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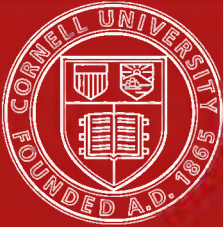
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INDIAN APPROPRIATION BILL 1917-
Pt.

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HEARINGS

BEFORE A

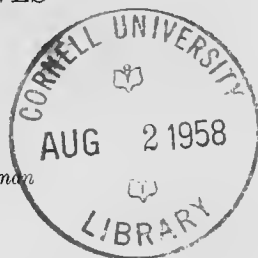
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

CONSISTING OF

HON. JOHN H. STEPHENS, *Chairman*
HON. CHARLES D. CARTER
HON. P. P. CAMPBELL



PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.

BY
J. P. KINNEY



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Pt. 1

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INDIAN APPROPRIATION BILL.

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Monday, December 20, 1915.

The subcommittee met at 10.30 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were also present Mr. Carter, Mr. Campbell, and Mr. Norton.

The CHAIRMAN. Gentlemen, the purpose of our meeting this morning is to take up the Indian appropriation bill before the subcommittee for the purpose of having all of the estimates, justifications, etc., printed so that they will be available to all of the members of the committee.

STATEMENT OF MR. E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

The CHAIRMAN. Mr. Meritt, the first item in the bill is as follows:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page three hundred and eighty-eight), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$125,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June thirtieth, nineteen hundred and fourteen.

Have you any justification to offer for this item?

MR. MERITT. Mr. Chairman, we offer the following justification for this item:

Surveying and allotting Indian reservations (reimbursable).

| | |
|--|---------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$150,000. 00 |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years..... | 89,241. 57 |
| Amount appropriated | 150,000. 00 |
| | 239,241. 57 |
| Amount expended..... | 146,344. 39 |
| | 92,897. 18 |
| Unexpended balance | 92,897. 18 |

Analysis of expenditures :

| | |
|--|-------------|
| Salaries, wages, etc ----- | \$98,783.62 |
| Traveling expenses ----- | 4,963.83 |
| Transportation of supplies ----- | 1,289.05 |
| Telegraph and telephone service ----- | 137.17 |
| Printing, binding, and advertising ----- | 1,034.66 |
| Subsistence supplies ----- | 14,388.02 |
| Forage ----- | 6,425.79 |
| Fuel ----- | 159.95 |
| Stationery and office supplies ----- | 448.83 |
| Equipment, material, etc ----- | 14,403.56 |
| Rent ----- | 48.00 |
| United States Geological Survey expenses ----- | 1,242.38 |
| Miscellaneous ----- | 3,019.53 |
| | 146,344.39 |

NOTE.—Of the above expenditures, \$79,410.26 was made by the General Land Office.

| | |
|---|-----------|
| Surveying and allotting Indian reservations (reimbursable) ----- | \$125,000 |
| Salary of clerk and necessary traveling expenses of field agents in assisting Indians in the filing of proper applications for land on the public domain under the general allotment act of Feb. 8, 1887 (24 Stat. L., 388), as amended, and under the agreement with the Turtle Mountain Chippewas, as ratified by the act of Feb. 21, 1904 (33 Stat. L., 189). The selections in many instances are located somewhat remote from any Indian agency and it is often necessary to incur considerable expense in properly protecting the rights of applicants. This work will also include examinations of local land office record from time to time to ascertain just what Indian applications are pending and what further steps are necessary in order that the Indian applicant may perfect title to the land in which he is interested. This work can be carried on during the fiscal year 1917 for the sum of ----- | 5,000 |
| Additional allotment work to unallotted children on various Sioux Reservations under authority found in sections 17 and 19 of the act of May 29, 1908 (35 Stat. L., 451). Said sections provide for allotments under the provisions of the act of Mar. 2, 1889 (25 Stat. L., 588), to any unallotted child of the Sioux tribe of Indians so long as the tribe to which such Indian children belong is possessed of any allotted tribal or reservation lands. The authority found in the act of 1908, supra, will embrace children born from time to time to members of the different Sioux tribes. This work can be carried on for the sum of ----- | 5,000 |
| In order to fully protect restricted Indians it is oftentimes necessary to detail on short notice a surveyor to reestablish allotment corners that have been lost or destroyed. Such work can be undertaken at a cost of ----- | 5,000 |
| Additional allotment work on the Hoopa Valley Reservation, Cal., to some 400 Indians, as well as the adjustment of certain allotments already made. This work has been delayed for some years pending the completion of surveys, and the allotment work, when undertaken, will require ----- | 10,000 |
| There are some 600 Indians to be allotted on the Duck Valley Reservation, Nev., under the general allotment act of Feb. 8, 1887 (supra), as amended, and conditions, it is believed, will be such on the reservation that allotment work can be taken up in the fiscal year 1917 -- | 10,000 |
| Allotment work on the Zuni Reservation, N. Mex., has been deferred pending a further subdivisional survey of certain irregular lots into areas of approximately 5 acres. The survey work has been taken up by the General Land Office, and as soon as plats of survey are approved the department will then be in a position to make irrigable allotments on said reserve of approximately 5 acres to each Indian. The irrigation project will eventually cover about 7,000 acres, and some 1,500 allotments will ultimately be made from such area. This work will require approximately ----- | 5,000 |

Expense in connection with the allotment work, such as for forage, equipment, material, supplies, etc., will require ----- \$10,000
 There will be needed of this amount (\$125,000) the sum of \$75,000 for surveys by the General Land Office, as follows:

Lower Brule Reservation, S. Dak.—Original survey corners on this reservation have largely been obliterated or lost, and to carry on future field operations a resurvey should be made, which will cost approximately ----- 3,500

Fort Apache Reservation, Ariz.—This reservation contains an area of about 1,682,000 acres and has an Indian population of approximately 3,000. Various local irrigation systems have been installed and about 4,650 acres of reservation lands are susceptible of irrigation. The Indians are asserting and observing family or individual holdings, and in order that they may be properly encouraged in establishing homes a subdivisinal survey should be undertaken. Such survey will also facilitate the handling of timber matters. The cost of a complete survey has been estimated by the General Land Office at \$148,489, and notwithstanding said amount can not be segregated at one time from the appropriation asked for the work could, however, be started and additional money from the 1918 appropriation segregated to complete such survey. To start such a survey there should be segregated from the 1917 appropriation ----- 71,500

Total ----- 125,000

With respect to the expenditure of this year's appropriations (surveying and allotting Indian reservations, reimbursable), the following is respectfully submitted.

Of the \$150,000 made available, approximately \$75,000 will be needed by the General Land Office for completing surveys on the following reservations:

| | |
|---|------------------------------------|
| Indian pueblos, New Mexico. | San Carlos, Ariz. |
| Papago Reservation, Ariz. | Southern Ute, Colo. |
| Mission Reservation, Cal. | Colville (town site), Wash. |
| Warm Springs, Oreg. | Makah, Wash. |
| Hoopa Valley, Cal. | Mescalero, N. Mex. |
| Umatilla, Oreg. | Northern Cheyenne, Mont. |
| Grand Portage, Minn. | Uintah (allotment), Utah. |
| Navajo Reservation (Ganada and Cornfields), Ariz. | Fort Berthold (town site), N. Dak. |

Considerable field work in connection with these surveys has already been undertaken and such surveys will likely be concluded by next spring or early summer.

From July 1 to December 1, 1915, allotments have been made and approved to approximately 3,900 Indians, involving an area of some 635,000 acres.

Allotment work on the La Pointe Reservation under the act of August 1, 1914 (38 Stat. L., 582), was taken up during the past fall and about 550 allotment assignments have been made. It will be necessary, however, to make additional subdivisinal surveys, and field operations will be resumed in the spring.

An allotting agent is now engaged in allotting the several bands or villages of Papago Indians in Pinal County, Ariz., and allotment work in that locality will likely be continued until spring.

Allotment work on the various Sioux reservations under the act of March 2, 1889 (25 Stat. L., 888), and May 29, 1908 (35 Stat. L., 444-451), has been carried on during this fiscal year, and field operations will be resumed when weather conditions again become favorable. The act of 1908 (supra) provides for allotments to any unallotted children of the Sioux Tribe of Indians belonging on any of the great Sioux reservations so long as the tribe to which such Indian children belong is possessed of any unallotted tribal or reservation lands.

Preliminary surveys on the Hoopa Valley Reservation, Cal., it is believed, will be in such shape in the spring as will enable allotment work to be started on said reserve at that time.

It has been found necessary to incur considerable expense in protecting the rights of applicants for land on the public domain under the act of February 8, 1887 (24 Stat. L., 388), as amended; under the agreement with the Turtle

Mountain Chippewas as ratified by the act of February 21, 1904 (33 Stat. L., 189), and under acts applicable to Indian homesteads.

In addition to the foregoing, allotment corners on several reservations have been reestablished, and it is highly necessary that work of this character be undertaken on certain Chippewa Reservations in Minnesota during the next field season.

The accompanying table shows the reservations that have been opened, as well as those that have not.

RESERVATIONS OPENED.

| | |
|-------------------------------------|---------------------------|
| Round Valley, Cal. | Kiowa and Comanche, Okla. |
| Coeur d'Alene, Idaho. | Oakland, Okla. |
| Lapwai, Idaho. | Ottawa, Okla. |
| Potawatomi, Kans. | Pawnee, Okla. |
| Bois Fort, Minn. | Peoria, Okla. |
| Deer Creek, Minn. | Potawatomi, Okla. |
| Fond du Lac, Minn. | Sauk and Fox, Okla. |
| Grand Portage, Minn. | Shawnee, Okla. |
| Leech Lake, Minn. | Wichita, Okla. |
| White Oak Point and Chippewa, Minn. | Wyandot, Okla. |
| Fort Peck, Mont. | Siletz, Oreg. |
| Flathead, Mont. | Lake Traverse, S. Dak. |
| Niobrara, Nebr. | Yankton, S. Dak. |
| Devils Lake, N. Dak. | Uncompahgre, Utah. |
| Standing Rock, N. Dak. and S. Dak. | Chehalis, Wash. |
| Cheyenne and Arapaho, Okla. | Puyullap, Wash. |
| Iowa, Okla. | Spokane, Wash. |
| Kickapoo, Okla. | |

RESERVATIONS PARTLY OPENED.

| | |
|--------------------|-------------------------|
| Navajo, Ariz. | Fort Berthold, N. Dak. |
| Hoopa Valley, Cal. | Cheyenne River, S. Dak. |
| Ute, Colo. | Pine Ridge, S. Dak. |
| Fort Hall, Idaho. | Rosebud, S. Dak. |
| Red Lake, Minn. | Uintah Valley, Utah. |
| Crow, Mont. | Colville, Wash. |
| Omaha, Nebr. | Wind River, Wyo. |
| Walker River, Nev. | |

RESERVATIONS NOT OPENED.

[Containing surplus areas.]

| | |
|------------------------|---------------------------|
| Camp McDowell, Ariz. | Fort Belknap, Mont. |
| Colorado River, Ariz. | Northern Cheyenne, Mont. |
| Fort Apache, Ariz. | Sioux Additional, Nebr. |
| Fort Mojave, Ariz. | Winnebago, Nebr. |
| Gila Bend, Ariz. | Duck Valley, Nev. |
| Gila River, Ariz. | Moapa River, Nev. |
| Havasupai, Ariz. | Paiute, Nev. |
| Hopi, Ariz. | Yramid Lake, Nev. |
| Kaibab, Ariz. | Pyramid Lake, Nev. |
| Papago, Ariz. | Mescalero Apache, N. Mex. |
| Salt River, Ariz. | Pueblos, N. Mex. |
| San Carlos, Ariz. | Zuni, N. Mex. |
| Walapai, Ariz. | Alleghany, N. Y. |
| Digger, Cal. | Cattaraugus, N. Y. |
| Mission, Cal. | Oil Spring, N. Y. |
| Paiute, Cal. | Oneida, N. Y. |
| Tule River, Cal. | Onondaga, N. Y. |
| Yuma, Cal. | St. Regis, N. Y. |
| Seminole, Fla. | Tonawanda, N. Y. |
| Sauk and Fox, Iowa. | Tuscarora, N. Y. |
| Vermillion Lake, Minn. | Klamath, Oreg. |
| White Earth, Minn. | Umatilla, Oreg. |
| Blackfeet, Mont. | Warm Springs, Oreg. |

| | |
|---|-----------------------|
| Crow Creek, S. Dak. | Quileute, Wash. |
| Lower Brule, S. Dak. | Quinaiekt, Wash. |
| Goshute and scattered bands: Pan- guitch and Shivwits, Utah. | Shoalwater, Wash. |
| Hoh River, Wash. | Yakima, Wash. |
| Kalispel, Wash. | Lac du Flambeau, Wis. |
| Makah, Wash. | La Pointe, Wis. |
| Ozette, Wash. | Menominee, Wis. |

NOTE.—Some of the reservations classified under "Reservations not opened, containing surplus areas" have not as yet been allotted.

RESERVATIONS CLOSED.

[All lands practically allotted or otherwise reserved.]

| | |
|----------------------------|-------------------------|
| Pala, Cal. | Ponca, Okla. |
| Chippewa and Munsee, Kans. | Quapaw, Okla. |
| Iowa, Kans. | Seneca, Okla. |
| Kickapoo, Kans. | Grande Ronde, Oreg. |
| Sauk and Fox, Kans. | Columbia, Wash. |
| Isabella, Mich. | Klickitat, Wash. |
| L'Anse, Mich. | Lummi, Wash. |
| Ontonagon, Mich. | Muckleshoot, Wash. |
| Ottawa and Chippewa, Mich. | Nisqualli, Wash. |
| Mdewakanton, Minn. | Port Madison, Wash. |
| Mille Lac, Minn. | Skokomish, Wash. |
| Ponca, Nebr. | Snohomish, Wash. |
| Turtle Mountain, N. Dak. | Squaxon Island, Wash. |
| Apache, Okla. | Swinomish, Wash. |
| Kansa or Kaw, Okla. | Lac Court Oreille, Wis. |
| Fort Sill Apaches, Okla. | Red Cliff, Wis. |
| Modoc, Okla. | Oneida, Wis. |
| Osage, Okla. | Stockbridge, Wis. |
| Otoe, Okla. | |

MR. MERITT. You will observe, Mr. Chairman, we are asking for \$25,000 less than was appropriated last year and in the previous year.

THE CHAIRMAN. I notice you have the same language that you have in the original bill except that you cut out the following proviso:

Provided further, That the surveys shall be made in accordance with the provisions for the survey and resurveys of public lands, including traveling expenses and per diem allowances in lieu of subsistence to those employed thereon.

MR. MERITT. That is permanent legislation, and it will not be necessary to have it incorporated in the bill for this year.

THE CHAIRMAN. Have you anything to offer in addition to your justification?

MR. MERITT. No, sir.

MR. CARTER. Mr. Meritt, does your justification give the amount of work done under this appropriation last year?

MR. MERITT. Yes, sir.

MR. CARTER. What allotments were made last year?

MR. MERITT. We have been making allotments on several reservations.

MR. CARTER. What are they?

MR. MERITT. On the Pima Reservation and the Bad River Reservation we have been doing some allotment work—

MR. CARTER (interposing). Will you give the States in which allotments were made?

Mr. MERITT. The Pima Reservation is in Arizona—
The CHAIRMAN (interposing). Do you know the amount of work done there, or is that shown in your statement?

Mr. MERITT. The following statement shows the allotments approved by the department during the last fiscal year:

| States and tribes or reservations. | Approved by the department. | | Made in the field, not yet approved. | |
|--------------------------------------|-----------------------------|----------|--------------------------------------|----------|
| | Number. | Acreage. | Number. | Acreage. |
| Arizona: | | | | |
| Colorado River..... | 14 | 140 | | |
| Gila River (Pima)..... | | | 1,492 | 14,920 |
| California: | | | | |
| Public domain..... | 1 | 160 | | |
| Yuma..... | | | 1 | 10 |
| Idaho: | | | | |
| Fort Hall..... | 1,784 | 338,910 | | |
| Michigan: | | | | |
| L'Anse and Vieux d'Sert..... | 2 | 120 | | |
| Minnesota: | | | | |
| Fond du Lac..... | 143 | 5,784 | | |
| Leech Lake..... | 1 | 91 | | |
| Nett Lake (Bois Fort)..... | 4 | 315 | | |
| Montana: | | | | |
| Fort Peck..... | | | 192 | 61,440 |
| Turtle Mountain (public domain)..... | 413 | 51,342 | | |
| Nebraska: | | | | |
| Omaha..... | 2 | 120 | | |
| Santee..... | 1 | 44 | | |
| Nevada: | | | | |
| Moapa River..... | 117 | 605 | | |
| North Dakota: | | | | |
| Fort Berthold..... | | | 788 | 206,155 |
| Standing Rock..... | 213 | 36,155 | | |
| Turtle Mountain (public domain)..... | 65 | 10,374 | | |
| Oklahoma: | | | | |
| Fort Sill Apaches..... | 7 | 859 | | |
| Oregon: | | | | |
| Warm Springs..... | 1 | 160 | | |
| South Dakota: | | | | |
| Cheyenne River..... | 287 | 50,487 | | |
| Crow Creek..... | 113 | 18,063 | | |
| Pine Ridge..... | | | 574 | 117,733 |
| Rosebud..... | 3 | 640 | 896 | 143,360 |
| Utah: | | | | |
| Uintah and Ouray..... | | | 1 | 50 |
| Washington: | | | | |
| Colville..... | | | 2,291 | 282,615 |
| Yakima..... | 1,364 | 157,203 | | |
| Wyoming: | | | | |
| Shoshone or Wind River..... | | | 238 | 23,811 |
| Total..... | 4,535 | 671,546 | 6,473 | 850,094 |

The CHAIRMAN. And also where they were made and for what Indian tribes.

Mr. MERITT. We will be glad to have that included in the justification.

