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Appropriation for removal of intruders in the Cherokee Outlet. Letter from the Acting Secretary of the Treasury transmitting an estimate of appropriation for the appraisal of improvements and removal of intruders in the Cherokee Outlet, submitted by the Secretary of the Interior.

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APPROPRIATION FOR REMOVAL OF INTRUDERS IN THE
CHEROKEE OUTLET.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY

TRANSMITTING

An estimate of appropriation for the appraisal of improvements and removal of intruders in the Cherokee Outlet, submitted by the Secretary of the Interior.

DECEMBER 7, 1893.—Referred to the Committee on Indian Affairs and ordered to be printed.

TREASURY DEPARTMENT, *December 6, 1893.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation to provide additional funds for the appraisal of improvements and removal of intruders in the Cherokee Outlet, under the provisions of the Indian act of March 3, 1893 (27 Stat., pp. 640 to 643, section 10), \$12,496.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 27, 1893.

SIR: Messrs. Joshua C. Hutchins, Peter H. Pernot, and Clem V. Rogers, Commissioners appointed by the President under a provision contained in section 10 of the act of March 3, 1893 (27 Stats., 641), to appraise the improvements of intruders in the Cherokee Nation, who commenced the occupancy of houses, lands, or improvements now occupied by them prior to August 11, 1886, in a report of October 7, 1893, stated that they are satisfied that the whole \$5,000 appropriated by Congress for the payment of the expense of removing intruders in the Cherokee Nation, and of the appraisal of improvements of such as are entitled under the amendment to the Cherokee agreement to receive compensation for the same, will not be sufficient to complete the work

for which the said Commissioners were appointed; and, further, that the said \$5,000 would not be sufficient to remove the 7,000 intruders in the Cherokee Nation scattered over an area of nearly 8,000 square miles, unless the Army of the United States is employed to assist this Department in making the removal.

I communicated with the Commissioners by letter of October 28, 1893, requesting them to furnish this office with an estimate of what additional sum will be required by them to complete the appraisal of improvements of intruders in the nation, and what sum will be necessary to effect the removal of intruders from the said nation in order that the Department may request Congress to provide an appropriation of an additional sum of money sufficient to cover both the expense of appraisal of intruders' improvements and the removal of intruders, if you shall decide that it is expedient to do so.

I am now in receipt of a communication dated November 20, 1893, from Mr. Hutchins, the chairman of the Commission, submitting an estimate of the amount of money that will be required in addition to that appropriated by Congress to cover the expense of completing the appraisals begun and of removing the intruders from the nation. The estimate of the amount necessary to complete the appraisal of improvements is \$4,996, of which sum the Commissioners expect to use \$300 for clerical work, believing that if the Board were authorized to employ occasionally a stenographer and one or two typewriters the work of appraisal can be completed a month earlier than otherwise.

The instructions to the Commissioners require that all evidence taken by them shall be reduced to writing and carefully preserved, to be submitted with their final report, etc.

On account of the small appropriation provided by Congress to cover the expense of appraisal of intruders' improvements and their removal, the Commissioners have not been permitted to employ clerical assistance, and the work of reducing the evidence to writing has been performed by them.

The rest of the \$4,996, the Commissioners report, is to be used for the general expenses of the Commission and their salaries. The expense of the Commissioners, exclusive of traveling expenses, is \$33 per day, or about \$1,000 per month. They entered upon their duties on the 17th day of July, 1893, at which time the sum of \$3,000 was placed to the credit of Mr. Pernot, the disbursing officer. This sum had been expended by the Commission, with the exception of \$156.09, by the 30th of September. On October 23, 1893, the balance of the \$5,000 (\$2,000) was placed to Mr. Pernot's credit for the use of the Commission, and very little of that sum can now be in the hands of the Commissioners for use, for two months' expenses of the Commission are now due and payable out of the sum.

Inasmuch as Congress declared in the said tenth section of the act of March 3, 1893, that the provisions of the Cherokee agreement, as amended by that section, shall be fully performed and carried out on the part of the United States, and as it would be more expensive to suspend the work of the Commissioners at present, and to have them wait until Congress shall provide further sums of money for carrying on the work, it is important that an additional appropriation should be made by Congress at the earliest moment practicable for the purpose of continuing the work of appraisals.

