
**REPORT OF THE COMMISSIONER TO THE
FIVE CIVILIZED TRIBES.**

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DEPARTMENT OF THE INTERIOR,
Muskogee, Okla., October 12, 1909.

SIR: I have the honor to submit the following report of the work of the Commissioner to the Five Civilized Tribes for the year ended June 30, 1909, embracing the work incident to the allotment of the lands of the Five Civilized Tribes, the Union Agency, the superintendent of Indian schools, the supervisor of mines for the Choctaw and Chickasaw nations, oil and gas operations on the Osage Reservation, and general matters within the jurisdiction of the department coming under the supervision of this office.

GENERAL STATEMENT.

As a preface to the detailed report of the work accomplished during the past fiscal year, I beg to submit in a general way a statement of certain conditions pertaining thereto and to refer briefly to comments that have been made from time to time upon the prolongation of the work pertaining to the enrollment of and allotment of lands to the members of the Five Civilized Tribes.

The fact that this work was not long since completed is due in the main to causes that may be summed up under two general heads.

In the first place, the magnitude of the work originally provided for by Congress through its acts from the creation of the Commission to the Five Civilized Tribes to July 1, 1902, was never fully realized even by those most closely associated with it until it was well under way, and the natural and unforeseen obstacles in the way of the completion of this task were materially augmented by the persistence shown by those whose claims were rejected by the department by taking their cases into the courts or seeking relief through new congressional legislation.

Of the court decisions affecting the work, the most far-reaching in effect was that of the Supreme Court of November 5, 1906, in the Red Bird case, which nullified months of work already done in connection with the enrollment and allotment of the claimants to citizenship in the Cherokee Nation affected by said decision.

The Muskrat case, involving the rights of minor Cherokees enrolled under the provisions of the act of April 26, 1906, now pending, still operates to delay the completion of the work in the Cherokee Nation, as allotments made on behalf of minor Cherokees, whose rights are involved in this suit, can not be completed until a final decision in this case shall have been rendered.

**REPORT OF THE UNITED STATES INDIAN AGENT AT
UNION AGENCY.**

MUSKOGEE, OKLA., *June 30, 1909.*

The annual report of the business transacted at the Union Indian Agency at Muskogee, Okla., for the fiscal year ended June 30, 1909, is respectfully submitted.

GENERAL STATEMENT.

The only legislation passed by Congress during the fiscal year affecting the work of this office was the provision contained in the act approved March 3, 1909, providing that default in payments for town lots in government townsites should not work a forfeiture if payments were made with 10 per cent interest from date same were due on or before December 1, 1909. However, the provisions of the act of Congress approved May 27, 1908, known as the "Restriction bill," did not go into effect until July 27, 1908, and since that time and during the year just closed, under the regulations of the department, a successful plan for considering and acting upon applications of individual allottees still having restricted lands for permission to sell such lands either with or without the supervision of the department has been put into operation. A fairly satisfactory plan of selling lands of allottees where restrictions are not removed unconditionally has been worked out and much good is being done the individual allottee in such cases (and his neighbor, too) by selling a portion of his land and devoting the proceeds of the sale to improving the balance by allowing him to build houses, barns, fences, and other improvements, and to purchase wagons, teams, and agricultural implements under the supervision of the district agents and this office.

The leasing of restricted lands for oil, gas, and miscellaneous purposes and the collection of royalties and rentals thereunder show a decrease, probably occasioned by the removal of restrictions and the inactivity in oil and gas operations resulting from poor financial conditions and insufficient pipe-line facilities to handle an overproduction of oil for the preceding year.

During the year the relations of this office and the district agents with the state and county officials have been most harmonious. In some of the counties attempts were made, largely through misunderstandings of the law, to tax restricted lands for the year 1908, but in most cases the assessment of such taxes has been canceled. Outside of the so-called "Crazy Snake trouble" and the arrest of an occasional recalcitrant Indian for refusing to work the roads or pay his road or personal tax there has been no trouble between the Indians and the state and county officials.

time they have prevented Indians from entering into other similar transactions to a much larger extent, and as soon as the old probate cases shall have been checked and gotten into shape and other old complaints investigated and disposed of as far as possible they will be able to keep a constant check upon practically all matters affecting the interests of allottees in their districts.