Mr. CARTER. You started to give the amount of allotment work done last year, and I will ask you to insert that in the record at this point.

Mr. MERITT. Mr. Chairman, we have submitted to the Speaker of the House of Representatives, in compliance with the provisions of the act of April 4, 1910, a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1915. That will be found in House Document No. 143, Sixty-fourth Congress, first session.

[House Document No. 143, Sixty-fourth Congress, first session.]

STATEMENT OF THE COST OF ALL SURVEY AND ALLOTMENT WORK ON INDIAN RESERVATIONS FOR THE FISCAL YEAR ENDED JUNE 30, 1915.

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1915.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the act approved April 4, 1910 (36 Stat. L., 269-270), I have the honor to transmit herewith a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1915.

Respectfully,

FRANKLIN K. LANE, *Secretary.**Statement of cost of survey and allotment work, Indian Service, for the fiscal year 1915.*

(Act of Apr. 4, 1910 (36 Stat. L., 269-270).)

| | Allotment work. | | | Survey work. | | | Grand total. |
|-------------------------------------|---------------------|---|------------|---------------------|---|----------|--------------|
| | Salaries and wages. | Equip-ment, supplies, and miscella-neous. | Total. | Salaries and wages. | Equip-ment, supplies, and miscella-neous. | Total. | |
| ARIZONA. | | | | | | | |
| Colorado River..... | \$791.25 | \$211.34 | \$1,002.59 | | | | \$1,002.59 |
| Leupp..... | | 61.25 | 61.25 | \$4.33 | \$17.95 | \$22.28 | 83.53 |
| Navajo..... | | | | | \$28.00 | \$28.00 | \$28.00 |
| Pima..... | 3,210.00 | 384.81 | 3,594.81 | 669.49 | | 669.49 | 4,264.30 |
| San Carlos..... | | | | | 176.50 | 176.50 | 176.50 |
| San Xavier..... | | | | 3,020.45 | 3,237.21 | 6,257.66 | 6,257.66 |
| Total..... | 4,001.25 | 657.40 | 4,658.65 | 3,694.27 | 4,259.66 | 7,953.93 | 12,612.58 |
| CALIFORNIA. | | | | | | | |
| Fort Yuma..... | | 394.45 | 394.45 | | | | 394.45 |
| Round Valley..... | | | | 505.01 | 717.77 | 1,222.78 | 1,222.78 |
| Soboba..... | | | | 2,271.18 | 2,995.63 | 5,266.81 | 5,266.81 |
| Total..... | | 394.45 | 394.45 | 2,776.19 | 3,713.40 | 6,489.59 | 6,884.04 |
| COLORADO. | | | | | | | |
| Southern Ute (total)..... | | | | 3,343.12 | 2,220.86 | 5,563.98 | 5,563.98 |
| IDAHO. | | | | | | | |
| Fort Hall (total)..... | | 847.93 | 847.93 | | 5.25 | 5.25 | 853.18 |
| MINNESOTA. | | | | | | | |
| Grand Portage (total)..... | | 67.34 | 67.34 | | | | 67.34 |
| MONTANA. | | | | | | | |
| Flathead..... | | | | | 209.85 | 209.85 | 209.85 |
| Fort Belknap..... | | | | 3,130.96 | 1,085.15 | 4,216.11 | 4,216.11 |
| Total..... | | | | 3,130.96 | 1,295.00 | 4,425.96 | 4,425.96 |
| NEVADA. | | | | | | | |
| Mosapa River..... | | | | 40.00 | 36.95 | 76.95 | 76.95 |
| Western Shoshone (Duck Valley)..... | | | | | 154.30 | 154.30 | 154.30 |
| Total..... | | | | 40.00 | 191.25 | 231.25 | 231.25 |

1 U. S. Geological Survey examination and designation of land.

Statement of cost of survey and allotment work, Indian Service, etc.—Continued.

| | Allotment work. | | | Survey work. | | | Grand total. |
|---|---------------------|---|-----------|---------------------|---|------------|--------------|
| | Salaries and wages. | Equipment, supplies, and miscellaneous. | Total. | Salaries and wages. | Equipment, supplies, and miscellaneous. | Total. | |
| NEW MEXICO. | | | | | | | |
| Jicarilla..... | \$105.00 | | \$105.00 | \$2,383.10 | \$1,096.09 | \$3,479.19 | \$3,584.19 |
| Pueblo..... | | | | 16,089.20 | 15,631.97 | 31,721.17 | 31,721.17 |
| Zufi..... | | \$33.65 | 33.65 | 468.00 | 848.08 | 1,316.08 | 1,349.73 |
| Total..... | 105.00 | 33.65 | 138.65 | 18,940.30 | 17,576.14 | 36,516.44 | 36,655.99 |
| NORTH DAKOTA. | | | | | | | |
| Fort Berthold..... | 1,959.33 | 736.44 | 2,695.77 | 34.66 | 211.69 | 246.35 | 2,942.12 |
| Standing Rock..... | | | | 1,491.17 | 1,031.57 | 2,522.74 | 2,522.74 |
| Turtle Mountain..... | 1,015.00 | 286.76 | 1,301.76 | | | | 1,301.76 |
| Total..... | 2,974.33 | 1,023.20 | 3,997.53 | 1,525.83 | 1,243.26 | 2,769.09 | 6,766.62 |
| OREGON. | | | | | | | |
| Siletz..... | | | | 40.00 | 10.73 | 50.73 | 50.73 |
| Warm Springs..... | 4,219.80 | 806.59 | 5,026.39 | 214.33 | 124.27 | 338.60 | 5,364.99 |
| Total..... | 4,219.80 | 806.59 | 5,026.39 | 254.33 | 135.00 | 389.33 | 5,415.72 |
| SOUTH DAKOTA. | | | | | | | |
| Cheyenne River..... | 4,604.00 | 621.27 | 5,225.27 | | 19.90 | 19.90 | 5,245.17 |
| Crow Creek..... | 656.00 | | 656.00 | | | | 656.00 |
| Pine Ridge..... | 5,151.67 | 714.70 | 5,866.37 | | 27.05 | 27.05 | 5,893.42 |
| Rosebud..... | 3,855.50 | 144.42 | 3,999.92 | | | | 3,999.92 |
| Total..... | 14,267.17 | 1,480.39 | 15,747.56 | | 46.95 | 46.95 | 15,794.51 |
| UTAH. | | | | | | | |
| Uintah..... | | | | | 60.70 | 60.70 | 60.70 |
| Goshute..... | | | | 1,414.31 | 832.50 | 2,246.81 | 2,246.81 |
| Total..... | | | | 1,414.31 | 893.20 | 2,307.51 | 2,307.51 |
| WASHINGTON. | | | | | | | |
| Colville..... | 34,296.47 | 5,775.59 | 40,072.06 | 292.11 | 34.30 | 326.41 | 40,398.47 |
| Neah Bay..... | | | | 2,193.23 | 978.79 | 3,172.02 | 3,172.02 |
| Spokane..... | | | | | 29.95 | 29.95 | 29.95 |
| Taholah..... | | | | 415.49 | 125.37 | 540.86 | 540.86 |
| Yakima..... | 1,038.00 | 179.87 | 1,217.87 | 180.79 | 117.79 | 298.58 | 1,516.45 |
| Total..... | 35,334.47 | 5,955.46 | 41,289.93 | 3,081.62 | 1,286.20 | 4,367.82 | 45,657.75 |
| WISCONSIN. | | | | | | | |
| La Pointe (total)..... | | | | 1,597.34 | 346.43 | 1,943.77 | 1,943.77 |
| WYOMING. | | | | | | | |
| Shoshone (total)..... | | | | 4,998.33 | 2,202.62 | 7,200.95 | 7,200.95 |
| MISCELLANEOUS. | | | | | | | |
| General and miscellaneous expenses (total)..... | 1,390.94 | 849.20 | 2,240.14 | 40.00 | 2,255.67 | 2,295.67 | 4,535.81 |
| Grand total..... | 62,292.96 | 12,115.61 | 74,408.57 | 44,836.60 | 37,670.89 | 82,507.49 | 156,916.06 |

Allotments approved by the department during the fiscal year ended June 30, 1915, and made in the field.

| States and tribes or reservations. | Approved by the department. | | Made in the field. Not yet approved. | |
|--|-----------------------------|----------|--------------------------------------|----------|
| | Number. | Acreage. | Number. | Acreage. |
| Arizona: | | | | |
| Colorado River..... | 14 | 140 | | |
| Gila River..... | | | 1,492 | 14,920 |
| California: | | | | |
| Public domain..... | 1 | 160 | | |
| Yuma..... | | | | 10 |
| Idaho: Fort Hall..... | 1,784 | 338,910 | | |
| Michigan: L'Anse and Vieux d'Sert..... | 2 | 120 | | |
| Minnesota: | | | | |
| Fond du Lac..... | 143 | 5,784 | | |
| Leech Lake..... | 1 | 91 | | |
| Nett Lake (Bois Fort)..... | 4 | 315 | | |
| Montana: | | | | |
| Fort Peck..... | | | 192 | 61,440 |
| Turtle Mountain (public domain)..... | 413 | 51,342 | | |
| Nebraska: | | | | |
| Omaha..... | 2 | 120 | | |
| Santee..... | 1 | 44 | | |
| Nevada: Moapa River..... | 117 | 605 | | |
| North Dakota: | | | | |
| Fort Berthold..... | | | 788 | 206,155 |
| Standing Rock..... | 213 | 36,155 | | |
| Turtle Mountain (public domain)..... | 65 | 10,374 | | |
| Oklahoma: Fort Sill Apaches..... | 7 | 859 | | |
| Oregon: Warm Springs..... | 1 | 160 | | |
| South Dakota: | | | | |
| Cheyenne River..... | 287 | 50,487 | | |
| Crow Creek..... | 113 | 18,063 | | |
| Pine Ridge..... | | | 574 | 117,733 |
| Rosebud..... | 3 | 640 | 896 | 143,360 |
| Utah: Uintah and Ouray..... | | | 1 | 50 |
| Washington: | | | | |
| Colville..... | | | 2,291 | 282,615 |
| Yakima..... | 1,364 | 157,203 | | |
| Wyoming: Shoshone or Wind River..... | | | 238 | 23,811 |
| Total..... | 4,535 | 671,546 | 6,473 | 850,094 |

The CHAIRMAN. I notice on page 8 of the hearings of last year, held December 9, 1914, beginning at the top of that page, you state the reservations separately and the amount of money that was expended on each one of those reservations. Can you give us a statement of that kind for this year's work?

Mr. MERITT. Yes, sir; we have that in our justification.

The CHAIRMAN. In examining House Document 143, just referred to, I do not find the kind of statement that I find on page 8 of the hearings of last year. The statement there given is a more complete statement than the one in the document just referred to.

Mr. MERITT. This is in the form of a table that we have submitted, and, of course, is necessarily more condensed. The justification shows where we expect to expend this appropriation and for what purposes.

Mr. CARTER. Mr. Meritt, you have not yet given what I asked for. I wanted to know how much actual allotment work had been done. This item here carries an appropriation for surveys, resurveys, classification, and allotment. Now, I would like to be able to answer the question on the floor of the House, if anyone asks it, how much was spent for each one of those purposes and the amount of work that has been done in the last fiscal year.

Mr. MERITT. The report we have submitted shows that out of this appropriation we paid for salaries and wages \$62,292.96; for equipment, supplies, and miscellaneous items, \$12,115.61; making a total of \$74,408.57 for allotment work. On survey work we spent for salaries and wages \$44,836.60; for equipment, supplies, and miscellaneous items, \$37,670.89; a total of \$82,507.49, making a grand total of \$156,916.06. The table of allotments approved by the department during the fiscal year ended June 30, 1915, shows that there were allotments made to 4,535 Indians, and the total acreage allotted was 671,546.

The CHAIRMAN. What was the unexpended balance under this appropriation?

Mr. MERITT. The unexpended balance was \$92,897.18. That is about the same amount as has been carried for several years. This is a continuing appropriation.

Mr. CARTER. Mr. Meritt, what is meant by the word "classification" in the bill?

Mr. MERITT. We have three classes of lands—irrigable lands, agricultural lands, and grazing lands. This is for the purpose of classifying the lands to be allotted to Indians.

Mr. CARTER. How much was spent for classification last year?

Mr. MERITT. A very small amount. We do not keep a separate account of that.

Mr. CARTER. Do you carry that in with the amount spent for survey or allotment?

Mr. MERITT. With the amount spent for survey.

Mr. NORTON. Why do you estimate that \$125,000 will be used next year? On what do you base that estimate?

Mr. MERITT. We feel we will not need \$150,000, because the allotment work is gradually decreasing. We will use half of this appropriation, approximately, for survey work and the other half for allotment work.

Mr. NORTON. As a matter of fact, you could get along with \$75,000, could you not?

Mr. MERITT. No, sir; because we will need at least \$75,000 for survey work, and if we had only an appropriation of that amount we would not have any money for allotment work.

Mr. NORTON. You have an unexpended balance of how much?

Mr. MERITT. Approximately \$90,000. We have had that balance every year. This is continuing work, and the appropriation is continuing.

Mr. NORTON. Why do you carry such a large balance? What is the necessity for that?

Mr. MERITT. Some years we expend more than the amount appropriated, and for that reason it is necessary to have a working balance.

The CHAIRMAN. I will call Mr. Norton's attention to the fact that several months is yet to elapse before the beginning of the next year, and you would need that unexpended balance for that period, would you not? Any work to be completed between now and the beginning of the next fiscal year would have to be paid for out of this unexpended balance; is that correct?

Mr. MERITT. This was the unexpended balance that was available the first of the year, and it is because of this unexpended balance that we reduced the request for appropriation from \$150,000 to

\$125,000, although we have had a similar unexpended balance heretofore.

The CHAIRMAN. Then why not deduct the unexpended balance from the amount you had last year if the work is decreasing?

Mr. MERITT. The work is gradually decreasing so far as allotments are concerned, but we find no decrease in the survey work. A number of the reservations have not been surveyed, and it is important that we survey those reservations as soon as we have funds available for that purpose.

Mr. NORTON. Have you any accurate or approximately accurate estimate of the amount of money to be used in the fiscal year 1917?

Mr. MERITT. We have a statement here in our justification justifying \$125,000 as the amount we will expend.

The CHAIRMAN. You have an unexpended balance of something like \$80,000. Would it not be safe then to deduct that \$80,000 from the \$150,000, the amount appropriated last year?

Mr. MERITT. No; we would prefer to have our unexpended balance to meet any emergencies that might come up.

Mr. CARTER. You have an unexpended balance of \$89,241.51.

Mr. NORTON. Mr. Meritt, what is that estimate based on, if I may ask?

Mr. MERITT. It is based on the reports of our field people as to the most urgent needs that should be met during the coming fiscal year.

Mr. NORTON. As a matter of fact, that is just an informal statement or guess at how much you will probably need.

Mr. MERITT. This is a tentative outline of the expenditure of the appropriation that will be made provided our estimates are appropriated.

Mr. CARTER. Mr. Meritt, I notice you had last year an unexpended balance of \$75,855.49. This year you have a larger unexpended balance by about \$14,000; that is, for the year ended June 30, 1915. How is it that so much of that money remains unexpended six months after the time for which it was actually appropriated has expired?

Mr. MERITT. Simply because we are expending that money all during the fiscal year and most of our allotment work is done beginning in the early spring, and they work all during the spring and summer months.

Mr. CARTER. But this balance is for the year ended June 30, 1915, and that year expired some six months ago.

Mr. MERITT. Yes; there has always been an unexpended balance in this appropriation.

Mr. CARTER. Yes; this is one of those appropriations, I understand, which remains available until expended.

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you not think the better way to appropriate this money would be to appropriate what you need for a fiscal year and not allow it to be expended without a reappropriation by Congress?

Mr. MERITT. We would prefer, of course, to have it a continuing appropriation.

Mr. CARTER. But do you not think the other way would be a more economical plan and give Congress a better line on the actual expenditure of the money?

Mr. MERITT. Of course, it would give Congress more direct authority over the expenditure of the funds.

Mr. CARTER. Is there any good reason why this appropriation should not stand on a parity with the other appropriations and terminate with the end of the fiscal year?

Mr. MERITT. There is not as much reason for this appropriation to be continuing as for some other appropriations; for example, irrigation work, where it is necessary that the construction work be continued from one year to another.

The CHAIRMAN. Mr. Meritt, is it not a fact that the continuing appropriations are those like the irrigation appropriation, for instance, where you have made contracts and they are not completed by the end of the fiscal year, and it is necessary to have the money available on the completion of the contract?

Mr. MERITT. Yes, sir.

The CHAIRMAN. That reason does not obtain in this instance, does it?

Mr. MERITT. No, sir; not so strongly as in the case of irrigation work.

The CHAIRMAN. We will pass to the next item, as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the act of June twenty-fifth, nineteen hundred and ten, \$250,000, reimbursable as provided in the act of August first, nineteen hundred and fourteen, and to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, \$4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, \$3,200; in all, \$259,700: *Provided also*, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field-cost accountant may be employed.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman.

Irrigation, Indian reservations (reimbursable).

| | |
|--|----------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$345, 700. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years----- | 122, 624. 42 |
| Amount appropriated----- | 345, 700. 00 |
| <hr/> | |
| Amount expended----- | 468, 324. 42 |
| <hr/> | |
| Unexpended balance----- | 109, 620. 54 |

Analysis of expenditures:

| | |
|--|-------------------|
| Salaries, wages, etc..... | \$258,842.15 |
| Traveling expenses..... | 14,804.31 |
| Transportation of supplies..... | 3,584.48 |
| Telegraph and telephone service..... | 424.44 |
| Printing, binding, and advertising..... | 732.56 |
| Forage..... | 2,281.80 |
| Fuel..... | 1,629.29 |
| Stationery and office supplies..... | 871.95 |
| Equipment, material, etc..... | 51,683.48 |
| Rent..... | 428.10 |
| Seventh and eighth annual installments for building and operation and maintenance charges, Truckee-Carson project..... | 14,736.65 |
| United States Geological Survey, gauging stations, measuring flow of streams, etc..... | 4,607.93 |
| Irrigation assessments, Salt River..... | 1,014.65 |
| Miscellaneous..... | 3,062.09 |
| Total..... | 358,703.88 |

This is the appropriation to pay for the general work of irrigation upon Indian reservations for which no funds are available from specific appropriations.