The Commissioners' estimate as necessary to affect the removal of intruders in the nation is the sum of \$7,500, making in all, with their estimate to continue the appraisals, \$12,496. There are a great many

intruders in the Cherokee Nation to be removed, estimated by the Commissioners to be 7,000, scattered over a large area of territory, and I do not think their estimate of \$7,500 is too large in view of the work to be performed with this money.

While it is not so important that the money necessary to be used in the removal of the intruders shall be at once available, as it will probably be two or three months before it becomes necessary to use any of it, it will be required before it is probable the next Indian appropriation act will be passed by Congress, and while Congress is considering the propriety of appropriating the money to be immediately available to continue the appraisals it will be just as well to consider at the same time the proposition of appropriating a sum sufficient to effect their removal. I have the honor, therefore, to recommend that the Committees on Indian Affairs of the Senate and House of Representatives be requested to introduce in their respective Houses a bill or joint resolution, as they may think proper, appropriating the sum of \$12,496 for the purpose of continuing the appraisal of improvements of intruders and the removal of intruders from the Cherokee Nation, the same to be immediately available.

Two copies of this report and two copies of the communication above referred to from the said Commissioners are herewith inclosed.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
November 29, 1893.

Respectfully forwarded through the honorable Secretary of the Treasury, with the recommendation that the within sum of \$12,496, asked by the Commissioner of Indian Affairs for the object stated, be appropriated by Congress at the earliest practicable date, to be immediately available.

HOKE SMITH,
Secretary.

OOLAGAH, IND. T., *October 7, 1893.*

SIR: The appraisers appointed to appraise the improvements belonging to the intruders within the Cherokee Nation would respectfully submit the following statement of the progress made by the board and the work yet remaining to be accomplished, which statement they desire to have appended to the estimate of funds required for the board for the second quarter, 1894, submitted October 2 by Peter H. Pernot, appraiser and special disbursing agent.

The board of appraisers, consisting of three members, was appointed June 9, 1893, but was not organized until July 17. Operating under general instructions prepared by the honorable Commissioner of Indian Affairs June 21, 1893, and approved by the honorable Secretary of the Interior July 7, 1893, the appraisers were directed to first obtain the rolls of intruders from the Cherokee authorities, through the United States Indian agent at Muskogee. When the appraisers arrived at Tahlequah, July 17, the chief of the Cherokee Nation was absent, and the rolls were not revised, the district enumerators appointed by authority of the national council had not yet made their returns to the executive department of the Nation, and up to date the census of intruders in two of the nine districts is not complete.

Through Special Indian Agent Shelby, then acting agent at Muscogee, the appraisers were authorized by the honorable Commissioner of Indian Affairs to receive rolls by districts, and on August 2 the board received the roll for the Canadian district, comprising all that part of the nation south of the Arkansas River.

Thus the appraisers did not begin active operation until August 2, 1893, and since then they have been delayed on three occasions for the want of rolls.

On account of the limited appropriation, the appraisers hurried the work along as rapidly as possible under the circumstances, often traveling 40 miles a day over rough trails, under a sun registering 110 degrees, and taking the evidence in ten or fifteen cases, and personally viewing as many farm improvements.

The appraisers work under many disadvantages. The Cherokee Nation, in area, is larger than the State of New Jersey, and almost as large as the State of Maryland. Topographically, the nation may be classified in three parts—the Canadian district, lying south of the Arkansas River, with brushy hills and open prairies; the section lying west of the Grand River, with rolling prairies, and the mountain regions, extending from the Grand River east to the Arkansas and Missouri lines, which is heavily timbered, and, with the exception of the Arkansas Valley, are numerous flint ridges, many parts of which are almost inaccessible.

One of the greatest obstacles in the way of the appraisers, is the location of the intruders. The nine districts are not subdivided; no surveys have been made; no roads established, and no maps ever compiled by the nation, and the rolls do not show in what part of the districts the intruders live. In the mountain regions intruders were found 25 miles apart, and in many instances the board had to hire guides to lead the members. Five districts are remote from railroads.