It seems to be the consensus of opinion of not only the Indians themselves, but of all the people of the eastern portion of the State, that the district agency system is the most practical legislation which has been enacted for the benefit of the Indians of the Five Civilized Tribes for many years.

At the beginning of the district agency work there was a tendency on the part of the State officials to regard the field force as interlopers, but during the fiscal year the district agents and this office have established amicable relations with the State and county officials, and they are now working harmoniously. This was specially shown in the Crazy Snake (Chitto Harjo) trouble, when the cooperation of the state civil and military authorities with the representatives of the department, it is believed, prevented much bloodshed.

I believe that a very conservative estimate of the amount saved allottees by reason of the district agency work during the fiscal year is \$1,000,000.

The appended tabulation does not give an altogether fair idea of the amount of work done by the district agents, for the reason that their duties are so varied that it is impossible to classify them to any extent.

Work done by district agents.

Verbal reports in probate matters under section 6, act of May 27, 1908.....	1, 658
Reports to agents, miscellaneous probate matters.....	958
Probate complaints filed.....	1, 643
Probate complaints disposed of.....	1, 369
Lease complaints filed.....	1, 480
Lease complaints disposed of.....	1, 418
Departmental leases forwarded to agent.....	461
Applications for removal of restrictions filed.....	3, 686
Applications for removal of restrictions forwarded to agent.....	^a 4, 317
Lease inquiries received and answered.....	3, 543
Inquiries received and answered concerning restricted lands of minor allottees.....	4, 039
Intruder complaints filed.....	538
Intruder complaints disposed of.....	356

TOWNSITE DIVISION.

Prior to the present fiscal year 300 government townsites had been established in the territory of the Five Civilized Tribes. At the close of the fiscal year final payments had been made on all lots in 87 of these townsites and patents covering the same had been prepared and delivered. There are approximately 9,745 town lots in townsites which are either undisposed of or on which payments are still due, of which number payments on 5,287 are delinquent, 1,080 are not due, 1,446 lots are vacant, and 1,932 have been reserved for mining and other purposes.

Section 14 of the act of Congress approved May 29, 1908, provided for the reappraisal of the townsite of Hartshorne in the Choctaw Nation. This necessitated the reimbursement of the amount pre-

^a This includes cases returned to district agents for additional report and resubmitted.

viously paid on lots in excess of the reappraisalment. During the fiscal year \$21,820.87 has been so refunded.

The complications which arose during the year 1908 relative to the title to a portion of the lands embraced in the townsite of Tuttle in the Chickasaw Nation are still unsettled, and no payments are being received or patents issued on the contested area of that townsite.

The closing of the townsite work is necessarily slow on account of the various extensions which have been given lot owners in which to make final payments. During the latter part of 1908 the delinquent lots in nearly all of the townsites were declared forfeited by the department on account of failure to make final payments within the time fixed by law. However, the act approved March 3, 1909, provided that town-lot payments in default should not work a forfeiture if payment with 10 per cent interest from date were made before December 1, 1909.

Besides the 300 townsites above referred to, the following townsites and additions thereto have been established during the current fiscal year:

Townsites established during fiscal year ended June 30, 1909.—Dewey, Cherokee Nation; Bache, Blanco, Bokoshe, Buck, Cairo, Choctaw Nation.

Additions to townsites made during fiscal year ended June 30, 1909.—Alderson, Heavener, Krebs, Wilburton, Red Oak, Hartshorne, Choctaw Nation.

During the fiscal year patents for town lots within government townsites have been prepared, executed, and delivered as follows:

Patents to town lots prepared and delivered during fiscal year ended June 30, 1909.