There are more than 80 irrigation projects of greater or less extent which at various times require expenditures for construction, repairs, and maintenance from this fund. In addition, surveys, investigations, and reports upon new projects and water-power resources of various Indian reservations, and the salary and expenses of the chief and assistant chief engineer, the field-cost accountant, and district engineers (superintendents of irrigation), are all paid from this fund, except the district engineers, when engaged upon work for which the special appropriations are available.

Any repairs due to natural depreciation or to unexpected floods or other disasters upon most of the Indian reservation irrigation projects are paid from this fund. Occasionally some unforeseen failure may cause a complete tie-up of irrigation upon which altogether many thousands of Indians are dependent for a livelihood. For this reason a large reserve is always kept available, and the appropriation is made continuing, so that in those years with no great floods or other catastrophes there may be accumulated a sufficient balance to tide over the years of general storms or troubles.

Some of the reservations upon which expenditures were made from this fund during the fiscal year ended June 30, 1915:

Arizona: Ak Chin village, Fort Apache, Gila River, Papago, Salt River, San Carlos, Western Navajo, Navajo.

California: Hoopa Valley, Round Valley, Cahuilla, Bishop and Owens Valley, Campo, Palm Springs, Mesa Grande, Mission Creek, Morongo, Pala, Rincon, Soboba, Torres, Tule River, Tuolumne, San Pasqual, Santa Rosa.

Colorado: Southern Ute.

Idaho: Fort Lapwai, Kootenai River, Western Shoshone.

Minnesota: Nett Lake.

Montana: Tongue River, Fort Belknap.

Nevada: Carson Sink, Moapa, Fort McDermitt, Pyramid Lake, Walker River.

New Mexico: Laguna, Mescalero, Santa Ana, San Ildefonso, Taos, Zia, Zuni.

Oklahoma: Chilocco, Fort Sill.

Oregon: Umatilla, Warm Springs, Klamath.

Utah: Shivwits.

Washington: Colville, Muckleshoot, Yakima, Spokane.

Wisconsin: La Pointe, Oneida.

Wyoming: Wind River ceded.

The expenditure from this fund during the fiscal year 1915 has been \$358,703.88, and there has already been authorized for expenditure during the present fiscal year \$325,040, beside other projects which it is now known will require expenditures from this fund to keep them in proper condition to supply the Indian lands with water but not yet having funds authorized. These are all in addition to any unforeseeable contingencies. It is therefore apparent that the amount herein requested is considerably below the average expenditure for this work, but it is believed that other special irrigation appropriations are even more urgently needed, and in order that these others may receive the

most favorable consideration, the amount requested for "Irrigation, Indian reservations," is reduced to the minimum.

The estimated expenditures from the funds requested for 1917 will be for the following:

Irrigation district No. 1 (Oregon, Washington, and northern California):

| | |
|--|----------|
| Klamath Reservation— | |
| Irrigation investigations..... | \$5, 000 |
| Repairs and maintenance, agency project..... | 5, 000 |
| Round Valley, drainage and protection..... | 5, 000 |
| Office superintendent irrigation district No. 1, proportion for irrigation, Indian reservations, reimbursable..... | 3, 000 |
| Salary and expenses of superintendent of irrigation, proportion for irrigation, Indian reservations, reimbursable..... | 3, 000 |
| Miscellaneous surveys and investigations..... | 5, 000 |
| | <hr/> |
| | 26, 000 |

Irrigation district No. 2 (Idaho, Nevada, and Utah):

| | |
|---|---------|
| Moapa River Reservation, repairs and maintenance..... | 500 |
| Shivwits Reservation, water rental payment and maintenance..... | 1, 000 |
| Walker River Reservation, construction, maintenance, and repairs..... | 9, 600 |
| Western Shoshone, construction, maintenance, and repairs..... | 11, 160 |
| Office superintendent irrigation district No. 2, proportion for irrigation, Indian reservations, reimbursable..... | 2, 320 |
| Salary and expenses of superintendent of irrigation, proportion for irrigation, Indian reservation, reimbursable..... | 3, 000 |
| Miscellaneous surveys and investigations, district No. 2..... | 2, 000 |
| | <hr/> |
| | 29, 580 |

District No. 3 (Montana, Wyoming, and South Dakota):

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|---|---------|
| Tongue River Reservation, repairs and maintenance..... | 2, 000 |
| Wind River Reservation, ceded, repairs and maintenance..... | 12, 000 |
| Office expenses, district No. 3, proportion from Irrigation, Indian reservations, reimbursable..... | 2, 000 |
| Salary and expenses, superintendent of irrigation..... | 2, 000 |
| Miscellaneous surveys and investigations, district No. 3..... | 3, 000 |
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| | 21, 000 |

District No. 4 (central and southern California and Arizona):

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|--|---------|
| Fort Independence, maintenance and repairs..... | 3, 000 |
| Gila River Reservation, maintenance and repairs, and extension of various Indian ditches..... | 25, 000 |
| Salt River Reservation, maintenance and repairs..... | 10, 000 |
| Office superintendent of irrigation, district No. 4, proportion from Irrigation, Indian reservations, reimbursable..... | 8, 000 |
| Salary and expenses superintendent of irrigation, district No. 4, proportion from Irrigation, Indian reservations, reimbursable..... | 5, 000 |
| Miscellaneous surveys and investigations, southern California..... | 5, 000 |
| Miscellaneous surveys and investigations, Arizona..... | 5, 000 |
| Miscellaneous repairs, maintenance, and extensions in southern California..... | 5, 000 |
| Miscellaneous repairs, maintenance, and extensions, Arizona..... | 5, 000 |
| | <hr/> |
| | 71, 000 |

District No. 5 (northern Arizona, New Mexico, and Colorado):

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|---|---------|
| Navajo Reservation, miscellaneous repairs, maintenance, and extension..... | 10, 000 |
| Pine River Valley, repairs, maintenance, and extension..... | 10, 000 |
| Pueblos, repairs, maintenance, and extension..... | 15, 000 |
| San Juan project, Navajo Reservation, maintenance and repairs..... | 20, 000 |
| Office superintendent of irrigation, district No. 5, proportion from Irrigation, Indian reservations, reimbursable..... | 6, 500 |

District No. 5—Continued.

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| Salary and expenses superintendent of irrigation, district No. 5, proportion from Irrigation, Indian reservations, reimbursable | \$4, 000 |
| Miscellaneous surveys and investigations | 5, 000 |
| Zuni Reservation, maintenance, repairs, and extensions | 5, 000 |
| | 75, 500 |
| Legal superintendent of irrigation, salary and expenses | 6, 000 |
| Mechanical superintendent of irrigation, salary, per diem, and expenses | 5, 000 |
| Chief and assistant chief engineer, salary, per diem, and expenses | 10, 700 |
| Salary and expenses field-cost accountant | 3, 500 |
| Reserve for miscellaneous and unforeseen expenses | 11, 420 |
| | 259, 700 |

KLAMATH RESERVATION AGENCY PROJECT.

Indian tribes, Klamath, Modoc, Paiute, and Pitt River.

Number of Indians, 1,145.

Area of reservation, 1,019,176 acres.

Area irrigable from constructed works, 3,780 acres.

Area actually irrigated, 400 acres.

Area farmed by Indians, 400 acres.

Area of whole project, 7,000 acres.

Cost of irrigation construction, \$19,220.95.

Estimated additional cost to complete, \$31,000.

Estimated cost of irrigation per acre, \$7.50.

Average value of irrigated land per acre, \$45.

Average annual precipitation, 20 inches.

Source of water supply, Fort Creek, Crooked Creek, springs. Market for products, local (good). Distance from railroad, 7 miles.

Klamath Reservation, Oreg., agency project

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|--|----------|
| | \$5, 000 |
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The agency project was initiated many years ago, planned to cover eventually about 7,000 acres of land. During the fiscal year just past the system, which had never been in first-class shape, was overhauled and rebuilt, so that nearly 400 acres of land are now being properly irrigated. The sum here requested will maintain and improve the works now being used and make such extensions as are found necessary to supply the needs of the Indians.

KLAMATH RESERVATION, OREG.

Indian tribes, Klamath, Modoc, Paiute.

Number of Indians, 1,145.

Area of reservation, 1,019,176 acres.

Area of projects initiated, 14,000 acres.

Estimated area of additional feasible projects, 104,000 acres.

Klamath-Reservation, Oreg., miscellaneous surveys

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| | \$5, 000 |
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There are a number of projects on this reservation where the Indians are demanding that something be done to help them get water on their land, and in order that the necessary data may be available and feasible projects determined it will be necessary to expend at least \$5,000. These surveys are necessary in order that steps may be taken to protect the waters of some of these streams which rise off the reservation for the benefit of these Indians and which are now threatened by private corporations.

ROUND VALLEY, CAL.

Indian tribes, Concow, Pomo, and Kipomo.

Number of Indians, 1,529.

Area of reservation, 78,797 acres.

Area actually farmed, 1,327 acres.

Area actually farmed by Indians, 1,327 acres.

Area of whole project, 5,000 acres.

Cost of protective construction, surveys, and investigations, \$11,647.

Additional cost to complete, \$30,000.
 Cost per acre for reclaiming land, \$8.
 Average value of protected land per acre, \$150.
 Annual precipitation, 40 inches.
 Market for products, local (good).

Round Valley Reservation, Cal., Round Valley project----- \$5,000

Owing to the heavy winter rains, the creeks crossing the agricultural portion of this reservation are gradually eroding the good land and covering other parts with gravel. The water remains on the land so late in the spring that at least half of the 5,000 acres of allotted agricultural land can not be farmed, and the other half is farmed with only partial success.

The amount requested, \$5,000, will provide for patrol and protection to maintain the dikes and stream-bank improvements which are being constructed this present season. The first season for such works is the most critical, and they will doubtless need strengthening and enlarging at certain points as indicated by use.

Office of superintendent of irrigation, district No. 1----- \$3,000

The superintendent of irrigation in charge of district No. 1 has his headquarters in North Yakima, Wash., and supervises work of Indian irrigation in the States of Washington, Oregon, and the northern third of California. The funds here requested are to pay his salary, traveling and incidental expenses at such times as he is engaged upon the supervision of work for which no specific appropriation is made, or is engaged upon preliminary surveys and investigations on any of the many reservations included within his district.

Office of superintendent of irrigation, district No. 1----- \$3,000

This amount is to pay the proportional expense of salaries of clerk and other employees under the office of the superintendent of irrigation, properly chargeable to "Irrigation, Indian reservations." The office force attends to the disbursing of much of the funds for irrigation construction, operation, and maintenance, collections for water payments, preparation of cost records, making purchases, and other detail work in connection with the activities of the superintendent of irrigation and his staff.

Miscellaneous surveys and investigations, district No. 1----- \$5,000

This amount is needed to pay salary and expenses of survey parties on the investigations of water resources, possible power developments, investigations of encroachments upon Indian water rights, preparation of reports upon various allied subjects on the Indian reservations included in district No. 1.

MOAPA RIVER RESERVATION, NEV.

Indian tribe, Moapa, Piute.
 Number of Indians, 119.
 Area of reservation, 1,100 acres.
 Area irrigable from present constructed works, 300 acres.
 Area actually irrigated, 240 acres.
 Area farmed by Indians, 240 acres.
 Area of whole project, 625 acres.
 Cost of irrigation construction, \$9,945.35.
 Cost of irrigation operation, maintenance, and miscellaneous, \$322.99.
 Estimated additional cost to complete project, \$3,000.
 Estimated total cost of irrigation per acre, \$21.
 Average value of irrigated lands per acre, \$125.
 Average annual precipitation, 4 inches.
 Source of water supply, Moapa River.
 Market for products, local (excellent).

Moapa River Reservation, Nev., repairs and maintenance (requested 1917)----- \$500

Although most of the work for this project is done by the Indians themselves, it is sometimes necessary to employ laborers at wages, and a few purchases in connection with the work are necessary each year.

It is very desirable that all possible assistance and encouragement be given these Indians, as the water rights are disputed, and their use of the water may strengthen their claims.

SHIVWITS RESERVATION, UTAH.

Indian tribes, Paiute.

Number of Indians, 113.

Area of reservation, 26,270 acres.

Area irrigable from constructed works, 70 acres.

Area actually irrigated, 70 acres.

Area farmed by Indians, 70 acres.

Area of whole project, 300 acres.

Cost of irrigation construction, \$1,231.41.

Estimated additional cost to complete project, \$2,000.

Estimated total cost of irrigation per acre, \$11.

Average value of irrigated land per acre, \$50.

Average annual precipitation, 12 inches.

Source of water, local streams. Market for products, local (fair). Distance from railroad, 60 miles.

Shivwits Reservation, Utah----- \$1,000

This reservation has 200 acres of land under the St. George & Santa Clara Bench Irrigation Co.'s ditch, which needs leveling and clearing. The sum requested is for payment of water rentals and for material for construction and repair of ditches.

WALKER RIVER RESERVATION, NEV.

Indian tribe, Paiute.

Number of Indians, 539.

Area of reservation, 49,680 acres.

Area irrigable from constructed works, 2,500 acres.

Area actually irrigated, 1,130 acres.

Area farmed by Indians, 1,094 acres.

Area farmed by lessees, 18 acres.

Area farmed by white owners, 18 acres.

Area of whole project, 6,000 acres.

Cost of irrigation construction, \$103,647.65.

Cost of irrigation operation and maintenance, and miscellaneous, \$13,223.13.

Estimated cost, additional, to complete project, \$90,000.

Total cost of irrigation, \$33 per acre.

Average value of irrigated lands, \$50 per acre.

Average annual precipitation, 4 inches.

Source of water supply, Walker River. Market for products, local (good). Distance from railroad, through project.

Walker River Reservation, Nev., estimated cost, 1917----- \$9,600

This item is intended to cover the expenses of the regular organization, consisting of assistant engineer, supervisor of ditches, rodman, and chainman, engaged in the maintenance of the present constructed ditches, new construction, etc., and includes salaries and wages, equipment, material, and transportation necessary for the Walker River project.

This reservation is the home of 539 Indians. The irrigation system has been in progress of construction for several years, the original plans contemplating the irrigation of several thousand acres. The Indians cultivated 1,135 acres in 1915, and are making progress in the use of the irrigation project and consequent agricultural activities. The project covers about 2,500 acres of land, and as the water supply is not abundant the most careful construction and operation and maintenance are needed to supply as large an area as possible.

WESTERN SHOSHONE, NEV.

Indian tribes, Piute and Shoshone.

Number of Indians, 602.

Area of reservation, 365,000 acres.

Area irrigable from constructed works, 2,500 acres.

Area actually irrigated, 522 acres.

Area farmed by Indians, 522 acres.

Area of whole project, 25,000 acres.

Cost of irrigation construction, \$38,474.87.

Cost of irrigation operation, maintenance and miscellaneous, \$4,869.36.

Estimates for total cost of construction being prepared.

Average value of irrigated land, \$40 per acre.

Average annual precipitation, 10 inches.

Source of water supply, Owyhee River. Market for products, local and general (good). Distance from railroad, 110 miles.

Western Shoshone Reservation, Nev., requested for 1917----- \$11,160

The work contemplated on this reservation calls for a complete irrigation system, the surveys of which require the services of a field party, as follows: Assistant engineer, 2 rodmen, 2 chainmen, 1 teamster, 1 cook.

This project is 110 miles from the railroad and all supplies must be freighted this distance by the Indian freighters, at \$1.50 per hundred. The estimate includes telegraph and telephone expenses, fuel, forage, equipment for use of the survey party, including surveying instruments and kitchen and camp equipment intended to supplement the equipment on hand; salaries and wages, and material for construction and repairs.

The irrigable land of the reservation is being determined, as well as the best plan for irrigating the land, location of reservoirs, and other factors entering into the problem of irrigation for this reservation.

The Indians of this reservation are industrious, and those who have water are making good progress in their farming. It is believed that with irrigation this will be a fine grain country, and it is suggested by the field officer that a flour mill should be installed as an incentive to the raising of grain.

The present area which may be irrigated is approximately 2,500 acres, and the funds here requested will not only cover the cost of surveys and investigations for the larger project, but properly maintain and repair the small system now being used.

Salary and expenses superintendent of irrigation district No. 2----- \$3,000

The superintendent in charge of irrigation district No. 2 has his headquarters at Salt Lake City, Utah, and supervises work of Indian irrigation in the States of Idaho, Utah, and Nevada. The funds here requested are to pay his salary, traveling, and incidental expenses at such times as he is engaged upon the supervision of work for which no specific appropriation is made or is engaged upon preliminary surveys and investigations on any of the reservations included within his district.

Office expenses, district No. 2, requested, 1917----- \$2,320

This sum includes salaries and wages, traveling expenses, telegraph and telephone service, equipment, and miscellaneous expenses necessary for the maintenance of the office of the superintendent of irrigation at Salt Lake City, and is the estimated proportion chargeable against the general irrigation appropriation.

District No. 2 includes all the Indian irrigation work in the States of Utah, Nevada, and Idaho.

Miscellaneous surveys and investigations, district No. 2----- \$2,000

This amount is needed to pay salaries and expenses of survey parties on the investigation of water resources, possible power developments, investigations of encroachments upon Indian water rights, and preparation of reports upon various allied subjects on the Indian reservations included in district No. 2.

TONGUE RIVER RESERVATION, MONT.

Indian tribe, Northern Cheyenne.

Number of Indians, 1401.

Area of reservation, 460,000 acres.

Area irrigable from constructed works, 2,000 acres.

Area actually irrigated, 600 acres.

