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Laws for the Indian Territory.

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LAWS FOR THE INDIAN TERRITORY.

MARCH 1, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 8581.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8581) for the protection of the citizens of the Indian Territory and for other purposes, respectfully report:

On account of the importance of the questions involved and the many interests affected by the measure, the question was submitted to a subcommittee of five, who invited a subcommittee of three from the Committee on Indian Affairs in the Senate to join them. The subject was considered by that joint committee for several days and then by the full Committee on Indian Affairs in the House, and after the most careful investigation, your committee recommended the passage of the bill.

Your committee believes that it has, by this bill, provided a way by which many of the evils existing in the Indian Territory may be corrected.

Since the 1st of January, 1898, the United States courts have had complete jurisdiction in criminal and civil cases in said Territory and, while sufficient time has not elapsed to tell just what results the change will effect, yet it is evident that much good will grow out of it. By this bill your committee has endeavored to settle the remaining questions as far as now practicable.

The many unlawful and fraudulent transactions of the officers of some of the tribes caused the insertion of section 1 in the bill, which defines those who shall come within the meaning of the word "officer." The frauds growing out of the Creek warrant transactions, and other matters which are well known, are sufficient to warrant such a section.

The title to lands in said Territory being in each of the tribes, your committee thought it proper to provide for making the tribe a party to any suit, when it appeared to the court that it was necessary to protect the interests of such tribe.

The so-called "intruders" in the Cherokee country have caused much trouble and as early as 1830 the United States Government agreed to

keep them out, and since that time has repeatedly promised to exclude them, but, instead of settling the question, it became more complicated year after year, until it was submitted to the Dawes Commission and the United States courts of the Territory, and, while the question of citizenship has been about settled, yet the so-called intruders are still in that country and in this bill we think provision has been made for the settlement of the problem, yet protecting fully the rights of all parties. The so-called intruders amount to more than 7,000, and up to a year ago they increased at the rate of about 500 a year. They are in possession of about 127,250 acres of farming lands. Many of them have been paid for their improvements and payment has been tendered to others, and in the judgment of this committee this bill provides a lawful and peaceable means by which they can be removed from the lands they are wrongfully holding.

It appears that the title to lands in the Indian Territory has been conveyed by patent to the tribes, and can not be taken from them without their consent. There are about 20,000,000 acres of land thus owned. It is rich in mineral deposits, and contains a large area of splendid farming and grazing land. The title is evidenced by patents issued to the Cherokees December 30, 1838; the Choctaws, March 23, 1842 (this patent includes the Chickasaw lands); the Creeks, August 7, 1852; the Seminoles, August 28, 1856. These patents are a matter of record, and were authorized by the act of May 28, 1830. (4 U. S. S., pp. 411-412.)

For the last few years the Dawes Commission has been endeavoring to secure agreements with the various tribes, but so far there has been little accomplished. Agreements were made with the commissioners of the several tribes—all, in fact, except the Cherokees—but the Creek agreement was rejected by the tribe when the vote was taken upon it. The Chickasaws rejected the joint agreement with the Choctaws and Chickasaws when it was submitted to them; the Seminoles alone ratified the agreement by a vote of the tribe. In view of the fact that it is now impossible to secure agreements with the tribes, and the fact that the title is in the tribe, your committee has provided for the allotment of the exclusive use and occupancy of the surface of the lands of each of the nations; but all valuable oil, coal, asphalt, mineral deposits, and town sites are reserved from allotments.

Your committee found that while under treaty provisions the lands of each tribe were to be held for the use and benefit of each of its members, yet the truth is that the lands are in the possession of a very few; and while some of the more powerful members have in their possession and under their control thousands of acres, the poorer class of Indians are unable to secure enough lands for houses and farms; and your committee has provided in this bill for a division of the use of the surface of the lands, so that each and every member of the tribes will be placed in possession of his share of the common lands. We believe this to have been the intent of all parties when the treaty was made.

Your committee was convinced that there are many rich deposits of coal and other minerals in said Territory, and that the tribes are not deriving the benefits therefrom that they should derive, but that individual members, and those holding leases from them, are deriving more than their share of the profit, so it has provided that all valuable mineral deposits be reserved to the tribes and be set aside as incapable of allotment, and that such mineral deposits be in the future leased

under rules and regulations prescribed by the Secretary of the Interior; but rights held with the consent of Congress are not impaired, and parties holding leases under the customs and laws of the tribes which have resulted in producing coal in commercial quantities are to be preferred in the making of new leases, and due consideration is to be given for the improvements they have made.

Your committee found that, while there were only about 65,000 Indians in said Territory, there are at this time about 300,000 white people. Lines of railroads have been constructed through the Territory in various directions. These people have built up a large number of prosperous cities and towns; they have no title to their lands, no municipal government, no provision for the erection of schoolhouses and the education of their children except by private means. By this bill we authorize the inhabitants of any city or town of said Territory having more than two hundred residents to incorporate under the laws of Arkansas. Consent of the United States is given to the tribes to convey by deed to any city or town the lands embraced within the limits of said corporation and provide for the disposition of the lands so purchased.

It is made unlawful to violate certain provisions of this act, but ample time is given for making changes rendered necessary by its provisions.

Provision has heretofore been made for the making of rolls of citizenship of the various tribes, but the commission authorized to do the work is of the opinion that to do equal justice to all concerned they should have additional authority, and we believe this measure provides for the settlement of the question of citizenship, so that when the rolls are made the interest of all concerned will have been fully protected and this vexed and important question will be settled forever.

The Mississippi Choctaws, the Delawares, the Freedmen of the various tribes, claim certain rights which we do not attempt to settle in this bill, but in it provision is made to protect all interests the courts may find they have.

Your committee fully appreciates the important problems involved, and it believes this measure, if enacted into law, will do much to settle those problems. It will settle the intruder question, protect the so-called common Indians by allotting to them their right to use and occupy their part of the lands; it will break up the monopoly of lands which has reached enormous proportions in the Territory; it will secure to the tribes the income from the rich mineral deposits and prevent that which rightfully belongs to them from being used by a few individuals; it will assist in establishing schools and churches; it authorizes the laying out of cities and towns, and gives them power to enact and enforce ordinances; it will insure the people of that country the protection and relief to which they are entitled, and, at the same time, it protects the interests of the various tribes.

Your committee is of the opinion that if this bill becomes a law that there will be no further complaint that criminals seek the Indian Territory as a refuge from justice or as a safe haven from the officers of the law, and it is fair to say that the white people who are there in good faith, and also a large proportion of the Indian population, are anxious to secure protection against the lawless classes who have forced themselves into the country without invitation.

Your committee is of the opinion that the passage of this bill will

go a great way toward the correction and settlement of the conditions now and heretofore existing in the Indian Territory. It therefore recommends the passage of the bill with the following amendments:

In line 8, page 17, after the word "make," add the following:

The purchase money for all lots sold by the city or town under the provisions of this act shall be made in four equal annual payments, the first payment to be made within ninety days after the purchase.

In line 1, page 18, strike out the word "agreement" and insert in lieu thereof the word "act."

On page 27 strike out all of lines 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17.

On page 27, in line 18, strike out "seven" and insert "six" in lieu thereof.

On page 28, in line 6, strike out "eight" and insert "seven" in lieu thereof.

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