The appraisers have managed to cover the entire Territory east of the Grand River and south of the Arkansas, and are now awaiting for the rolls of the two prairie districts west of the Grand River. To complete the field work (the taking of evidence and viewing) it is estimated will require about six weeks more, and that can only be accomplished within that period by holding night sessions to hear evidence, as has already been done during the past two weeks. In this way the board has been able to hear from fifteen to twenty cases a day. The evidence is reduced in writing by the board, a clerk not being provided for by Congress. In addition to this labor the appraisers must conduct the examination for the intruders, who, with but two exceptions, have appeared before the board unrepresented by attorneys, while in nearly all cases the Cherokee Nation had a legal representative.

The instructions require that the board shall make a separate report in each case and attach thereto the evidence taken. A final report must also be made. It is a difficult matter now to estimate the time required to prepare the reports for the Department. Were the appraisers allowed a stenographer and typewriter the reports could be made inside of a month.

Of the \$5,000 appropriated by the last Congress for the removal of intruders and the expenses of appraising their improvements, \$3,000 was placed to the credit of the board July 17. September 30, the end of the first quarter 1894, there remained of this amount \$156.09, as shown by the quarterly report of Appraiser and Special Disbursing Agent Pernot. It is the understanding of the appraisers that the appropriation of \$5,000 was intended to cover both the expenses of appraisal and removal of the intruders, but they are now satisfied that the whole \$5,000 will not suffice to complete the work for which this board was created; and they volunteer the assertion that the 7,000 intruders, scattered over an area of nearly 8,000 square miles, could not be removed with the whole amount appropriated unless the Army was employed to assist the Interior Department.

The board will not suspend operation pending the approval and requisition for funds for the second quarter, but will continue the work, using the money on hand remaining from the first quarter to defray traveling expenses.

This statement is made with a view to inform the Department as to the situation and the financial requirements of the board.

Very respectfully,

JOSHUA C. HUTCHINS,
PETER H. PERNOT,
CLEM V. ROGERS,
Appraisers.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Eureka Springs, Ark., November 20, 1893.

SIR: October 7, 1893, board of Cherokee appraisers submitted to you a statement of the progress of the work of appraising improvements of intruders in the Cherokee Nation, in which the opinion was expressed that the sum of \$5,000, appropriated by Congress for the purpose of making the appraisal and removing intruders from the nation, would not be sufficient to complete the work of appraisal, and the 7,000 intruders in that nation, scattered over an area of nearly 8,000 square miles, could not be removed at so small an expense as \$5,000 unless the Army of the United States was employed to assist the Interior Department in making the removal.

In reply thereto, in your letter of October 28, 1893 (Land 38980, 1893), this board is requested to furnish you with an estimate of what additional sum will be required to complete the work of appraisal and effect the removal of intruders from the Cherokee Nation as follows:

In order that the Department may request Congress to provide an additional sum of money sufficient to cover both the expense of appraisal of intruder's improvements and the removal of intruders, if the Secretary shall decide that it is expedient to do so, I have to request that you furnish this office an estimate of what additional sum will be required by you to complete the appraisal of improvements of intruders in the nation, and what sum will be required to effect the removal of intruders therefrom.

In compliance with the above request the appraisers have the honor to respectfully submit for your consideration the following estimate for an additional appropriation required to complete the appraisal of improvements and to effect the removal of the intruders from the Cherokee Nation.

To complete the appraisal of improvements.....	\$4,996
To effect the removal of intruders.....	7,500

Total additional appropriation necessary to carry out the provision contained in section 10 of an act of Congress of March 3, 1893, (27 Stats., 612, 641) providing for the removal of intruders from the Cherokee Nation.....	\$12,496
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Of the sum of \$4,996 for completing the appraisal, \$300 is estimated for clerical work. If the board were authorized to employ occasionally a stenographer and one or two typewriters the work would be terminated a month sooner. The instructions of the Indian Office to the board require that a report shall be made in each case and all evidence taken reduced to writing and made part of the report. It is necessary in most cases to take considerable testimony as to the time the improvements were entered upon by the intruders, the value of improvements, and the value of the use of the land. The farms occupied by the intruders range in extent from 10,000 to 7,000 acres. Many of the most valuable improvements have changed hands and some have become undivided decedents' estates, involving conflicting claims.

This involves a vast amount of laborious clerical work which the appraisers must perform, and which could be more expeditiously and better mechanically executed by the employment of typewriters competent to write from dictation. Such typewriters can be secured in the nation and in the border towns for from \$7 to \$10 a week.