Area farmed by Indians, 600 acres.

Area of whole project, 7,000 acres.

Cost of irrigation construction, \$120,233.07.

Cost of irrigation operation, maintenance and miscellaneous, \$19,298.54.

Estimate of additional cost to complete project not yet made.

Average value of irrigated lands, \$50 per acre.

Average annual rainfall, 15 inches.

Source of water supply, Tongue and Rosebud Rivers. Market for products, local (good). Distance from railroad, 60 miles.

Tongue River Reservation, Mont----- \$2,000

The item covers wages of irregular labor, teams, and materials needed to clean and repair the ditches of this system and keep it in working condition; also the payment of the salary of the ditch rider, which position is absolutely necessary for the protection and supervision of the system.

Ceded portion Wind River Reservation, Wyo----- \$12,000

This amount is needed for the continuation of construction, improvement, and extending of existing ditches and the construction of Indian ditches to irrigate the various Indian allotments upon the former Wind River Reservation.

Most of the systems now in use were more or less largely constructed by the Indian allottees themselves, but to thoroughly secure their water rights and keep the systems in first-class operating condition it is necessary for the Government to undertake the more expensive and difficult construction.

The principal systems upon which this fund will be spent are the Le Clair ditch, covering 7,000 acres, the Kinnear system, and for several smaller ditches supplying one or more families. Altogether nearly 35,000 acres have been allotted on the ceded portion of the reservation, and practically the total of this area must be irrigated to make it of any value.

Office of superintendent of irrigation district No. 3----- \$2,000

This amount is to pay the proportional expense of salaries of the clerk and other employees coming under the office of the superintendent of irrigation that are properly chargeable to "Irrigation, Indian reservations." The office force attends to the disbursing of much of the funds for irrigation construction, operation, and maintenance; collections for water payments, preparation of cost records, making purchases, and other detail work in connection with the activities of the superintendent of irrigation and his staff.

Salary and expenses superintendent of irrigation district No. 3----- \$2,000

The superintendent of irrigation in charge of irrigation district No. 3 has his headquarters at Billings, Mont., and supervises work of Indian irrigation in the States of Montana and Wyoming, with occasional details to South Dakota. The funds here requested are to pay his salary, traveling and incidental expenses at such times as he is engaged upon the supervision of work for which no specific appropriation is made, or is engaged upon preliminary surveys and investigations on any of the reservations included within his district.

Miscellaneous surveys and investigations, district No. 3----- \$3,000

This amount is needed to pay salaries and expenses of survey parties on the investigation of water resources, possible power developments, investigations of encroachments upon Indian water rights, and preparation of reports upon various allied subjects on the Indian reservations included in district No. 3.

OWENS VALLEY, FORT INDEPENDENCE PROJECT, CAL.

Indian tribe, Paiute.

Number of Indians in whole valley, 1,355.

Area of tract, 320 acres.

Area irrigable from constructed works, 50 acres.

Area actually irrigated, 50 acres.

Area of whole project, 175 acres.

Cost of irrigation construction, \$3,380.35.

Estimated additional cost to complete project, \$3,000.

Total cost of irrigation per acre, \$14.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 5 inches.

Source of water supply, Oak Creek. Market for products, local, general (good). Distance from railroad, 8 miles.

Fort Independence Reservation, Cal----- \$3,000

This tract of land consists of 320 acres in the Owens Valley, about 100 acres of which has been irrigated in the past by the Indians living thereon.

This is one of the small reservations in California where the water rights of the Indians must be conserved if they are to make any progress in the agricultural line or, indeed, if they are to have the means of subsistence. Some work has been done during the past fiscal year and some land cultivated, but the supply thus provided will only cover about 50 acres of the 320. The necessity for the work is apparent.

GILA RIVER RESERVATION, CASA BLANCA PROJECT, ARIZONA.

Indian tribes, Pima and Maricopa.

Number of Indians, 3,800.

Area of reservation, 361,000 acres.

Area irrigable from constructed works, 6,000 acres.

Area actually irrigated, 3,300 acres.

Approximate area of whole project, 35,000 acres.

Cost of irrigation construction, \$24,079.28.

Cost of irrigation operation, maintenance, and miscellaneous, \$1,793.59.

Estimated additional cost to complete project, \$650,000.

Estimated total cost of irrigation per acre, \$20.

Average value of irrigated land, per acre, \$150.

Average annual precipitation, 9 inches.

Source of water supply, Gila River and underground. Market for products, local and general (excellent). Distance from railroad, 10 miles.

Gila River Reservation: Casa Blanca project, Arizona..... \$25,000

This project embraces about 35,000 acres of irrigable land on the south side of the Gila River west of Sacaton. Within the project are the villages of Casa Blanca, Pechule, Sweetwater, and Alkali. The land has been allotted in part to the Indians living on it.

The estimate is for the continuation of the work, the main canal having been started in 1914, with a heading in the Little Gila. During 1915 some laterals were built. Six thousand acres could be watered under the project at the close of the fiscal year 1915.

Approximately 1,000 Indians reside within the area included within this project, and are industrious and energetic farmers and make full use of all the present rather crude irrigation system, a large portion of it having been constructed by the Indians themselves.

The proper remodeling, improvement, and extension of the system so that each Indian may have sufficient area upon which to earn a livelihood is now being carried on. The funds here requested are estimated to be the amount needed for the fiscal year 1917 for this very meritorious project.

SALT RIVER RESERVATION, ARIZ.

Indian tribes, Maricopa and Pima.

Number of Indians, 976.

Area of reservation, 46,720 acres.

Area irrigable from constructed works, 6,500 acres.

Area farmed by Indians, 6,500 acres.

Area of whole project, 9,760 acres.

Cost of irrigation construction, \$6,471.04.

Estimated additional cost to complete, \$300,000.

Estimated total cost of irrigation per acre, \$65.

Average value of irrigated land per acre, \$150.

Average annual precipitation, 12 inches.

Source of water supply, Roosevelt Reservoir. Market for produce, local and general (excellent). Distance from railroad, 15 miles.

Salt River Reservation, Ariz., canals and laterals..... \$10,000

The water supply of this reservation is very small compared to the area of land which they make a brave attempt to cultivate, and all possible assistance should be given them to utilize the present supply in the most economical manner. They have water sufficient for 3,448 acres, and are attempting to cultivate nearly 7,000 acres. In a recent report Superintendent of Irrigation Olberg says:

"Their pitiful attempts to irrigate upward of 7,000 acres of land with only enough water for half that amount is sufficient evidence of their industry and perseverance, and is worthy of reward."

The matter of obtaining water rights for more of their land is being taken up as a special appropriation.

Office of superintendent of irrigation, Los Angeles, Cal., District No. 4... \$8,000

For payment of employees, purchase of equipment and supplies, and for all other necessary expenses of this office.

The above amount is the least that should be appropriated for the purpose. The funds are to be used for the conduct of an office annually increasing in importance, so far as the project under the direction of the superintendent of irrigation are concerned. As the work has grown it has been found necessary to place in the field additional employees to oversee the projects in hand and to lay out future work. Purchasing and disbursing for the entire district is handled in the Los Angeles office. This frequently amounts to over 500 vouchers a quarter and over 500 names on the pay roll. During the last fiscal year work was prosecuted on 51 projects in Arizona and California, included within district No. 4.

Salary, expenses, etc., of superintendent of irrigation, district No. 4, Los Angeles, Cal ----- \$5,000

This is the sum usually apportioned the superintendent of irrigation, and covers his salary, travel, and other expenses when engaged on work chargeable to the general irrigation fund. There are few projects in this district which have special funds to which these expenses are chargeable, so that the greater portion of them are paid from the general fund.

Miscellaneous surveys, California ----- \$5,000

These surveys, conducted under the supervision of the superintendent of irrigation at Los Angeles, are either surveys planned in the regular course of the work or special investigations called for from this office. Their necessity is beyond question, and the sum is closely estimated.

Miscellaneous surveys, Arizona ----- \$5,000

These surveys, conducted under the supervision of the superintendent of irrigation at Los Angeles, are either surveys planned in the regular course of the work or special calls from this office for surveys needed to settle some water question on matters brought up here. Their necessity is beyond a question, and the sum is as closely estimated as possible.

Miscellaneous projects in California, maintenance and repairs ----- \$5,000

The numerous small reservations in California which are so important to the welfare of these Indians call for maintenance and repairs each year in varying quantities. The sum requested is much less than the estimate from the field, but all possible economy will be observed. It covers the reservations not otherwise estimated for and such unforeseen damages as may occur.

Miscellaneous projects in Arizona ----- \$5,000

The more than 50 irrigation projects included in district No. 4 make it desirable to provide separate estimates for the reservations in Arizona and California included within this district. The funds here requested are for the purpose of maintaining and improving irrigation systems on any of the several reservations, the respective amounts depending largely upon the occurrence of floods, the extent of cultivation by Indians, and other causes which can not be accurately forecasted a year in advance. These reservations include Gila Bend, Maricopa, San Carlos, Fort Apache, Camp McDowell, and various other isolated projects on some of the larger reservations.

Navajo Reservation, Ariz. and N. Mex. ----- \$10,000

At numerous points upon the extensive Navajo Reservation, which covers more than 9,000,000 acres, there are small tracts with a more or less reliable water supply. The very industrious Navajo Indians cultivate these to the best of their ability, and the funds here requested are for necessary engineering work and the proper layout of their ditches and headings, that construction of the more difficult features which the Indians themselves may not be able to accomplish, and the miscellaneous maintenance and repairs of various similar projects now being used.

SOUTHERN UTE (ALLOTTED), PINE RIVER VALLEY, COLO.

Indian tribes, Southern Ute.

Number of Indians, 359.

Area irrigable from constructed works, 4,000 acres.

Area actually irrigated, 1,040 acres.

Area farmed by Indians, 640 acres.

Area farmed by lessees, 300 acres.

Area farmed by white owners, 100 acres.

Area of whole project, 7,500 acres.

Cost of irrigation construction, \$127,045.21.

Cost of operation, maintenance and miscellaneous, \$3,308.09.

Estimated additional cost to complete, \$15,000.

Total cost of irrigation per acre, estimated, \$20.

Average value of irrigated land per acre, \$60.

Average annual precipitation, 16 inches.

Source of water supply, Pine River. Market for products, local (good).

Distance from railroad, 10 miles.

Pine River project, southern Ute lands, Colorado-----\$10,000

This project should be about completed as to the main canals. It is estimated that the sum of \$5,000 will be needed for maintenance and operation, and a like sum is asked for construction of lateral ditches and other extensions to the system.

The Indians under this project are reported as taking hold of farming with increased interest, 15 or 20 families having settled upon their lands and started improvements during the last fiscal year.

PUEBLOS, NEW MEXICO.

Indian tribes, various.

Number of Indians, about 4,536.

Area of reservations, 1,540,000 acres.

Area irrigable from constructed works, approximate, 26,900 acres.

Area actually irrigated, approximate, 26,900 acres.

Area of whole project, approximate, 45,360 acres.

Cost of irrigation construction, \$106,420.21.

Estimated cost to complete projects, approximate, \$800,000.

Total cost of irrigation per acre, \$20.

Average value of irrigated lands per acre, \$100.

Pueblo reservation, New Mexico----- \$15,000

There are 19 of these Pueblo reservations, and the water problem is the most serious one the Indians have to face. Continued encroachments by whites, damages by floods, scarcity during the dry season, and occasional difficulties between factions on some of the pueblos make their lives very hard indeed. The amount requested is based on that used during the year 1915, as it is impossible to foretell just what the difficulties for 1917 will be and what work will be necessary.

Many of the ditch systems date to before the Spanish conquest, and improvements to conserve the water supply are needed. The Indians are industrious farmers with a lively appreciation of the necessity for water.

NAVAJO RESERVATION, SAN JUAN PROJECT, NEW MEXICO.

Indian tribes, Navajo.

Number of Indians, 8,000.

Area of reservation, approximate, 9,500,000 acres.

Area irrigable from constructed works, 2,000 acres.

Area actually irrigated, 617 acres.

Area farmed by Indians, 617 acres.

Area of whole project, 4,000 acres.

Cost of irrigation construction, \$180,235.40.

Cost of irrigation operation, maintenance, and miscellaneous, \$43,627.50.

Estimated additional cost to complete project, \$20,000.

Estimated total cost of irrigation per acre, \$42.

Average value of irrigated land per acre, \$160.

Average annual precipitation, 10 inches.

Source of water supply, San Juan River. Market for products, local (good).

Distance from railroad, 40 miles.

Navajo reservation, San Juan project (Hogback), New Mexico..... \$20,000

The main canal of this project will be completed during 1916. Some laterals are already constructed, and the sum requested is for maintenance, operation, and extension.

The Indians put 150 acres more into cultivation during 1915, and it is expected that this will be largely increased now that assurance can be given of a continuous supply of water.

This project covers about 4,000 acres lying under the main canal, and approximately half of this area is supplied with the necessary laterals, and the Indians are farming 617 acres. This area is being extended and it is necessary to provide the lateral structures to maintain the canal system to provide water for the additional area which it is expected will be farmed.

Office of superintendent of irrigation district No. 5..... \$6,500

This is to pay the proportional expense of salaries of clerks and other employees coming under the office of the superintendent of irrigation that are properly chargeable to "Irrigation, Indian reservations." This force attends to the detail work in connection with the activities of the superintendent of irrigation and his staff.

Salary and expenses superintendent of irrigation district No. 5..... \$4,000

The superintendent of irrigation in charge of district No. 5 has his headquarters in Albuquerque, N. Mex., and supervises work of Indian irrigation in New Mexico and the northern half of Arizona and in Colorado. The funds here requested are to pay his salary, traveling, and incidental expenses at such times as he is engaged upon the supervision of work for which no specific appropriation is made, or is engaged upon preliminary surveys and investigations included within his district.

Miscellaneous surveys and investigations, district No. 5..... \$5,000

This amount is needed to pay salaries and expenses of survey parties on the investigation of water resources, possible water developments, investigations of encroachment upon Indian water rights, and preparation of reports on various allied subjects on the Indian reservations included in district No. 5.

ZUNI RESERVATION PROJECT, NEW MEXICO.

Indian tribe, Zuni.

Number of Indians, 1,602.

Area of reservation, 215,000 acres.

Area irrigable from constructed works, 4,000 acres.

Area actually irrigated, 3,100 acres.

Area farmed by Indians, 3,100 acres.

Area of whole project, 7,000 acres.

Cost of irrigation construction, \$542,843.50.

Cost of operation, maintenance, and miscellaneous, \$17,852.20.

Estimated additional cost to complete, \$20,000.

Estimated total irrigation cost per acre, \$80.

Average value of irrigated land per acre, \$100.

Average annual precipitation, 12 inches.

Source of water supply, Zuni River. Market for products, local (good). Distance from railroad, 45 miles.

Zuni Reservation, N. Mex., maintenance and operation..... \$5,000

This system consists of a dam and reservoir to conserve the waters of the Zuni River, an intermittent stream dry most of the year, and canal system for the distribution of the water to the lands of the Zuni Indians. It is practically completed.

Owing to the nature of the soil, considerable care is necessary to keep the system in good order. The sum requested is believed to be sufficient for ordinary care, but should any extensive repairs become necessary, or should it

be necessary to raise the level of the water in the dam, a much larger sum will be required. The present level of the dam is sufficient for the area now under cultivation and probably for any increase which may be made in the next few years, since the Zunis seem to be progressing rather in the direction of better methods of farming than of increased area. The increase in 1915, however, was 100 acres. The total area farmed by the 1,570 Indians attached to this reservation is about 3,100 acres. It is essential that the system be maintained in the best condition.

We go into considerable detail in justifying this appropriation. You will observe that we are reducing our estimates from \$345,700 appropriated last year and the year previous to \$259,700, a reduction of about \$100,000. We have in this appropriation an unexpended balance of \$109,620.54. It is very desirable that this appropriation be continuing and that we have a considerable unexpended balance because of emergencies that may arise; for example, a dam may wash out and it may be necessary to reconstruct that dam immediately, and it is important that we have a continuing appropriation.

The CHAIRMAN. Do you ever have lateral ditches to get in such shape that water can not be carried from the main canal to the farms so that it becomes an emergency to reconstruct those lateral ditches?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is that one of the contingencies you have to provide against?

Mr. MERITT. Yes, sir; this appropriation is our general irrigation appropriation and it is reimbursable wherever the Indians have funds or property sufficient to reimburse the Government.

The CHAIRMAN. How much of this appropriation that you are asking for this year is reimbursable, or have you any figures on that?

Mr. MERITT. We have not figured that out closely, but a considerable part of it will be reimbursed.

The CHAIRMAN. About what percentage?

Mr. MERITT. I would say 50 per cent of it will be reimbursed. Of course, there are a number of Indians who are without property and who need assistance, and those Indians will not in the near future be in position to reimburse the Government, especially the Indians in the Southwest.

The CHAIRMAN. Referring to the item we just passed for surveys, resurveys, etc., how much of that appropriation is reimbursable, if any?

Mr. MERITT. That item is supposed to be reimbursable.

The CHAIRMAN. The whole item?

Mr. MERITT. The whole item.

The CHAIRMAN. In running through this bill, could you give the committee an idea as to the amount of money in all these various appropriations that is reimbursable, separating it from those that are not reimbursable?

Mr. MERITT. Yes, sir. The estimates contain a request for gratuity appropriations amounting to \$8,093,156.66. The reimbursable appropriations amount to \$1,231,520, and the treaty appropriations amount to \$850,360, making a total of \$10,175,036.66.

The CHAIRMAN. What is the amount of the appropriations that are not reimbursable?

Mr. MERITT. Approximately \$9,000,000.

The CHAIRMAN. Then this bill carries approximately \$9,000,000 as a gratuity to the Indians.

Mr. MERITT. It carries \$8,093,156.66 as a gratuity, \$850,360 as treaty appropriations, and \$1,231,520 is reimbursable.

