued, but specific appropriation made by Congress for the employees necessary to carry on the work of the new division.

In order to properly execute the provisions of said acts, it is imperatively necessary that appropriations be made for the remainder of the fiscal year as follows:

Salary of chief of Indian Territory Division, at \$2,250 per annum, to June 30, 1899	\$1,125.00
1 clerk class 4	900.00
1 clerk class 3	800.00
2 clerks class 1	1,200.00
1 copyist	450.00
	1,475.00
In the Office of the Commissioner of Indian Affairs:	
Pay of employees, Indian Territory, to June 30 next	4,000.00
Incidental and traveling expenses to June 30 next	1,500.00
Salary and expenses of revenue inspectors to June 30 next	3,000.00
Salary and expenses of two school supervisors to June 30 next	2,500.00
Additional employees in the Office of Commissioner of Indian Affairs during present fiscal year, to be appointed under such rules and regulations and upon such examination as the Secretary of the Interior may prescribe	9,300.00
Salary and expenses, town-sight commissions	30,000.00
Locating ninety-eighth meridian, under the supervision of the Director of the Geological Survey	6,300.00
To begin allotments	50,000.00
	106,600.00
Total	106,600.00

In view of the very pressing need for the appropriation of the several sums as above set forth, in order that this Department may duly execute the provisions of said acts of June 28, 1898, and July 1, 1898, which are mandatory, I have the honor to request that you will transmit said estimates to Congress in order that the same may be placed upon the urgent deficiency bill now pending.

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

Very respectfully,

THOS. RYAN,
Acting Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 9, 1898.

SIR: I have the honor to acknowledge receipt of your communication of the 19th ultimo, inviting attention to the act approved June 28, 1898, for the protection of the people of the Indian Territory, and for other purposes, known as the "Curtis Act," and directing that an estimate be prepared of the amount needed under the several provisions of said act and any others for which, in the judgment of this office, additional appropriation is needed, and submit it to the Department for consideration.

Upon receipt of this letter the United States Indian inspector in the Indian Territory was called upon to submit an estimate of what would be needed to carry out the provisions of that act at that end of the line. This he has done, and reports by telegram as follows:

Clerks inspector and agent's office, including present force, eight thousand; revenue inspectors Creeks and Cherokees, six thousand; two school supervisors, and expenses Creeks and Cherokees, five thousand; two for Choctaws and Chickasaws, considered payable from coal royalties; traveling expenses agent making payments, three thousand; town-site commissions sections fifteen and twenty-nine, salaries not designated, estimated thirty thousand; total, fifty-two thousand, one-half necessary from January to June. Allotment commissioners and appraisers not included.

In the communication to the Department inclosed in Department letter of the 30th ultimo, the Director of the Geological Survey submits an amended estimate of the amount needed to survey, locate, and mark the ninety-eighth meridian of west longitude. He had on the 18th of October reported that—

The estimated cost of surveying and establishing the ninety-eighth meridian and obliterating the marks and corners upon the existing boundary line and making a subdivision survey is as follows:

Field work, ninety-eighth meridian	\$2,500.00
Subdivision	1,750.00
Examination	425.00
Office work, ninety-eighth meridian	200.00
Subdivision	325.00
	5,200.00

His amended estimate is as follows:

As telegraphic facilities can be obtained at numerous railway stations near the ninety-eighth meridian, one longitude station can be located at either extremity or midway between the extremities, as desired.

The field expenses for the astronomical work, including those for personal equation observations at the Washington University, St. Louis, and the salary of the observer at St. Louis will amount to	\$450.00
Salary of the observer in the field	250.00
	700.00

Total cost for one station	700.00
It will be more exact, however, to locate two longitude stations—one just south of the Canadian, the other just north of the Red—at an additional cost for the second station of	400.00
	1,100.00

Total for two stations	1,100.00
This sum, added to the estimated cost of field work and office work, subdivision, etc., as per estimate of October 18, namely	5,200.00
	6,300.00

Makes a total for the location and marking of the meridian of 6,300.00

In the annual report of the Dawes Commission, quoted in the last report of the honorable Secretary of the Interior, the commission states that the rolls of the Seminoles are about completed, so that the commission may at any time, when provided with means, begin the work

of allotment according to the provisions of the agreement, but in order to do this an appropriation of at least \$50,000 is believed to be necessary for employment of adequate assistance therefor.