Nation.	Prepared.	Delivered.
Choctaw-Chickasaw.....	3,372	5,841
Cherokee.....	1,205	1,553
Creek.....	298	1,799
Total.....	4,875	9,193

Under instructions from the department a large number of deeds covering town lots in the Creek Nation that were involved in an investigation being made by Mr. M. L. Mott, national attorney for the Creek Nation, were held in this office. On April 26, 1909, Mr. Mott withdrew his objections to delivering deeds except those actually involved in suit, and accordingly all that were ready were delivered.

Appended is a comparative statement of moneys received and credited on account of town lots for the past ten years:

Money received for town lots from 1900 to 1909.

Fiscal year ended June 30—	Creek.	Cherokee.	Choctaw and Chickasaw.	Total.
1900.....		\$74.02	\$11,139.48	\$11,213.50
1901.....		10.02	25,090.91	25,100.93
1902.....	\$90,536.56		157,188.83	237,725.39
1903.....	211,410.22	21,286.40	337,427.21	570,123.83
1904.....	106,479.26	73,568.24	374,574.22	554,621.72
1905.....	105,579.47	139,389.74	541,749.55	786,718.76
1906.....	149,049.53	244,450.74	581,728.65	975,228.92
1907.....	22,701.96	146,582.23	389,589.61	558,873.80
1908.....	21,636.57	93,687.94	249,134.19	364,458.70
1909.....	11,030.82	28,858.05	89,049.20	128,938.07
Total.....	708,424.39	747,907.38	2,756,671.85	4,213,003.62

INTRUDER DIVISION.

The following tabulation shows the nature and extent of the work of the intruder division during the fiscal year:

Work of intruder division during fiscal year ended June 30, 1909.

	Creek.	Chero- kee.	Chicka- saw.	Choctaw.	Total.
Number of cases filed during the year.....	35	72	78	64	249
Number of cases heard and disposed of during year.....	58	60	77	97	292
Number of cases where intruders were removed by Indian police.....	4	17	12	8	41
Number of cases submitted to Commissioner to Five Civilized Tribes for suit to cancel instruments.....					24
Number of cases referred to field men and district agents for adjustment.....	48	55	93	84	280

The investigation of the intruder cases is being transferred as rapidly as possible from employees in the office to the district agents, who are very successful in adjusting matters between the parties, thus avoiding the necessity of formal judgments by this office in the majority of instances and greatly reducing the number of cases in which it is necessary to remove intruders by means of the Indian police.

This division has investigated a large number of complaints made against rejected freedmen of the Cherokee Nation, but no action has been taken, as instructions from the department are not to remove rejected freedmen until final disposition is made of their case by the Court of Claims.

RESTRICTION DIVISION.

Under the provisions of the act of May 27, 1908, 3,845 applications for removal of restrictions upon alienation of allotted lands were filed in this office during the fiscal year, and 10 applications for removal of restrictions from 2 acres or less for school-site purposes, under the provisions of the act of May 29, 1908, making a total of 3,855 applications filed during the year, all of which except 219 have been disposed of, or approximately 95 per cent.

In view of the thorough investigations made and the large amount of detail work in connection with handling restriction cases, also the necessary checkings for leases, illegal deeds, and other instruments executed by the allottees themselves, both before and after filing applications, it is believed the work of this division is in first-class shape. The following is a detailed statement of the status of the work of this division:

Status of work in restriction division.

Nation.	Pending at agency.	Pending at department.	Conditional approvals.	Approved for school sites.	Unconditional approvals.	Cancelled.	Denied.	Dismissed.	Involved in suits to clear titles.	Retained.	Total.
Choctaw.....	15	51	491	5	186	4	134	224	165	61	1,385
Cherokee.....	114	52	438	3	326	3	234	184	97	4	1,395
Chickasaw.....	27	7	126	1	82		39	42	23	11	355
Creek.....	43	24	76		50		139	184	14	5	535
Mississippi Choctaw.....	20	39	88		2		6	38	11	26	230
Seminole.....		1									1
Total.....	219	174	1,219	9	646	7	552	672	260	107	3,855