Mr. CARTER. Mr. Meritt, I notice you have stricken out four or five provisos in this item. Why is that?

Mr. MERITT. Those provisos, Mr. Carter, are permanent legislation, and therefore it will not be necessary to include them in this year's bill.

Mr. CARTER. I notice the last proviso sets out:

Provided further, That, in addition to what is herein required, there shall be submitted to Congress on the first Monday in December, 1914, as to the Uintah, Shoshone, Flathead, Blackfeet, and Fort Peck reclamation projects a report showing the status of the water rights of the Indians and the method of financing said projects, together with such other information as the Secretary of the Interior may deem necessary for a full and complete understanding of all the facts and conditions in connection therewith.

Has that been done?

Mr. MERITT. Those reports were made, and we have drafted legislation based on those reports.

The CHAIRMAN. Can you refer to the number of those reports?

Mr. MERITT. The Uintah report is contained in House Document No. 1250, the Shoshone report is contained in House Document No. 1274, and the Flathead, Blackfeet, and Fort Peck reports are contained in House Document No. 1215, Sixty-third Congress, third session.

The CHAIRMAN. Then we will pass to the next item, as follows:

For the suppression of the traffic in intoxicating liquors among Indians.

I notice you have increased the amount of this item from \$100,000 to \$150,000 and have added the following language:

And section eight of the act of March first, eighteen hundred and ninety-five, is hereby reenacted as to that part of Oklahoma known as Indian Territory immediately prior to statehood, and section twenty-one hundred and forty of the United States Revised Statutes is hereby made applicable to that part of Oklahoma: *Provided, That all lands within the Indian reservations in the State of New York are hereby declared to be "Indian country" within the meaning of the Federal Statutes prohibiting the introduction of intoxicants into such country; and traffic in intoxicating liquors with or among the Indians of said reservations shall be subject to the provisions of the act of January thirtieth, eighteen hundred and ninety-seven (Twenty-ninth Statutes at Large, page five hundred and six) and amendments thereto.*

What is the necessity for this new language in the bill?

Mr. MERITT. Mr. Chairman, we offer for this item the following justification, and as this is a legal question and the justification is short I will read it, if you desire.

Suppressing liquor traffic among Indians.

| | |
|--|----------------|
| Fiscal year ending June 30, 1916: Amount appropriated----- | \$100, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 100, 000. 00 |
| Amount expended----- | 100, 128. 74 |
| <hr/> | |
| Overdrawn ----- | 128. 74 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------|-------------|
| Salaries, wages, etc----- | 51, 247. 82 |
| Traveling expenses----- | 46, 851. 50 |
| Transportation of supplies----- | 3. 02 |

| | |
|---|--------------|
| Telegraph and telephone service----- | \$800. 52 |
| Printing, binding, and advertising----- | 27. 45 |
| Stationery and office supplies----- | 473. 85 |
| Equipment, material, etc----- | 99. 78 |
| Rent----- | 480. 00 |
| Chemical analyses----- | 135. 00 |
| Miscellaneous----- | 9. 80 |
| | 100, 128. 74 |

The estimate for the suppression of the liquor traffic among the Indians during the fiscal year ending June 30, 1917, carries an appreciable increase over the amount available during the fiscal years 1915 and 1916. The item also carries two provisions which will be taken up in order.

Congress has heretofore recognized the necessity and importance of protecting the Indians from the evils resulting from the use of intoxicants, and has made appropriations in order to enable this work to be carried on by the Indian Office. The reason for carrying on this work is self-evident and apparent, especially when it is realized and recognized that intoxicating liquor has been the curse of the American Indian and has been used as the principal means to debauch a people who are susceptible to its influences and in many instances to deprive them of their property, both real and personal.

Favorable advancement has been made during the past year in this work, and as a result of the efforts put forth there have been a larger number of cases presented, arrests made, and convictions had, both in the State and Federal Courts, than at any time since the organization of this service in 1907. These increased activities have brought in new questions and problems, some of which have been decided favorably to the Government and others against it. These decisions have either enlarged the scope of the work or made more difficult the apprehension, prosecution, and conviction of the offenders. As referred to last year, the decision of the Supreme Court in the case of *Johnson v. Gerald* (234 U. S., 422) has opened up to the office a large field within which there are approximately 10,000 Indians who, under a treaty entered into in 1855, provided that no liquors should be sold, etc., therein. This has required the services of a large number of our officers to cope with the situation and necessarily the expenditure of a large proportion of the appropriation. As a result, the office has not been able to keep apace with the conditions and situations in other parts of the country, and it will be necessary, in order to give the Indians the protection to which they are entitled under general and special legislation by Congress and the various treaties and agreements, to employ a larger force of men, which can not be done under the present amount available. When it is considered that some of the reservations and areas which they are called upon to handle are the size of some of the eastern States the enormity of this undertaking will be appreciated readily.

This item also provides for the reenactment of section 8 of the act of March 1, 1895. This section reads as follows:

"That any person, whether an Indian or otherwise, who shall, in said Territory, manufacture, sell, give away, or in any manner or by any means furnish to anyone, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, whether medicated or not, or who shall carry, or in any manner have carried, into said Territory any such liquors or drinks, or who shall be interested in such manufacture, sale, giving away, furnishing to anyone, or carrying into said Territory any of such liquors or drinks shall, upon conviction thereof, be punished by fine not exceeding \$500 and by imprisonment for not less than one month nor more than five years."

In the case of *Ex Parte Charley Webb* the Supreme Court of the United States dealt with the effect of the Oklahoma enabling act and the admission of that State thereunder upon the prohibition contained in the act of 1895 and held that this act remained in force so far as it prohibits the carrying of liquor from without the new State into that part of it which was formerly the Indian Territory.

In the case of *United States v. Wright* (229 U. S., 226) the Supreme Court of the United States held that the prohibition against the introduction of intoxicating liquor into the Indian country found in the act of January 30, 1897 (29 Stats., 506), was not repealed with respect to the intrastate transactions by the enabling act and the admission of the State.

In the case of *Joplin Mercantile Co. v. United States* (236 U. S., 531) there was presented the question of introducing liquor from the western portion of the State of Oklahoma into the eastern portion, covered by the act of 1895, and the Supreme Court held that pending the continuance of State prohibition, as prescribed by the enabling act, the provisions of the act of 1895 respecting intrastate transactions are not enforceable. This leaves a situation where the introduction of intoxicants into the eastern district of Oklahoma from Kansas, Missouri, Arkansas, and Texas is an offense under the Federal law, but the introduction into that district from the western portion of the State does not constitute an offense. The liquor, therefore, finds its way to the western district and from there into the eastern district, and the Government is apparently powerless to punish the offenders and to protect the Indians.

The Supreme Court, however, in its decision in the *Joplin* case says:

"The subject matter of this legislation is quite different from that which was under consideration in *Coyle v. Oklahoma* (221 U. S., 559); and it does not follow from what was there decided that the plan of intrastate prohibition proposed to the State by Congress in the enabling act and accepted by the State would be subject to repeal by the State within the prescribed period. Nor does it follow from anything we have said that Congress may not, during that period, by reenacting in substance the act of 1895 or by appropriate affirmative legislation in some other form, resume the Federal control over the liquor traffic in and with what was Indian Territory by virtue of its general authority over Indian relations. These and kindred questions may be dealt with if and when occasion arises.

"Our opinion upon this branch of the case is that, pending the continuance of State prohibition as prescribed by the enabling act, the provisions of the act of 1895 respecting intrastate transactions are not enforceable."

The court in another part of its decision says:

"The authority of Congress to preserve in force existing laws or enact new ones after statehood with reference to traffic or intercourse with the Indians, including the liquor traffic, was well established, the power of Congress over such commerce being plenary and independent of State boundaries."

In the eastern district of Oklahoma there are the Five Civilized Tribes, comprising over 100,000 Indians, having valuable lands, with oil, gas, and minerals. Furthermore, there have been agreements made with these Indians whereby it is the legal, as well as the moral, obligation of Congress to afford them protection from intoxicants. An agreement was made with the Seminoles in 1897 (30 Stats., 567), with the Creeks in 1901 and 1902 (31 Stats., 861, and 32 Stats., 500), with the Choctaws and Chickasaws in 1897 (30 Stats., 507) and in 1902 (32 Stats., 641), and with the Cherokees in 1902 (32 Stats., 716). Congress, recognizing its duty to these Indians, provided that of the \$25,000 appropriated for the suppression of the liquor traffic among the Indians in 1907, \$15,000 should be expended in the Indian Territory, and the Indian Office, recognizing this same duty and the necessity therefor, has expended large proportions of this appropriation in that section of the country. It is absolutely necessary, in order that our work for these people may be effective and their property interests protected, that this item be enacted.

There is also included in this item one applicable to the New York Indians. In *Benson v. United States* (44 Fed., 178), it is held that the Indian lands in New York are not Indian country within the meaning of the Federal Statutes prohibiting the introduction of intoxicants. Much difficulty has been experienced in suppressing the liquor traffic among the New York Indians because of the inability to prosecute persons found guilty of introducing intoxicating liquors on reservations. The enforcement of State laws has been somewhat lax owing to the doubtful question of jurisdiction over these lands, and there is a great need that the Indian reservations within New York be declared to be "Indian country" within the meaning of the Federal Statutes prohibiting the introduction of intoxicating liquors within such country. One of the chief causes for complaint against conditions on the Indian reservations in that State is directly traceable to the use of intoxicating liquors, and the interests of the Indians will be greatly promoted if the persons found guilty of introducing whisky can be prosecuted under Federal laws.

There is no doubt about the jurisdiction of the Federal Government over these Indians as the cases of *Shongo v. Miller* (45 A. D., 339), *Ryan v. Knorr* (19 Hun., 5403, and *Cusick v. Daly* (212 N. Y., 183), will show. Also the cases

of U. S. v. 43 Gallons of Whiskey (93 U. S., 188) and U. S. v. Sandoval (231 U. S., 28).

For the same reason it is also necessary that the offense of furnishing liquor to these Indians be punished in the Federal Courts. These Indians are in great need of Federal protection and by Congress extending the Federal laws, insofar as the traffic in intoxicants is concerned, much good will result. It is essential that it be made an offense to furnish liquor to these Indians off of the reservation as well as to introduce it into their country.

The CHAIRMAN. With reference to the New York Indians, is it not a fact that they have been prosecuted for selling liquor to the Indians under the State laws?

Mr. MERITT. They have been prosecuted in certain cases, but we find it difficult to protect the Indians under the State laws.

The CHAIRMAN. The State courts are more lax than the Federal courts would be relative to protecting the Indians?

Mr. MERITT. Yes, sir. A decision has recently been rendered by the attorney general of the State of New York wherein he holds that the Federal Government and not the State government has jurisdiction over those Indians to a very large extent.

Mr. CARTER. How is that, Mr. Meritt?

Mr. MERRITT. The attorney general of the State of New York has recently rendered a very important decision in regard to the New York Indians, respecting the jurisdiction of the State and Federal Governments. I will be glad to include that decision in the record, if it is agreeable to the committee.

The CHAIRMAN. Is it a lengthy decision?

Mr. MERITT. It is not very long, but very important, and I think it will be interesting to the committee.

The CHAIRMAN. All right.

(The decision referred to by Mr. Meritt follows:)

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF NEW YORK. UNITED STATES OF AMERICA EX REL JOHN D. LYNN AGAINST FREDERICK W. HAMILTON AND OTHERS.

Habeas corpus to inquire into the legality of the arrest and imprisonment of Wilford Kennedy and Nelson Hare, charged with violation of the conservation law of the State of New York. Upon the hearing the relator appeared by George P. Decker, Esq., and the respondent by A. F. Jenks, deputy attorney general. After hearing oral arguments the court held the case to enable counsel to prepare and file with the court written briefs on the law questions involved. The attorney general, having reached the conclusion that the prisoners should be discharged, has prepared the following memorandum, to be filed with the other papers herein.

GENERAL STATEMENT.

Wilford Kennedy and Nelson Hare are Indians by blood and members of the Seneca Nation residing on the Cattaraugus Reservation, located in the counties of Erie and Cattaraugus in the State of New York. These Indians were arrested April 21, 1915, by Leon W. Paxon and Albert Stadelmeir, State game protectors, while fishing with a net in Cattaraugus Creek and within the boundaries of the Cattaraugus Reservation, and were charged with fishing with a net, or seine, without a license and in violation of section 176 of the conservation law of the State of New York. While said Indians were being arraigned before Chief Justice William Brennan, in the city court of Buffalo, a writ of habeas corpus was sued out at the instance of the United States Government to test the legality of the arrest and imprisonment. The facts, as above outlined, are undisputed.

The precise question is whether the conservation law of the State of New York extends to Indians maintaining their tribal relations and residing upon an Indian reservation within the limits of the State.

The status of Indian tribes and their relation to the Federal and State governments have frequently been subjects of judicial investigation. It is necessary to examine somewhat in detail the early history of these tribes and the dealings of the General and State Governments with them.

At the time of the formation of the Federal Government several of the Indian tribes found here were powerful and warlike, and it was found expedient to treat them as possessing some of the attributes of sovereignty and to deal with them as nations by entering into treaties with them. Later, treaties with the Indian tribes were superseded by Federal legislation by which the remnants of the tribes were subjected to the General Government and located upon Indian reservations.

It has been the policy of the General Government to guarantee to the Indian tribes control over their internal and social affairs, including jurisdiction in certain cases to punish crimes when committed upon the reservations. This policy was manifested by Congress in the enactment of section 2146 of the Revised Statutes; and for the purpose of their protection and to allow them to pursue their accustomed life unmolested, Congress, under its constitutional power to regulate commerce with the Indian tribes, passed appropriate legislation forbidding general intercourse between them and the whites.

I.

THE ATTITUDE OF CERTAIN STATES.

Several of the States, however, did not concede that the power granted to the Federal Government to make treaties, and to regulate commerce with the Indian tribes deprived them of jurisdiction over them when residing upon reservations within their borders, and therefore sought by statute to extend their laws over them.

Thus in *State v. Tassols* (Dud., 239), a Georgia case, it was held that Indians were not constitutional objects of the treaty-making power of the United States, but were wards of the State within whose boundaries they were domiciled.

In *State v. Tachanotah* (64 N. C., 614), it was held that the criminal laws of North Carolina extended over the Indian tribes. A similar doctrine was laid down by the Supreme Court of Wisconsin. *State v. Doxtater*, 47 Wis., 278, and *State v. Harris*, 47 Wis., 298). And in New York it was held by the county court of Cattaraugus County, that Indians residing upon reservations within the State were subject to the forest, fish, and game law of the State. (*People v. Pierce*, 18 Miss., 83).'

II.

THE FEDERAL GOVERNMENT HAS ALWAYS CLAIMED GUARDIANSHIP AND CONTROL OVER THE INDIAN TRIBES.

It clearly appears from the Federal decisions that the Indian tribes, while maintaining their tribal organizations and residing on reservations set apart for them by, or with the consent of, the General Government, have always been regarded as wards of the Nation, and not subject to State laws, even when their reservations are located within the borders of a State.

One of the first cases in which the status of Indian tribes was considered by the Supreme Court of the United States is *Cherokee Nation v. The State of Georgia* (5 Peters, 1). This was a case where the Cherokee Nation moved for an injunction to prevent the enforcement of certain acts of the Legislature of the State of Georgia in the territory of the Cherokee Nation. This tribe claimed the right to proceed in the Supreme Court of the United States as a foreign State against the State of Georgia. The injunction was denied. The court said:

"The condition of the Indians in relation to the United States is, perhaps, unlike that of any two other people in existence. * * * Though the Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our Government; yet it may well be doubted whether these tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations; they may more correctly perhaps be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will which must take effect in point of possession when their right of possession ceases. Meanwhile, they

are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.

"They look to our Government for protection; rely upon its kindness and power; appeal to it for relief to their wants; and address the President as their great father."

And so in the case of *Worcester v. Georgia* (6 Peters, 515), where the plaintiff had been convicted of the offence of residing in the Cherokee Nation without a license, contrary to a statute of the State of Georgia. The United States Supreme Court set aside the conviction. Chief Justice Marshall in a most able and exhausted opinion said:

"The Cherokee Nation then is a distinct community, occupying its own territory, with boundaries accurately described in which the laws of Georgia can have no force. * * * The whole intercourse between the United States and this nation is by our Constitution and laws vested in the Government of the United States."

Later, the States of New York and Kansas passed statutes taxing the lands of Indians within their borders, which statutes were upheld by the courts of those respective States. These decisions were both reversed by the United States Supreme Court. In the case of *The Kansas Indians* (5 Wall., 755), the court said:

"If the tribal organizations of the Shawnees is preserved intact, and recognized by the political department of the Government as existing, then they are a 'people distinct from others,' capable of making treaties, separated from the jurisdiction of Kansas, and to be governed exclusively by the Government of the Union. If under the control of Congress, from necessity there can be no divided authority. If they have outlived many things, they have not outlived the protection afforded by the Constitution, treaties, and laws of Congress. It may be that they can not exist much longer as a distinct people in the presence of the civilization of Kansas, 'but until they are clothed with the rights and bound to all the duties of citizens,' they enjoy the privileges of total immunity from State taxation."

The case of *The New York Indians* (5 Wall., 761), was decided at the same time.

III.

THE POWER OF CONGRESS TO GOVERN INDIAN TRIBES BY LEGISLATION AND THEREBY TO ABROGATE OR SUPERSEDE INDIAN TREATIES HAS BEEN UPHOLD BY THE SUPREME COURT.

This power was first exercised in 1871. By an act of Congress of March 3 of that year section 2079 was added to the Revised Statutes, as follows:

"No nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty."

Since 1871 Congress has governed the Indian tribes by direct legislation.

For many years Indian tribes residing on reservations were permitted to have jurisdiction over their internal and social affairs, and were not in this respect interfered with by the Federal Government. The policy of the Government in this respect has been uniform.