The exceedingly large amount of additional work imposed upon this office by the act referred to renders it absolutely essential that additional force should be provided immediately. Within the last decade the work at this office has fully doubled without a corresponding increase in its clerical force. The extent of the Indian service, its growth and the causes that led to it, are noticed in a report made by Mr. Sherman, chairman of the House Committee on Indian Affairs, to Congress, on January 5, 1897 (House Report No. 2383, Fifty-fourth Congress, second session). As to its extent, the report says:

The extent of the Indian Department is not generally appreciated. While the Bureau in Washington is small, the outside department is almost coextensive with the country itself, extending, as it does, from the Gulf of California to the Great Lakes, and from Florida to Puget Sound, and even beyond. It embraces territory greater in extent, if taken together, than all the New England States, New York, New Jersey, Delaware, and Maryland combined, and an Indian population of nearly, if not quite, 250,000. The condition, character, and habits of the Indians occupying this territory are almost as various as the tribes themselves. The occupations of those in one part of the country are entirely dissimilar to the occupations of those in another, depending largely upon their surroundings. In some sections they excel as fishermen; in others, stock raising; in others, agriculture.

As to its growth and the causes thereof, the report says:

The increase in the number of Government schools and the development of the Indian school system has contributed very largely, perhaps more than anything else, to increase the duties of the Commissioner of Indian Affairs. Without going into the history of school work among the Indians, it may be sufficient to show the growth of Indian schools in a single decade. Ten years ago there were 5 large training schools; to-day there are 32. In 1886 there were 214 Indian schools of all descriptions; in 1896 there were 293. For the fiscal year 1886 the amount appropriated for Indian education, outside of treaty provisions, was, in round numbers, \$1,211,000; in 1896 it had swelled to \$2,517,000. In the year to come, if the policy indicated by the last Congress is to be carried out with respect to educating Indian pupils under contract, there will be a still further increase in Government schools, and consequently a still greater demand upon the Commissioner and his office.

The allotment of lands, which practically began under the act of 1887 and has been carried on quite extensively ever since, has brought to the Commissioner additional care and responsibility which were hardly contemplated in 1832. The most difficult and intricate questions growing out of this are constantly arising, requiring much time, patience, and legal skill to determine. Indeed, the whole question of Indian lands, since so many of them have been thrown open for settlement, has assumed an importance of no slight magnitude.

The responsibility arising out of financial transactions is heavy and increasing, and the questions arising therefrom are important and often perplexing. The total expenditure for the Indian Service for 1832 was, in round numbers, \$1,350,000; that for 1895 aggregated nearly \$10,000,000. The expenditure for the current fiscal year will, it is estimated, reach \$12,000,000. The responsibility for this large expenditure rests almost wholly upon the Commissioner of Indian Affairs, as it is, as a rule, upon his recommendation and under his direction that it is made.

To properly administer the variety of affairs growing out of these conditions is extremely difficult with the force now at the command of this office, but when the burdens imposed by the Curtis bill are added it will be a physical impossibility.

A number of additional copyists are needed, and, above all, a number of clerks with sufficient experience and ability to deal with the difficult and intricate questions constantly arising. There will be 128 tract books to be made up from plats of survey covering the territory of the Five Civilized Tribes. This will require at least eight copyists several months to do.

The financial transactions will be largely increased, as payments which have heretofore been made by the tribal governments are now

to be made through this office. In addition, the care of the schools, which have heretofore been conducted by the tribes themselves, will add materially to the work, the volume of which altogether will be enormously increased.

Estimate has therefore been made for 10 copyists and 6 clerks for six months, or until June 30 next.

From the data on hand, therefore, the following estimate has been prepared and is submitted:

Pay of employees, Indian Territory, to June 30 next.....	\$4,000.00
Incidental and traveling expenses to June 30 next.....	1,500.00
Salary and expenses of revenue inspectors to June 30 next.....	3,000.00
Salary and expenses of two school supervisors to June 30 next.....	2,500.00
Additional employees, this office, to June 30 next.....	9,300.00
Salary and expenses, town-site commission.....	30,000.00
Locating ninety-eighth meridian.....	6,300.00
To begin allotments.....	50,000.00
Total.....	106,600.00

With the view of having this amount appropriated, a form of appropriation has been prepared and is herewith submitted, with the recommendation that it be submitted to Congress with the urgent request that it be adopted and passed by both Houses at the earliest practicable moment, either in the form of a joint resolution or a special act. It is suggested that the former is more expeditious.

Very respectfully,

W. A. JONES, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Proposed joint resolution.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty eighth, eighteen hundred and ninety-eight, namely: For general incidental expenses of the office of the United States Indian inspector and the United States Indian agent in the Indian Territory for the remainder of the current fiscal year, including pay of employees and traveling expenses of said agent in connection with his duties under said act; for salaries and expenses of revenue inspectors and two supervisors of Indian schools for the same period, and for salaries and expenses of the commission to lay out town sites, forty-one thousand dollars; for pay of additional employees in the office of the Commissioner of Indian Affairs during the present fiscal year, to be appointed under such rules and regulations and subject to such examination as the Secretary of the Interior may prescribe, nine thousand three hundred dollars; for the purpose of surveying, marking, and locating the ninety-eighth meridian of west longitude, six thousand three hundred dollars; and to enable the commission to negotiate with the Five Civilized Tribes to begin to allot lands in severalty, as provided in said act, fifty thousand dollars; in all, one hundred and six thousand six hundred dollars.