In contested cases requiring the taking of much evidence the board could also expedite matters by employing a stenographer. It is the opinion of the board that \$300 expended for clerical hire will save the Government at least \$900.

The appropriation should be so worded that the \$300 could be used for typewriting either by one or more persons to be employed by the day or week, and not be so construed as requiring the employment of a clerk continuously. The remaining \$4,696 is intended for the per diem of the appraisers and traveling and miscellaneous expenses. The appraisers are satisfied that the work can be completed within the limit of this estimate.

The sum of \$7,500 ought to be appropriated to effect the removal of the intruders. The Cherokee authorities estimate the amount required at \$8,000, and the United States Indian agent of the five civilized tribes at Muscogee is of the opinion that it will require on an average \$25 per family to effect the removal of intruders.

However, the appraisers believe that, with the use of the Indian police employed by the United States Indian agent of Muscogee, the removal can be effected with the sum of \$7,500.

It is true that the intruders, numbering over 7,000, are well organized. They are defiant. The appraisers have found but one man so far who expressed his belief that he would be removed from the nation. Notwithstanding the appraisement of their improvements the intruders are going ahead, continuing to improve by erecting buildings and clearing and breaking more land. They have also sowed another crop of winter wheat, having been advised by their attorneys to do so, telling them that the courts would protect them from expulsion from the Territory should the Interior Department enforce the treaties. The intruders are increasing rapidly. The citizenship association and citizenship attorneys, who are to be found at every crossroad of the nation, have lately stimulated a large immigration into the Territory from the border States. No doubt the prospect of the payment of the "Strip" money has induced many so-called Cherokee claimants to come to the nation.

There are sections of the nation, such as the Arkansas Valley from the Arkansas State line to Fort Gibson, wholly occupied by intruders, the Cherokee citizens having gradually retired to the hill country. There are towns from three to five hundred

people, for instance, the town of Muldrow, where the entire population is composed of intruders, and the larger portion of the prairie section near the State of Kansas is monopolized also by intruders.

So it will be seen that \$7,500 is a very low estimate of the amount required to effect the removal of the Cherokee intruders. There are many intruders who will return to the nation immediately after being transported across the State line, and to keep them out of the nation after once being ejected will be a difficult matter unless the Indian police force should be continuously employed.

Very respectfully submitted.

JOSHUA HUTCHINS,
Chairman.

Hon. D. M. BROWNING,
Commissioner Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., December 4, 1893.

SIR: Referring to office report of November 27, 1893, in the matter of a further appropriation for the appraisement of improvements of intruders in the Cherokee Nation, under the act of March 3, 1893 (27 Stats., 641), in which I had the honor to recommend that the Committees on Indian Affairs of the Senate and House of Representatives be requested to introduce in their respective Houses a bill or joint resolution appropriating the sum of \$12,496 for the purpose of continuing the appraisal referred to and the removal of intruders from the Cherokee Nation, the same to be immediately available, I now transmit herewith copy of a communication from the chairman of the board of appraisers urging, for reasons therein stated, speedy action in the matter of obtaining the required additional appropriation.

Two copies of this report and two copies of the letter from the chairman of the board are herewith inclosed, with the suggestion that they be forwarded for the information of the committees of Congress.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

EUREKA SPRINGS, ARK., *November 28, 1893.*

SIR: November 20, 1893, at your request, I submitted for your consideration an estimate for an additional appropriation to complete the appraisal of intruders' improvements in the Cherokee Nation, and for the purpose also to remove the intruders from said nation. I desire to add this statement, that unless the appropriation is made by Congress within fifteen days the appraisers must suspend operation for want of funds to continue the work of appraisal. Could not the House Committee on Appropriations be induced to make this a part of the general deficiency bill which was pending when the special session of Congress adjourned?

I have not recovered sufficiently to resume work in the field, but Appraisers Pernot and Rogers are now in the nation taking evidence in cases where both parties agree in writing to allow two appraisers to act.

Very respectfully,

JOSHUA HUTCHINS,
Chairman Board of Cherokee Appraisers.

Hon. D. M. BROWNING,
Commissioner Indian Affairs, Washington, D. C.