Later, however, it appeared to Congress that the policy of allowing the tribes to deal with their criminals according to their local customs was not conducive to the best interest of the tribes themselves or the white population surrounding them. Crimes of a more serious nature committed by one tribal Indian against another were not dealt with so as to meet the seriousness of the situation. The necessity for some action on the part of the Federal Government was forcibly brought to its attention in the case of *ex parte Crow Dog* (109 U. S., 556).

In that case the petitioner, a member of the Sioux Nation of Indians, was convicted in the district court of Dakota for the murder of a member of the same tribe. On appeal to the Supreme Court of the United States the conviction was set aside for the reason that under section 2146 of the Revised Statutes one Indian committing a crime against another Indian could not be punished in the courts of the United States.

This case gave rise to the passage of section 9 of the act of Congress of March 3, 1885, now known as section 328 of the United States Criminal Code. That act provides:

"All Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without the Indian reservation, shall

be subject therefor to the laws of said Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of the said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States and within the limits of an Indian reservation shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States."

This enactment specifically vested the Federal courts with exclusive jurisdiction of the crimes therein mentioned, even when committed upon reservations wholly within the States.

The constitutionality of this act was immediately tested in the United States Supreme Court in the case of *United States v. Kagama* (118 U. S., 375). The question arose upon a demurrer to an indictment against two Indians for the murder of another Indian on the Hoopa Valley Reservation, in the State of California. The defendant in error contended that the act was unconstitutional as being an invasion of State rights. The court held the act to be constitutional.

In this case the status of tribal Indians in their relation to the Federal and State Governments is completely developed and defined in plain and unmistakable language. In the learned opinion delivered by Mr. Justice Miller, upholding the constitutionality of the statute, he says:

"It seems to us that this (meaning the act of 1885, above referred to), is within the competency of Congress. Those Indian tribes are the wards of the Nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States—and receive from them no protection. Because of the local ill feelings, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness so largely due to the course of dealings of the Federal Government, and the treaties in which it has been promised, there arises the duty of protection and with it the power. This has always been recognized by the Executive and by Congress, and by this court, whenever the question has arisen."

In concluding his opinion he says:

"The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that government, because it has never existed anywhere else, because the theater of its existence is within the geographical limits of the United States, and because it has never been denied, and because it alone can enforce its laws on all the tribes."

The opinion also makes it clear that the decision is not placed upon the ground of the constitutional grant of power to regulate commerce with the Indian tribes, but upon the broad ground that the Federal Government, because of its peculiar relationship to the Indian tribes, is bound to assume exclusive control over them.

This case has been repeatedly cited with approval by the United States Supreme Court in recent decisions, and the policy of the Federal Government therein laid down has been strictly followed.

In the case of *Cusick v. Daly* (212 N. Y., 183) the court of appeals followed the *Kagama* case. It was contended in that case that there was a distinction between Indian tribes whose reservations are the direct gift of the Federal Government and those whose reservations are derived from a State or from other sources. Judge Werner, writing for the court in this connection, said:

"We find no such distinction in the statute, and we can think of none that logically differentiates one from the other."

IV.

THE PRINCIPLE THAT A STATE MAY ACT IN THE ABSENCE OF AFFIRMATIVE LEGISLATION ON THE PART OF CONGRESS IS NOT APPLICABLE TO THE GOVERNMENT OF TRIBAL INDIANS.

It might be claimed that a State may exert its authority over tribal Indians, except as to those major crimes specifically mentioned in section 328 of the United States Criminal Code, on the theory that there being no express inhibi-

tion against the State that Congress by inaction has tacitly authorized it so to act.

This is a doctrine well recognized and often applied to cases which involve questions of interstate commerce, and even to other matters.

It is predicated upon the theory that where the States have original jurisdiction over a subject, but, by adopting the Federal Constitution, granted to the Federal Government power to deal with that subject, the jurisdiction of Congress is not exclusive until Congress has, by appropriate legislation, exercised its power.

This doctrine was applied in the case of *Manchester v. Massachusetts* (139 U. S., 240), where the Supreme Court upheld the right of the State in the absence of Federal legislation upon the subject, to control the Menhaden fisheries in Buzzards Bay, a place conceded within the admiralty and maritime jurisdiction of the United States.

It has never been applied to matters which from necessity rest exclusively with the Federal Government; for example, the power to coin money, establish post offices, declare war, etc. The application of this principle to the government of Indian tribes has never found support in the decisions of the courts, but the doctrine was alluded to in the opinion of Judge Werner in the *Daly* case (supra).

No support for such a contention can be found in the opinion of Mr. Justice Miller in the *Kagama* case. If the Indian tribes are wards of the Federal Government and owe no allegiance to any State, and if the power over the Indian tribes rests with the Federal Government because it exists nowhere else, and if from necessity there can be no divided authority, then the jurisdiction of Congress must be exclusive.

V.

FEDERAL AND STATE AUTHORITIES HOLD THAT STATE LAWS DO NOT APPLY TO INDIANS LIVING IN THEIR TRIBAL RELATIONS.

In the case *In re Blackbird* (109 Fed., 139), where an attempt was made to punish a tribal Indian for a violation of the game laws of the State of Wisconsin, Judge Burr, of the United States District Court, after fully reviewing the *Kagama* case, said:

"This case should and does settle by the highest authority that, Congress having taken jurisdiction of crimes committed by Indians within the limits of an Indian reservation, that jurisdiction is exclusive, and that the State law does not extend to these cases."

The doctrine is well enunciated in the case of *State v. Campbell* (53 Minn., 354), where an attempt was made to punish a tribal Indian for committing adultery. Judge Mitchell, speaking for the court, said:

"It would never do to have both the United States and the States legislating upon the same subject. By the act of 1885, presumably, Congress has enumerated all the acts which, in their judgment, ought to be made crimes when committed by Indians, in view of their imperfect civilization. For the State to be allowed to supplement this by making every act a crime on their part which would be such if committed by a member of our more highly civilized society would be not only inappropriate, but also to practically arrogate the guardianship over these Indians, which is exclusively vested in the General Government."

In the case of *Peters v. Malin* (111 Fed., 244), which involved the question whether the plaintiff, a tribal Indian, had violated a statute of the State of Iowa. It was there held—

"That so long as the Indians retain their tribal relations and continue to be wards of the National Government the control and management of them, with respect to their tribal affairs, is in the Federal Government, irrespective of the question of the title of the lands upon which for the time being they may be located."

In this opinion Judge Shiras advances a most cogent reason for upholding the exclusive jurisdiction of the Federal Government when he says:

"It is apparent that if the various provisions of the laws of Iowa are to be held applicable to these Indians and their property, then their tribal condition will be speedily broken up, not in pursuance of the acts of the National Government, but through the enforcement of the laws of the State. * * *"

And further on in his opinion he adds:

"Although these Indians reside within the territorial limits of the State of Iowa, they are, so far as their ordinary life is concerned, without the plane of legislative jurisdiction of the State."

VI.

POWER TO TERMINATE FEDERAL GUARDIANSHIP OF TRIBAL INDIANS AND TO BREAK UP THE TRIBAL ORGANIZATION IS EXCLUSIVELY IN THE FEDERAL GOVERNMENT.

From the more recent enactments of Congress relative to Indian allotments it is apparent that a new policy looking toward the breaking up of the tribal relations, freeing them from the national guardianship, and charging them with the duties and obligations of citizens is being inaugurated.

Congress has this power and may abandon its guardianship at any time. The States, however, have no power to disintegrate tribal relations by extending State laws over tribal Indians.

As was said in the case, *Matter of Heff* (197 U. S., 499) :

"It is for Congress to determine when and how the relationship of guardianship shall be abandoned. It is not within the power of the courts to overrule the judgment of Congress.

VII.

CONSERVATION LAWS DO NOT EXTEND OVER THE INDIANS RESIDING IN TRIBAL RELATIONS UPON RESERVATIONS WITHIN THE BORDERS OF NEW YORK STATE.

Accepting as the law of the land the principles laid down by the courts of the United States as to the status of the tribal Indians within its borders, there seems to be no escape from the conclusion that the conservation law of the State of New York does not apply to tribal Indians residing on their reservations within the territorial limits of the State.

Mr. CARTER. Are these Indians citizens of the State of New York?

Mr. MERITT. They are in rather an anomalous position. I do not believe that they are technically citizens of the State of New York. They are supposed to be noncitizens.

The CHAIRMAN. Do they vote and hold office?

Mr. MERITT. No, sir; they do not vote.

The CHAIRMAN. Do they attend the public schools?

Mr. MERITT. Some of them attend the public schools.

The CHAIRMAN. Have you paid for their education in the public schools?

Mr. MERITT. No, sir.

The CHAIRMAN. Then, the State has assumed jurisdiction in that respect?

Mr. MERITT. Yes, sir; it has assumed certain jurisdiction over the Indians. This recent decision of the Attorney General may bring up some serious questions in regard to these Indians and their future status.

Mr. CARTER. My understanding has always been that the Indians of the State of New York were citizens.

Mr. MERITT. There is a legal question whether they are citizens. They are not permitted to vote, as a general thing.

The CHAIRMAN. Are they taxed by the State?

Mr. MERITT. Their tribal property is not taxed. Their personal property may be taxed.

The CHAIRMAN. Is their real estate taxed?

Mr. MERITT. No, sir.

The CHAIRMAN. Just the personal property is taxed by the State?

Mr. MERITT. Yes, sir.

The CHAIRMAN. That is certainly an anomalous position.

Mr. NORTON. How much of the money under this appropriation is used for enforcing the Federal law outside of the Indian reservation and at some distance from where any Indians reside?

Mr. MERITT. Very little of the appropriation. We use this appropriation for protecting the Indians from abuses of the liquor traffic. We have used a good part of this appropriation in the last year in the State of Minnesota in enforcing the provisions of the treaty of 1855.

Mr. NORTON. Has any of the money under this appropriation been used in enforcing the law in the iron mining district in northern Minnesota north of Duluth?

Mr. MERITT. We have used some of this appropriation in enforcing the provisions of the treaty of 1855, which prescribes a certain territory wherein the liquor traffic shall be prohibited.

Mr. NORTON. Has any of this money been used in enforcing the law in the Hibbing district?

Mr. MERITT. Yes, sir. The office has recently enforced the law in the city of Hibbing because that city is included within the treaty territory.

Mr. NORTON. Is it not a fact, as a matter of fact, that no Indians reside within 100 miles of Hibbing?

Mr. MERITT. Indians visit the city of Hibbing and whisky has been sold to them in that city; that city is frequently visited by Indians.

Mr. NORTON. I personally do not know anything of the actual facts in the case only from hearsay, but my advice is that no Indians live in that section of the country.

Mr. MERITT. We have here this morning Mr. Larson, who is our chief liquor-suppressing officer. He has been there and has had charge of the suppressing work, and I will ask Mr. Larson to answer any questions that you might wish to ask, if it is agreeable to the committee.

Mr. NORTON. He should be able to give us some first-hand information.

What is the condition as to the enforcement of the law in the Hibbing district as it applies to actual Indians?

Mr. LARSON. The Indians visit Hibbing.

Mr. NORTON. Where do they come from?

Mr. LARSON. The Nett Lake Reservation and the Vermilion Lake Reservation.

Mr. NORTON. How far away is the Nett Lake Reservation?

Mr. LARSON. About 50 miles.

Mr. NORTON. In what direction?

Mr. LARSON. North; almost due north.

Mr. NORTON. Are they Canadian Indians?

Mr. LARSON. No, sir; American Indians, Chippewas.

Mr. NORTON. From what other reservation do they come?

Mr. LARSON. The Vermilion Lake Reservation, about 40 miles away or such a matter. I was there in the fall and there were quite a number of Indians from Vermilion Lake Reservation, but none from Rice Lake Reservation, 12 miles from Vermilion and probably 35 miles from Hibbing.

Mr. NORTON. How many Indians are there in those districts?

Mr. LARSON. I think about 600 under the jurisdiction of the Nett Lake Agency and a comparatively small number at the Vermilion Lake Reservation. I do not know the number there. There is a boarding school at Vermilion Lake and a number of what might be termed squatters in the vicinity of the boarding school. I think they really belong to the Nett Lake Agency.

The CHAIRMAN. We have a reservation in northern Washington known as the Colville Agency, and there is a reservation south known as the Okanogan Reservation. When we were out there several years ago examining the condition of the Indians we found several saloons in Okonagan and they were having quite a lot of trouble with the people on the reservation and in this town of Okonagan. I desire to know what has been done with reference to that matter. There were some prosecutions pending, and the matter was in the court. Since that time I have not ascertained what has become of the question, whether they have the right under the Federal law to prosecute the Indians who go across the line and patronize saloons outside of the reservation. There was quite a controversy.

Mr. MERITT. That brings up quite a serious legal question.

The CHAIRMAN. Has it ever been finally determined?

Mr. MERITT. I do not think it has been finally determined. I would like for Mr. Larson to tell the committee what he knows about the situation.

Mr. LARSON. With reference to the Colville Reservation, part of the Indians are classed as citizens. We can not prosecute the sale of liquor in the Federal courts. That applies, as I understand it, to the northern half of the reservation, to those living on the northern half of the reservation. The conditions in the vicinity of Okanogan have been materially improved in the last year or two by our service, and they are not quite as bad as they were.

The CHAIRMAN. You assume jurisdiction of that territory for the purpose of protecting the Indians from procuring liquor and getting drunk at these saloons off the reservation?

Mr. LARSON. We have assumed no jurisdiction directly over the situation off the reservation; that has been done under the laws of the State of Washington.

The CHAIRMAN. Has the State entertained jurisdiction?

Mr. LARSON. I think they do in most of the liquor cases.

The CHAIRMAN. That is the situation that Mr. Meritt had in mind.

Mr. MERITT. Wherever we can not enforce the Federal law because of the peculiar conditions, for example in this case here, we resort to the enforcement of the State law, and in a good many of the States where they have a large number of Indians they have enacted State laws for the protection of the Indians, and we have co-operated with the local officials in enforcing both the local and Federal laws.

The CHAIRMAN. I think it is very commendable in the department to endeavor to protect the Indians under any law they can.

Mr. MERITT. It is necessary that we have an increased appropriation for the work because we have very greatly increased our operations under the laws passed by Congress, which it is our duty to enforce. Commissioner Sells has taken an unusually active interest in enforcing the liquor laws, and he is particularly interested in this appropriation and has requested me to do everything that I can to

submit all the facts to the committee so as to get this appropriation of \$150,000. We need the full amount requested.

The CHAIRMAN. With reference to the Indian Territory, does your police force there, who protect the Indians against the sale of liquor, work in connection and harmony with the State officers? That being a prohibition State it is unlawful to sell to anyone, either white, black, or red. Do you find any trouble between the two sets of officers, Federal and State officers, in preventing the sale of liquor?

Mr. MERITT. No, sir. We instruct our officials under the Federal Government to cooperate with the State officials and keep in close touch with them. There is cooperation practically everywhere, so far as our force is concerned.

The CHAIRMAN. Do you adopt there the same course that you spoke of at Okanogan, Wash., to prosecute under the laws of the State in the State courts as well as under the Federal laws in the Federal courts?

Mr. MERITT. Yes, sir.

The CHAIRMAN. That is the cooperation that you speak of?

Mr. MERITT. Yes, sir.

Mr. CARTER. As a matter of fact, all the prosecutions in Oklahoma are under the Federal laws, are they not?

Mr. LARSON. There are quite a number of State prosecutions.

Mr. CARTER. Is it necessary under the law to resort to the State courts?

Mr. LARSON. Yes, sir; under the rulings of the court it is necessary.

Mr. MERITT. That is the reason we are asking for this appropriation.

Mr. NORTON. Referring again to the treaty governing the sale of liquor on the Indian reservation near Hibbing, Minn., can you tell the committee when that treaty expires or how long it will apply to that particular territory?

Mr. LARSON. It will apply to that territory "until Congress otherwise provides," that is the language of the treaty.

Mr. NORTON. In the event that the Indians in that district should become citizens, what then would be the force of the treaty?

Mr. LARSON. I see no reason why that should affect the force of the treaty at all. I might say in that connection that there are nearly twice as many Indians now in that territory as when the treaty was made in 1855. There are about 7,900 Indians living in that territory at the present time.

Mr. CARTER. What you intend to do by the reenactment of the act of March 1, 1895, is to exclude the interchange of liquors across the line from what was Oklahoma to what was the Indian Territory?

Mr. LARSON. Yes, sir.

Mr. CARTER. And the courts have held, you say, that that can not be done under the law as it exists now?

Mr. LARSON. Yes, sir.

Mr. MERITT. We want to place all parts of Oklahoma on the same footing.

The CHAIRMAN. And it is necessary to repeal that law in order to do it?

Mr. MERITT. To extend this law to eastern Oklahoma.

Mr. CARTER. You want to extend this law to old Oklahoma?

Mr. LARSON. To eastern Oklahoma.

Mr. CARTER. That is what I understood Mr. Meritt to say?

Mr. MERITT. Yes, sir; to eastern Oklahoma.

Mr. CARTER. You say that you want to put all of Oklahoma on the same basis?

Mr. MERITT. Yes, sir.

Mr. CARTER. All that is necessary to do is to extend that to old Oklahoma, western Oklahoma?

Mr. MERITT. No, sir. We want to put all parts of Oklahoma on the same basis.

Mr. CARTER. If what Mr. Meritt says is true, I do not understand what Mr. Larson meant to say.

Mr. MERITT. We want to extend the provisions of this law to eastern Oklahoma so that the law will apply to both.

Mr. CARTER. Is that it?

Mr. LARSON. I think I can clear up the situation. The purpose is to apply this law to eastern Oklahoma, which was formerly the Indian Territory, and to make the conditions existing there the same as on the Indian reservations in the western part of the State.

Mr. CARTER. In other words, to prevent the shipment of whisky from old Oklahoma to old Indian Territory?

Mr. LARSON. Yes, sir.

Mr. CARTER. Which the present law you say will not do?

