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### Cherokee Outlet.

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## CHEROKEE OUTLET.

JUNE 13, 1892.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PEEL, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany H. R. 9190.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 8227) to ratify and confirm the contract made by the United States, through its commissioners, with the Cherokee Nation of Indians, have had the same under consideration, and after due deliberation beg leave to submit the following report:

The contract sought to be ratified by this bill was concluded between the United States and the Cherokee Nation of Indians on the 19th day of December, 1892, by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners appointed by the President of the United States under and by authority of an act of Congress approved March 2, 1889, for that purpose, and Elias C. Boudinot, Joseph A. Scales, Roach Young, William Triplett, Thomas Smith, Joseph Smallwood, and George Downing, the duly and legally appointed delegates of the Cherokee Nation of Indians by act of their national council.

This contract was considered and concluded between the high contracting parties under the most approved rules regulating contracts between nations, and is the most important one ever made between our Government and these most progressive Indians, and will, if ratified, make splendid homes for thousands of our homeless and most deserving people, and at the same time make the Cherokee people the richest of all their brethren, and will place them upon the high road to American citizenship, with all the rights and privileges of other citizens of the United States, with corresponding responsibilities to the Government.

The lands embraced in this contract is the long-coveted country known as the Cherokee Outlet, lying west of the States of Arkansas and Missouri and south of Kansas, and is described in the first article of the agreement, as follows:

The Cherokee Nation cede and relinquish all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth degree of west longitude, on the north by the State of Kansas, on the east by the ninety-sixth degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma and the Cheyenne and Arapahoe Reservation, created or defined by Executive Order dated August 10, 1869, containing 8,144,682.91 acres more or less.

This large estate was given to these Indians for a valuable consideration by the United States under treaty of 1828 and 1835, and was afterwards patented to them by the Government, since which time they have held the same as their own. Under the treaty of 1866 they ceded

this country to the Government for the purpose of settling and locating other friendly Indians upon, under which treaty several small bands and tribes were located upon the eastern portion of this tract, and now by this contract they sell outright all their interest to the Government for white settlement.

In consideration for this vast tract of country the Government agreed to pay to the Cherokee Nation of Indians the sum of \$8,595,736.12. A portion of the tract herein conveyed is occupied by other tribes under the treaty of 1866, containing about 2,000,000 acres, leaving for actual settlement by our own people at present something over 6,000,000 acres.

It will be noticed that under the contract the Cherokee Nation sell and relinquish all their title to that part occupied by other tribes under the treaty of 1866, as well as to that not occupied, so that when the Government makes purchases from those smaller tribes for their interest the title to the entire eight millions and more will be clear and ready for white settlement, so at present this contract will open to immediate settlement over 6,000,000 acres and the other 2,000,000 will not be opened up until the Government acquires the Indian title from those smaller tribes now residing on that part occupied by them.

This contract also settles many vexed questions heretofore existing between our Government and these people, yet the Government assumes no new responsibilities, but reaffirms former treaties, and binds herself to see that they are carried out. This contract was promptly ratified by the Cherokee national council, and to be complete only awaits similar action upon the part of Congress. The contract is an entirety, and must be ratified as made; no change can be made in the terms of the contract without the consent of the Cherokee Nation lawfully and regularly obtained.

Your committee, after due consideration, believing that the contract will prove, if executed, a blessing both to the United States and the Cherokee people, do recommend its speedy ratification. A like recommendation is made by the honorable Commissioner of Indian Affairs, the honorable Secretary of the Interior, and by his excellency the President of the United States. When ratified the lands become a part of the public domain, and belong absolutely to the United States, and the Congress in the act of ratification has the power to dispose of the same in such way and in such manner as may seem just and right.

Therefore the bill hereby reported fully ratifies the agreement and appropriates the money to pay for the land as stipulated in the contract, and at same time seeks to dispose of the lands under the homestead laws of the United States in a way that the honest home seeker, though humble and poor, may acquire a good home for himself and family for a small sum and upon terms that will enable him from his own industry to pay for the same.

Your committee have been led to this action from the well-founded belief that the lands heretofore opened to settlement in Oklahoma has not fallen to the honest and deserving homeseeker as a rule but, upon the contrary, have largely fallen into the hands of "sooners," land sharks, speculators, race riders, claim jumpers, and townsite grabbers, etc., and the man who wants and needs a home for the sake of a home has been almost if not universally left.

The fifth section of the bill herein reported requires the President, within ninety days after the approval of the act, to issue his proclamation declaring the lands open to settlement under the homestead laws of the United States only, said proclamation to fix the time for entry, which shall be at least thirty days before the day fixed.

The sixth section of the bill declares that no person who is the owner in his or her own right of 160 acres, or who shall be the owner of real estate in any city or town of the value of three thousand dollars, shall be allowed to take or enter any of said lands.

The seventh section provides that persons who have heretofore obtained title to as much as 160 acres of lands under the homestead laws, shall not be allowed another homestead on these lands. Persons who have obtained title to less than 160 acres under the homestead laws may enter enough of these lands to equal 160 acres. Persons who have homesteaded and failed from any cause to procure title, or have commuted their homesteads by paying to the Government \$1.25 per acre, can homestead the lands in this contract, provided he or she, as the case may be, is otherwise entitled to homestead under this act.