Mr. LARSON. No, sir.

Mr. CARTER. Is the act of March 1, 1895 now in force?

Mr. LARSON. It is enforced according to the decision of the courts so far as it affects interstate shipments only.

Mr. CARTER. Would it be more rigidly enforced by the adoption of this clause which you have submitted?

Mr. LARSON. That is based on the decision of the Supreme Court in the Joplin Mercantile case, in which decision they say that Congress has the power to reenact that law. The purpose of inserting it here is to comply with the suggestion of the Supreme Court in that case.

Mr. MERITT. We have also taken up this proposed legislation with the United States district attorney for the district of Oklahoma, and he approves this proposed legislation.

The CHAIRMAN. Would the prosecution against the Comanches, Kiowas, and other tribes in old Oklahoma be governed by the same law as the prosecution would in eastern Oklahoma, if we adopted this amendment?

Mr. LARSON. No, sir.

The CHAIRMAN. What would be the difference?

Mr. LARSON. There would be a special act, this act of March 1, 1895, which would apply to the sale of liquor of all kinds to the Indians or to any person in the eastern district of Oklahoma, while as to the western district the act of January 30, 1897, would apply.

The CHAIRMAN. I would like to know why it is that the western district can ship whisky and have been permitted to sell it in eastern Oklahoma, to the old Indian tribes, under what law or construction of law they are able to do that?

Mr. LARSON. I do not know that I can answer that question.

The CHAIRMAN. That is what I do not understand, why it is necessary?

Mr. LARSON. The Supreme Court in the Joplin Mercantile case held that the enabling act, admitting Oklahoma into the Union, particularly remitted to the State all intrastate prosecutions during the pendency of constitutional prohibition in the State of Oklahoma.

Mr. CARTER. I can not understand how this provision is going to help you. You simply provide for the reenactment of section 8 of the act of March 1, 1895, which section, you say, is in full force and effect now.

Mr. LARSON. That section is in full force and effect in so far as it relates to prosecutions from without the State of Oklahoma. In other words, if a man takes liquor, we will say, from Kansas City, Mo., to some point in the Indian Territory, formerly he could be prosecuted in the Federal courts for such offense, under section 8 of the act of March 1, 1895. If he takes the liquor from Oklahoma City (old Oklahoma) over to Muskogee or any other point in the eastern district of Oklahoma, it is under the Federal law as interpreted by the Federal courts.

Mr. CARTER. Will that make it an offense?

Mr. LARSON. Yes, sir; I think so.

Mr. CARTER. Just simply reenact what is now in force, as I understand your position?

Mr. LARSON. The point would be this, as I see it, that the reenactment of section 8 of act of March 1, 1895, will make in force at the present time a law prohibiting the carrying or assisting in carrying of liquor to what was formerly the Indian Territory, without regard from whence it comes. There was no limitation in the wording of the statute as it was prior to the enabling act.

Mr. CARTER. What act?

Mr. LARSON. The enabling act which admitted Oklahoma to the Union as a State.

Mr. CARTER. What part of the enabling act?

Mr. LARSON. That portion of the act which remits to the State certain powers with reference to prohibition.

Mr. CARTER. Do you have much trouble with whiskey being shipped from one side of the State to the other?

Mr. LARSON. Yes; practically all of the liquors, or the greater majority of the liquors, which come into the eastern district of Oklahoma come from the western side.

Mr. CARTER. You take down in the vicinity of Ardmore, Hugo, Durant, and Idabel, where many of the Choctaw and Chickasaw Indians live, you do not have any shipments there, do you?

Mr. LARSON. They come from Shawnee into that territory, into the Seminole country particularly.

Mr. CARTER. I am talking about the Choctaw and Chickasaw country; include McAlester, Wilburton, and Poteau?

Mr. LARSON. That comes largely from Texas. We have considerable operations there.

Mr. CARTER. What part of the country do most of these shipments come from?

Mr. LARSON. They come from Keystone, Okla., Yale, Okla., Cleveland, Okla., Shawnee, Okla., and Oklahoma City.

Mr. CARTER. Does any of it come from Tulsa?

Mr. LARSON. It goes to Tulsa.

Mr. CARTER. One would think from reading the papers that Tulsa was a sort of headquarters.

Mr. LARSON. We have some understanding of that kind, too, much to our sorrow.

Mr. CARTER. I have seen a great deal in the papers concerning Mr. Creekmore's career. These statements set out that he had arrangements with concerns in Missouri to bring this whisky in.

Mr. LARSON. Mr. Creekmore operates a wholesale establishment himself at Joplin, Mo., under the name of the Milwaukee Beer Co., and his operations in Oklahoma are largely in the line of soliciting orders at the present time.

Mr. CARTER. He does not ship across the line?

Mr. LARSON. Not directly; it is indirectly to these points that we have mentioned.

Mr. MERITT. In connection with this item I would like to state the number of officials and officers connected with the work. We have 1 chief special officer, 2 assistant chief special officers, 17 special officers, 2 clerks, 2 assistant clerks, and 72 deputy special officers, who receive either compensation or expenses for services rendered.

Mr. CARTER. Do not the deputy United States marshals give you considerable assistance?

Mr. MERITT. Oh, yes.

The CHAIRMAN. Is there any chance to make a reduction in the item carried here because of the assistance received from those officers?

Mr. MERITT. No, sir; we have been receiving that assistance right along.

The CHAIRMAN. The next item relates to the relief of distress among Indians:

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from sanatoria, \$300,000: *Provided*, That not to exceed \$90,000 of said amount may be expended in the construction and equipment of new sanatoria at a unit cost of not exceeding \$15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *And provided further*, That hereafter physicians regularly employed in the Indian Service may, in the discretion of the Secretary of the Interior, be allowed in addition to annual leave educational leave not to exceed 15 days per calendar year, such leave to be cumulative for two years, for postgraduate work.

What justification have you for that?

Mr. MERITT. We offer the following justification, Mr. Chairman, for this item:

Relieving distress and prevention, etc., of diseases among the Indians.

| | | |
|-----------------------------------|--------------------------|----------------|
| Fiscal year ending June 30, 1916. | Amount appropriated----- | \$300, 000. 00 |
| <hr/> | | |
| Fiscal year ended June 30, 1915: | | |
| Amount appropriated----- | | 300, 000. 00 |
| Amount expended----- | | 228, 766. 17 |
| <hr/> | | |
| Unexpended balance----- | | 71, 233. 83 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc..... | \$63,391.29 |
| Traveling expenses..... | 13,314.56 |
| Transportation of supplies..... | 745.50 |
| Heat, light, and power (service)..... | 382.43 |
| Telegraph and telephone service..... | 270.17 |
| Printing, binding, and advertising..... | 326.77 |
| Subsistence supplies..... | 18,872.11 |
| Dry goods, clothing, etc..... | 7,742.07 |
| Forage..... | 1,198.24 |
| Fuel..... | 3,248.99 |
| Stationery and office supplies..... | 271.80 |
| Educational supplies..... | 243.60 |
| Medical supplies..... | 5,989.63 |
| Equipment, material, etc..... | 13,900.65 |
| Construction..... | 72,571.35 |
| Repairs (to plant)..... | 20,014.48 |
| Rent..... | 46.32 |
| Improvements on land..... | 3,500.00 |
| Miscellaneous..... | 2,736.21 |
| | 228,766.17 |

NOTE.—Of the unexpended balance there are outstanding obligations on account of construction work amounting to \$42,300.81.

For relieving distress and prevention of disease among Indians, the same amount is requested as was appropriated for the fiscal year 1915, namely, \$300,000. Of this amount, it is proposed to expend \$90,000 for the erection and equipment of six new hospitals, at a cost of not to exceed \$15,000 each. This will leave \$210,000 for other purposes.

The item of salaries, approximately \$63,391.29, spent during the fiscal year 1915, was in the payment of salaries of seven traveling special physicians who are eye specialists and who are engaged in the campaign against trachoma, and seven traveling dentists, six nurses, and two inspectors. There is also included the salaries of employees engaged in health work at the East Farm Sanatorium, Fort Lapwai Sanatorium, Sac and Fox Sanatorium, and the Laguna Sanatorium. Half the salary of the nurse and field matron at Tongue River is also included. If the specific appropriation requested for the Fort Lapwai and the Sac and Fox Sanatoriums are enacted, the salaries of employees at these institutions, amounting to \$25,180, will be paid from such specific appropriations and not from the general appropriation.

These specific appropriations requested for the Fort Lapwai and for the Sac and Fox Sanatoria are \$40,000 for the former and \$25,000 for the latter. This apparent saving to the general appropriation will, however, be more than offset by the necessity for maintaining six additional hospitals now under construction at Mescalero, Pima, Blackfeet, Carson, Turtle Mountain, Cheyenne, and Arapaho, which, it is expected, will be supported from the general appropriation, as well as the hospitals at Red Lake and Fond du Lac, if there are no other funds available. The six hospitals above referred to have an average capacity of 20 patients. The capacity of the hospitals at Red Lake and Fond du Lac are 30 each. In connection with the sanatorium at Pima there is supported in addition a camp hospital, the expenses of which are also paid from the general appropriation. It may be said in this connection that five sanatoria are to be completed during the present year at San Xavier, Hoopa Valley, Fort Apache, Pine Ridge, and Jicarilla. It will thus be seen that the demands on the appropriation will be heavier than before. The additional hospitals and the gradual extension of the work necessitate increased expenditures for the administration and operation.

In accordance with the provision of the act of Congress approved August 24, 1912 (37 Stats. L., 518, 519), a most thorough and extensive report upon the prevalence of contagious and infectious diseases among Indians was prepared by the Public Health Service, dated January 27, 1913, which was printed as Senate document No. 1038. The findings pursuant to this investigation fully conform with previous reports of the Indian Office sent to Congress recommending increased appropriations for medical and sanitary work among the Indians, and indicating the urgent need for the expenditure of considerable amounts for the carrying on of this work.

In addition to the support of the hospitals and the salaries of the traveling officials above referred to, the following mention is made of matters which will require especial attention during the fiscal year 1917.

Items in this appropriation are made for relieving distress of afflicted or destitute Indians in cases where it is found necessary to prevent suffering, or otherwise care for their physical well-being. It is necessary at times to place them in other than Government hospitals, where they may receive care, medical or surgical attention, and where their expenses must be paid from this fund. In other cases it is necessary to provide actual subsistence where other funds are not available.

The continuation of the campaign against trachoma and tuberculosis develops each year a widening sphere of action and calls for heavier expenditures for the employment of physicians and purchase of supplies. The purchase of vaccine is made from this appropriation.

A continued and persistent effort is necessary to instruct Indians in personal and domestic hygiene and to teach them measures necessary to guard against contagious and infectious diseases. Educative measures are found to be of great means of assistance in this direction, and this education should be more widely attempted by means of instruction, lectures, demonstrations, and such other means as may be found impressive in impressing upon the Indian the importance of these things.

Coincident with this teaching a constant effort is made to correct insanitary conditions in Indian homes, which are responsible in a large degree for the spread of trachoma, tuberculosis, and other infectious and contagious diseases. Where Indians have not the funds to their credit to make improvements necessary, the general appropriation is drawn upon. There will be purchased such items as screening, doors, double windows, etc. The disposal of sewage is on many reservations a serious question, and has been handled badly by the Indians in the past, with resultant contamination of water supplies, and a consequent high mortality. More attention will be paid to this matter in the future, and Indians will be encouraged to correct these conditions. Where Indians have not the funds necessary, the general appropriation will be drawn upon to purchase pumps, dig wells, and build sanitary outhouses.

During the course of the year there are frequent and numerous calls from the field to fight epidemics, for which emergency drugs, vaccines, and other supplies must be purchased. This calls, of course, for an immediate response.

The variety of expenditures from this appropriation is indicated by the above, but does not comprise all the calls on this appropriation, which arise during the course of the fiscal year. During the last few years the service has been impressed with the need for better facilities for carrying on the health work. It is believed that the recent increases in the appropriations have been the means of accomplishing much good, but the field is large and the experience of the present day indicates that the work of eradicating disease is slow and requires continued and persistent effort. In connection with the proviso:

"That hereafter physicians regularly employed in the Indian Service may in the discretion of the Secretary of the Interior be allowed in addition to annual leave, educational leave not to exceed 15 days per calendar year, such leave to be cumulative for two years, for postgraduate work."

it may be said that physicians in the Indian Service are in many instances far from railroad points and have no opportunity of attending county medical societies, and their salaries do not permit them to indulge to any great extent in the purchase of medical magazines, books, or other educational features. They are required to do general practice work as well as highly technical work, such as refraction and diseases of the eye, to which Indians are especially subject. They are often called upon to do emergency work of a surgical nature, as well as nose and throat work, which in the cities now falls to specialists. With the salaries paid these men, which are small in comparison than those paid for similar work in other branches of the Government service, they can not afford to take time off without pay to better fit themselves to do the classes of work mentioned. Postgraduate courses take at least six weeks. The object of the proviso therefore is to allow physicians, where they can be spared, educational leave for the purpose of doing post graduate work. This leave in addition to their annual leave will enable them to better fit themselves for the work they are called upon to do. This is in line with the trend of modern thought and will enable the physicians to keep up with the times and with the needs of their communities. At the present time school employees are entitled to this privilege when used for educational purposes, and the proviso here considered will

extend this privilege to agency and school physicians. In this connection the intention of the office is not to allow this privilege, however, unless employees agree to return to the service for a period long enough to reimburse the Government for the privilege extended.

We have changed the language somewhat of this item.

The CHAIRMAN. I see that the language is changed. The present law reads: "To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis," etc., and the language now is, "For the relief and care of destitute Indians not otherwise provided for," etc. Can you give us some reason why you have changed this language?

Mr. MERITT. There is really no change in the purpose of the legislation; it is simply a change of language so as to describe more nearly what we have been doing under the appropriation provided by Congress.

The CHAIRMAN. You have now done what you proposed to do under the old law as it exists?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Then why change it?

Mr. MERITT. In order to more clearly define the duties. There is also a new proviso connected with this legislation:

And provided further, That hereafter physicians regularly employed in the Indian Service may, in the discretion of the Secretary of the Interior, be allowed in addition to annual leave educational leave not to exceed 15 days per calendar year, such leave to be cumulative for two years for postgraduate work.

The CHAIRMAN. What is the necessity for that change?

Mr. MERITT. We have quite a large number of physicians in the service—about 200—and those physicians are located, usually, far removed from universities where they can take this postgraduate work. They get small salaries, the average salary being \$1,200, and this is to enable these physicians every two years to go to school and to take postgraduate work, and thus keep in touch with modern medical science. It will be helpful to the service and beneficial to the Indians, and it will keep our physicians right up to date.

Mr. CARTER. I notice, Mr. Meritt, that you have made up this bill from the bill which provided for the fiscal year ending June 30, 1915. That is the bill which was passed two years ago, is it not?

Mr. MERITT. Yes, sir. The joint resolution extended that bill.

Mr. CARTER. It extended the same bill over the present fiscal year?

Mr. MERITT. Yes, sir.

Mr. CARTER. I see that you have this language in the first proviso:

Provided, That not to exceed \$3,500 of the amount herein appropriated may be expended for the purchase of improvements on land to be deeded to the Government by the school board of district No. 57, State of Idaho.

Mr. MERITT. That is not connected with this item.

Mr. CARTER. No; that was one of the old items which was stricken out. What I wanted to ask you was what happened last year. Was that held to be a continuing appropriation or was that the end of that appropriation? Was that an appropriation for a specific year which was not continued by the joint resolution?

Mr. MERITT. That, of course, was simply for that specific year and was held not continuing.

Mr. CARTER. Then the one following it, relating to the Fort Spokane Military Reservation, was a specific appropriation and not continuing, I take it.

Mr. MERITT. Yes, sir.

Mr. CARTER. Then you have a still further proviso:

That not to exceed \$100,000 of the amount herein appropriated may be expended in the erection and equipment of hospitals for the use of Indians, and no hospital shall be constructed at a cost to exceed \$15,000, including equipment.

Was that a continuing appropriation?

Mr. MERITT. Yes, sir; that was held by the Comptroller to be a continuing appropriation.

Mr. CARTER. And it was carried on last year?

Mr. MERITT. It is being carried out in the present fiscal year.

Mr. CARTER. I suppose you have a statement of the amount expended?

Mr. MERITT. Yes, sir; we have a report to Congress.

Mr. CARTER. I was going to ask you whether you had a report as provided for by the proviso succeeding that?

Mr. MERITT. Yes, sir; it is found in House Document No. 139, Sixty-fourth Congress, first session. It is a short report, and, if agreeable, I will include it in the record at this point.

The CHAIRMAN. It is this proviso?—

That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection of hospitals as provided for herein.

Mr. MERITT. Yes, sir. The report referred to follows:

Statement of expenditures for the fiscal year 1915 from the appropriation "Relieving distress and prevention, etc., of disease among Indians," on account of the construction of hospitals, act of Aug. 1, 1914 (38 Stat L., 584), to and including Nov. 8, 1915.

| Superintendency. | State. | Advertis- ing. | Construc- tion. | Equip- ment. | Total. |
|---------------------------|-------------------|-------------------|--------------------|-----------------|--------------|
| Blackfeet..... | Montana..... | \$43. 04 | \$14,466. 67 | \$58. 63 | \$14,568. 34 |
| Carson..... | Nevada..... | 47. 03 | 14,666. 66 | 127. 35 | 14,841. 04 |
| Mescalero..... | New Mexico..... | 44. 57 | 5,786. 66 | 135. 00 | 5,966. 23 |
| Pima..... | Arizona..... | 46. 81 | ..... | 263. 25 | 310. 06 |
| Cheyenne and Arapaho..... | Oklahoma..... | 49. 05 | ..... | 148. 40 | 197. 45 |
| Turtle Mountain..... | North Dakota..... | 45. 57 | 9,779. 20 | 195. 70 | 10,020. 47 |
| Total..... | ..... | 276. 07 | 44,699. 19 | 928. 33 | 45,903. 59 |

Outstanding obligations on account of construction..... \$42,300. 81

NOTE.—The appropriation provided by Congress for the fiscal year 1915, act of August 1, 1914 (38 Stat. L., 584), under "Relieving distress and prevention, etc., of disease among Indians," amounting to \$300,000, includes an item of \$100,000 which may be expended in the erection and equipment of hospitals for the use of Indians. The ledgers of the Indian Office show that there has been expended up to the date of the preparation of this report, in the construction and equipment of hospitals, \$45,903.59, and that the outstanding obligations in connection with these hospitals amount to \$42,300.81, or a total of \$88,204.40.