The eighth section provides that no person who has heretofore made homestead entry of any of the Indian lands heretofore opened to settlement in Oklahoma, or who has occupied or set up claim to any of such lands, shall be allowed to homestead any of these lands unless he or she, as the case may be, have lost the same by due process of law upon contest or otherwise. The object of this section is to prevent professional land-grabbers and claim-jumpers, for speculative purpose, from obstructing the honest homeseeker in establishing his entry.

The ninth section requires that all entries shall be initiated by actual entering upon and occupying the land and the commencement of substantial and lasting improvements thereon, and to make his filing in local land office afterwards.

The object of this section is to prevent a conflict of claimants growing out of the practice of filing declaratory statements by some while others go to the land itself. This section will put all persons on an equal footing and prevent further conflicts of this kind.

The tenth section requires the President to fix the time for entering upon the land and fixing penalty of forfeiture of all rights under the act, with fine and imprisonment for entering before the time fixed in the proclamation, the only exception being to persons who enter under authority of law. They are not subject to the penalty of fine and imprisonment. They would only forfeit right to take out homestead lands.

The object of this section is to prevent a repetition of the disgraceful conduct of deputy marshals and other officers of the United States in the opening and settlement of the first lands in Oklahoma.

Many deputy United States marshals and other officers sought to be made such for the sole purpose of getting inside or upon the lands before the time fixed for entering, and thereby acquired valuable advantages not enjoyed by others equally worthy, but whose politics or social standing did not meet the favor of the appointing power. Under this section officers can only go in or upon the land before the time fixed for entry as officers and can not thereby acquire any advantage.

Section 11 fixes penalty of fine and imprisonment for any person to enter upon said lands and occupy or attempt to hold any of said lands who is not entitled to homestead under this act.

The object of this section is to prevent persons not entitled to homestead under this act from going upon the lands and setting up claims for the purpose of selling out or blackmailing some honest settler who is entitled, etc.

Section 12 makes it unlawful with severe penalty for any person, persons, association, company, or corporation to procure any other person, persons, association, company, or corporation to homestead or other-

wise claim or set up title to any of said lands with the intent of acquiring title to the same from them.

The object of this section is to prevent persons from homesteading with intent of transferring their rights to some other person for speculative purposes, the object of the entire act being to place these lands in the hands of the honest bona fide home seeker for a permanent and lasting home.

Section 13 reserves the sixteenth and thirty-sixth sections for school purposes.

Section 14 provides that the settler, in addition to the local fees of the land office, shall pay to the United States \$2.50 per acre for all lands east of  $97\frac{1}{2}^{\circ}$  west longitude, and \$1.50 for all lying west of  $97\frac{1}{2}^{\circ}$  west longitude and east of  $98\frac{1}{2}^{\circ}$  west longitude, and \$1 per acre for the remainder, provided in each and all cases the payments may be made in two equal installments, one-half at the end of two years from date of entry and the other half at the end of four years from date of entry.

The object of this section is to reimburse the Government or return to her from the settlers the money that she paid to the Indians, and to regulate the price of the land to some extent, according to its intrinsic value, the eastern portion being much the best for agricultural purposes. The middle third is good, but not so fine as the eastern third. The west part is said to be better for grazing purposes than agricultural, therefore less valuable to the home seeker. The payments by the settler are intended to make it as easy on him as possible; the first payment not being due for two years he is enabled to make two crops before the first payment is due and four crops before last payment is due. Your committee believe the Government can well afford to favor the farming class of its citizens to that extent.

Section 15 simply provides for payment to the Cherokee Nation as stipulated in the agreement.

Section 16 provides that before the lands are opened to settlement the President shall appoint a commission of three competent persons, not more than two of whom shall belong to the same political party, to lay off said lands into suitable counties, and locate the county seats of each, to have same surveyed into lots, blocks, and squares, streets, and alleys, reserving sufficient for public parks and for county building purposes; and to appraise all lots and blocks intended for private use at their true value, and sell them to the highest bidder at public auction, after giving due and proper notice for one-third cash, the remainder on four and eight months' credit; deeds to be made after all purchase money has been paid; the net proceeds of such sales to be placed in the county treasury for the use of the common school fund of the county where said county seat is located.

The object of this section is to put a stop to the disgraceful scramble and fraud as your committee believe has heretofore existed in Oklahoma Territory in town-site locations. This method will require the county seats to be quietly located at the proper place, and will allow persons wanting town lots, either for business or residence, to purchase in open market with honest competition and a good title procured, the proceeds to be used to educate the children not of the town alone, but of the entire county.

Your committee having made some slight changes in the original bill, beg to report the following as a substitute; and in view of the fact that thousands of our most worthy people are without homes and anxious to locate upon these magnificent lands, and believing that the bill here

reported is sufficiently guarded to cut off and prevent the unseemly and shameful frauds heretofore practiced in this new and blooming country and to place these the greatest and best of all lands in that section in the hands of the honest and upright tillers of the soil, from whose hard and honest labor the greatest blessings to mankind flow, we urge and recommend the passage of the bill here offered at the earliest possible moment.

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