Whatever part of the \$100,000 may remain unexpended and unobligated is applicable for expenses incurred in 1915 for other purposes provided in the act, which have not been paid up to this time.

Mr. CARTER. Have you said all that you desire to say about the necessity for the change in that language?

Mr. MERITT. Yes, sir. The changes that have been made are simply minor changes.

Mr. NORTON. This \$300,000 in the last item is the same as you had before for the relief of distress among Indians?

Mr. MERITT. Yes, sir; but we are asking, in other parts of the bill, for specific appropriations for two sanatoria that have heretofore been provided for out of this appropriation. That is necessary because we are constructing these new hospitals.

Mr. NORTON. Where are those items?

Mr. MERITT. The one is at Sac and Fox, Iowa, and the other is a sanitorium at Fort Lapwai, Idaho. I call your attention to that at this time because the building of these new hospitals will necessarily increase the expense of our medical work, and it is necessary to provide for those two institutions specifically in order to care for the hospitals that we have already constructed out of this appropriation, as authorized by law.

The CHAIRMAN. Have you any unexpended balance out of this appropriation of \$300,000; and if so, how much?

Mr. MERITT. We have an unexpended balance of \$71,233.83, or had on the first of July, but there may be some outstanding obligations, and undoubtedly will be, which will take up all of that appropriation.

The CHAIRMAN. Is this a continuing appropriation, or does it have to be reappropriated?

Mr. MERITT. No, sir; this is an annual appropriation.

The CHAIRMAN. Then you have outstanding contracts which will take up this balance?

Mr. MERITT. Yes, sir; outstanding building contracts which will take up practically the entire appropriation. We find it difficult to get along with the \$300,000, and there will be practically no balance in this appropriation.

The CHAIRMAN. The next item is:

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, and for tuition of Indian children in public schools, \$1,550,000: *Provided further*, That not to exceed \$40,000 of this amount may be used for the support and education of deaf and dumb and blind Indian children: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

I see you ask for the same amount, \$1,550,000. Have you any suggestions to make as to that?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman.

Indian schools, support.

| | |
|--|----------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$1,500,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 1,500,000.00 |
| Amount expended..... | 1,398,993.78 |
| Unexpended balance | \$101,006.22 |

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Analysis of expenditures.

| | |
|--|-----------------|
| Salaries, wages, etc..... | \$763, 824. 36 |
| Traveling expenses..... | 13, 039. 04 |
| Transportation of supplies..... | 49, 518. 19 |
| Heat, light, and power (service)..... | 5, 691. 76 |
| Telegraph and telephone service..... | 1, 603. 70 |
| Printing, binding, and advertising..... | 86. 20 |
| Subsistence supplies..... | 201, 107. 77 |
| Dry goods, clothing, etc..... | 117, 935. 66 |
| Forage..... | 28, 926. 77 |
| Fuel..... | 76, 950. 90 |
| Stationery and office supplies..... | 18, 666. 34 |
| Educational supplies..... | 15, 602. 71 |
| Medical supplies..... | 4, 651. 10 |
| Equipment, material, etc..... | 88, 617. 71 |
| Tuition of pupils in public schools..... | 7, 526. 69 |
| Miscellaneous..... | 5, 244. 88 |
| | <hr/> |
| | 1, 398, 993. 78 |

This appropriation is the same amount as the appropriation for the fiscal year 1915. The fund is required for the support and education of Indian children in those schools for which no specific appropriation is made or use of tribal funds authorized, including day schools and public schools where tuition is paid. The amount requested for support and education of deaf, dumb, and blind children is \$40,000. Defective children who are unfitted for attendance at schools for normal children are being placed in institutions suited to their needs as rapidly as accommodations can be found for them.

From reports for the school year 1915 it is found that there are in all 84,929 Indian children of school age, of whom 6,596 are ineligible for school attendance, leaving 78,333 to be provided for in Government, public, or private schools.

The following enrollment is shown: In Government reservation boarding schools, 9,899; in nonreservation boarding schools, 10,791; in Government day schools, 7,290; making a total of 27,960 enrolled in Government schools.

There are also enrolled in private and mission schools 5,049, and in public schools 26,438, so far as information has been received. This makes a total of 59,447 Indian children in all schools of whatsoever character, outside of the Five Civilized Tribes.

The situation during the fiscal year 1917 will not differ materially from that existing in the years 1915 and 1916. Plans made for the use of the 1915 appropriation for building schools for the Navajo Indians will result in an increased capacity of 260. Buildings completed and ready for use will care for 90 of these children, and therefore the statistical table given above shows only that number. Doubtless capacity as planned for the other 170 Navajo children will be in use during the present year.

For the fiscal year 1916 a similar appropriation of \$100,000 is also available, and plans for the use of this amount will provide an additional capacity for the Navajos of approximately 180. It is expected to complete a part of this, at least, during the fiscal year, but it may not all be completed until the early part of 1917.

Of the Navajos there are about 30,871 and of the Papagos about 6,990. Estimating on a basis of 20 per cent, there would be of the Navajos 6,174 school children and of the Papagos 1,390 school children. Due to the continuous effort, which is being made to bring about the attendance of Indian children in the State public schools, enrollment in the Government schools would be somewhat lessened, but this decrease would undoubtedly be made up by enrollment of new pupils and increased enrollment of Papago and Navajo children as fast as facilities for the latter two tribes are provided.

The policy of favoring increased enrollment of Indian children in the public schools of the States is believed to be sound and the Indian Office attaches great importance to this endeavor and to the need of ample means with which to accomplish this work. The fund will be used to secure attendance in the public schools by payment of tuition therefor where the States do not recognize the right of the Indian to attend or the State authorities do not feel it incumbent

on them to take active measures to secure such attendance, where compulsory attendance laws applicable to Indians do not exist, or especially where districts contain nontaxable Indian lands and the Indians do not contribute to the support of the district schools.

Referring to the provision requiring one-quarter degree of Indian blood for enrollment in the Government schools, this has been in effect since the fiscal year 1912. Directions calling for adherence to the spirit and letter of the law have been issued and it appears that superintendents of schools are more and more generally complying with this requirement.

During the next year gradually increasing cost of all supplies is expected to cause a heavier drain on the appropriation. Salaries of employees have not been increased except in a very few and exceptional instances. A list of the schools depending mainly on the fund "Indian schools, support," for expenses of operation is attached. The balance of \$62,498.76 of this fund shown in the justification for the 1916 bill has been reduced by payments since that time to \$50,552.10, and it appears probable that still further reductions will be made by further payments therefrom.

We also make a report to Congress as to this appropriation, as required by the Act of March 2, 1887, and that report is found in House Document No. 121, Sixty-fourth Congress, first session.

The CHAIRMAN. Is it a short report?

Mr. MERITT. No, sir; it is quite a long report, one which goes much into detail.

The CHAIRMAN. Then we will not print it.

Mr. MERITT. We have a short statement in our justification as to the use of this money. You understand that this appropriation is used to maintain all day schools and also all reservation boarding schools, the nonreservation schools being provided for specifically in the bill elsewhere.

The CHAIRMAN. All the schools, both boarding and day schools on the reservations, are carried in this appropriation of \$1,550,000?

Mr. MERITT. Yes, sir; and it provides also for the tuition in public schools.

The CHAIRMAN. Does that include the Sioux Indians of South Dakota?

Mr. MERITT. We have a specific appropriation for the education of the Sioux Indians which will be found later in the bill.

The CHAIRMAN. Of that State?

Mr. MERITT. Yes, sir.

Mr. CARTER. Have you any reservation schools on the Sioux reservations which are taken care of by this appropriation?

Mr. MERITT. No, sir; a specific appropriation cares for the regular schools in the Sioux country.

The CHAIRMAN. I see a provision here as follows:

That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live.

Mr. MERITT. You recall, Mr. Chairman, that you incorporated that legislation in the Indian bill two or three years ago, and it has been very helpful in getting out of these nonreservation schools children of less than one-fourth blood who ought to be educated in the schools in the immediate vicinity where they live, and it has been also helpful in enabling us to provide education for the more worthy Indians and children who are Indians in fact.

The CHAIRMAN. As I understand it, a great many persons who were citizens of the State and entitled to send their children to the State schools were receiving this education for their children.

Mr. MERITT. Yes, sir; a few years ago we had quite a number of white Indians in the non-reservation schools.

The CHAIRMAN. They have been eliminated under this provision of the act?

Mr. MERITT. Yes, sir.

Mr. NORTON. This would enable the department to debar children of less than one-fourth Indian blood from attending Indian schools on any reservation?

Mr. MERITT. Where they have adequate school facilities.

Mr. NORTON. If there were no adequate school facilities outside of the Indian schools, would they then be permitted to attend the Indian schools?

Mr. MERITT. In extreme cases we might permit them to attend Indian schools, provided they were in fact Indians, but of less than one-fourth degree. But those people usually have school facilities.

The CHAIRMAN. They must also be citizens of the United States, I presume. Is that the rule that you have been adhering to?

Mr. MERITT. The question of citizenship has not been one of the controlling factors because citizenship has been decided by arbitrary legislation. For example, prior to the general allotment act of February 8, 1887, all Indians who were allotted were declared to be citizens, whether they were full bloods or mixed bloods; that is, prior to the enactment of the Burke Act of May 8, 1906; but the Indians who were allotted after that date are not citizens until the trust period expires or until they are given patents in fee. You will note, Mr. Chairman, that we are leaving out two provisos connected with this item.

The CHAIRMAN. That is already existing law, is it not?

Mr. MERITT. Yes, sir; and under the appropriation of \$1,550,000 we can care for the education of those Indians in public schools, and we would suggest that there be no limitation on the amount to be used, because we are gradually working the children into the public schools, and it is possible that we may need more than \$20,000. And we will also take care of the education of the Papago Indians out of this appropriation.

Mr. CARTER. You will take care of those Papagos out of this appropriation without the direction of Congress?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands, and the installation, repair, and improvement of heating, lighting, power, and water systems in connection therewith, \$450,000: *Provided*, That thereafter the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section one, act of August twenty-fourth, nineteen hundred and twelve.

What justification have you for that?

Mr. MERITT. We offer the following justification for this item:

Indian school and agency buildings.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$430,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 440,000.00 |
| Amount expended..... | 355,866.97 |
| Unexpended balance..... | ¹ 84,133.03 |

ANALYSIS OF EXPENDITURES.

| | |
|---|------------|
| Salaries, wages, etc..... | 9,720.16 |
| Traveling expenses..... | 3,892.64 |
| Transportation of supplies..... | 803.51 |
| Telegraph and telephone service..... | .267 |
| Printing, binding, and advertising..... | 28.40 |
| Stationery and office supplies..... | 45.00 |
| Equipment, material, etc..... | 59.57 |
| Construction..... | 154,150.00 |
| Repairs (to plant)..... | 156,493.33 |
| Rent..... | 28,616.69 |
| Land..... | 1,459.40 |
| Water..... | 315.80 |
| Miscellaneous..... | 279.80 |
| | 355,866.97 |

Amount requested for construction, lease, purchase, repair, and improvement of school and agency buildings, sewer, water, and lighting systems, and for purchase of lands, \$450,000.

Superintendents of the schools and agencies entitled to the use of this appropriation have requested new construction, repairs, improvements, rent, and miscellaneous expenditures amounting to a total of \$1,219,270.

The attached table shows the value of school and agency property, including buildings, heat and power plants, and lighting and water systems at schools where this appropriation is used, amounting in all to \$5,434,152.10.

It has been the purpose to use this appropriation primarily for repairs and upkeep of existing school and agency plants. New construction has been undertaken in cases where it seemed important, and especially where necessary in order that schools already established might not fail of their usefulness because of the need of certain buildings or improvements with which to carry on their operations. Some school plants, on the other hand, have never been fully completed, and from year to year a few improvements are made or new buildings constructed so far as money can be spared.

These improvements have consisted of water systems, sewer systems, heating and lighting plants, a few schoolhouses and dormitories, some smaller buildings and cottages of moderate cost for employees, and also new machinery, engines, pumps, etc.

Allowing for new construction, one-third of the \$450,000 requested, which is a conservative estimate, the \$300,000 available for repairs to school and agency property would represent 5½ per cent of \$5,434,152, at which the property is valued.

It has proved necessary in the past to allow from 5 per cent to 10 per cent of the value of the school and agency plants of the Indian Service for repairs and upkeep. The percentage necessary for the purpose is perhaps higher than with many classes of property in private ownership, but it must be remembered that the school plants in particular are subject to more than ordinarily hard usage. It has always been found difficult to keep the property in good condition with the amounts available from yearly appropriations.

It should be said that the unexpended balance for the fiscal year 1915 is not a final balance and will be materially reduced when all obligations have been

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

met. In this connection it may be said that the justification presented by the Indian Office for this appropriation for the fiscal year 1915 showed an unexpended balance of \$35,453.85 from the appropriation for the fiscal year 1914. It was suggested at that time that such balance would be reduced, and such proved to be the case. At the present time there remains approximately \$12,000 from the appropriation for the year 1914, with the probability of further reduction.

Unexpected demands for the use of funds arise more frequently where building or repair money is required by reason of the many contingencies which call for expenditures of this character. The service has been unfortunate in having buildings occasionally destroyed by fire. Water systems, heating and lighting systems, and the machinery which is used therewith frequently give out. The repair of such systems is expensive, and their actual condition can not be always foreseen. The call for repairs of various kinds to the buildings on the other hand, is of constant occurrence, and it has never been possible to make all the actual repairs which superintendents have requested. These observations apply more especially to school plants, but equally to agency properties.

We have also been required by the act of March 3, 1911, to make to Congress a report of expenditures under that appropriation; that report will be found in House Document No. 116, Sixty-fourth Congress, first session. It is quite a long report and goes into detail as to expenditures under this appropriation.

The CHAIRMAN. I see you have changed the language here in some respects. The old language was "For construction, lease, purchase, repairs, and improvements of schools and agency buildings," etc.

Mr. MERITT. That is in order to make it grammatical. We have made it read, "Repair and improvement of school and agency buildings."

The CHAIRMAN. You have stricken out the words "and sites, and for sewerage, water supply and lighting plants, \$440,000." Why have you stricken out those words and rewritten a portion of the paragraph?

Mr. MERITT. Well, we thought it better to make it read "including the purchase of necessary lands, and the installation, repair, and improvement of heating, lighting, power, and water systems in connection therewith, \$450,000."

The CHAIRMAN. Is it not a fact that you did not have the right before to include the purchase of necessary lands? What do you mean by that?

Mr. MERITT. The law read "sites," but we wanted to make it perfectly plain that we had authority to purchase lands for school purposes.

The CHAIRMAN. The word "sites" was not strong enough to include the purchase of necessary lands?

Mr. MERITT. It might not include enough land for a garden or for a little farm in connection with maintaining the day schools.

The CHAIRMAN. Do you intend to purchase anything like a farm or pasture land?

Mr. MERITT. At these day schools on the reservations we usually have a little farm connected with them so as to grow the vegetables and raise the cattle connected with the school plant.

The CHAIRMAN. Who is the judge—the department?

Mr. MERITT. The Commissioner of Indian Affairs and the Secretary of the Interior.

The CHAIRMAN. Heretofore it has been the custom to have the industrial schools have farms attached to them for the purpose of

teaching the Indians how to farm, raise stock, etc., and with this provision would you not have enough land to make an industrial school out of every nonreservation school?

Mr. MERITT. All of our schools are more or less industrial schools. We are emphasizing that in all our educational institutions, whether they are day schools, nonreservation boarding or reservation boarding schools.

Mr. CARTER. What is the necessity for having to purchase a site on an Indian reservation?

Mr. MERITT. The lands, sir, on a large number of the reservations have been allotted and we have no remaining tribal lands, and for that reason it is necessary to buy the land from the Indian allottees.

Mr. CARTER. Is this money only used to buy land from an Indian allottee?

Mr. MERITT. Unless the land that we want to purchase has been transferred from the Indian to a white man and the particular site is owned by a white man; but we usually endeavor to buy the land from an Indian.

Mr. CARTER. When you buy a site from an Indian and take the land that he has what becomes of the Indian?

Mr. MERITT. Well, the Indians on most of the reservations have surplus lands or inherited allotments.

Mr. CARTER. If you buy his allotment for a school site, what is going to become of him?

Mr. MERITT. We would not take all of his allotment, but if we did we would get that Indian to reinvest that money in an improved allotment.

Mr. CARTER. How can you do that if the land has all been taken up?

Mr. MERITT. We can buy an inherited allotment.

Mr. CARTER. Might not that be done for the schools?

Mr. MERITT. Yes; that could be done. We do that in a great many cases.

Mr. NORTON. In this appropriation for the next year, does your estimate provide for taking care of the improvement of the water system at Fort Totten, N. Dak.?

Mr. MERITT. That is a specifically provided for school, and we have an estimate for that in another part of the bill.

Mr. NORTON. That is not included in this?

Mr. MERITT. No, sir. This appropriation here only provides for day schools and reservation boarding schools, and the Fort Totten school is a specifically provided for school, and that will be found under the State of North Dakota.

The CHAIRMAN. I see you have raised the amount from \$440,000 to \$450,000, and I notice that you have stricken out the last proviso. I presume that work has already been done, which is the reason for striking it out.

Mr. MERITT. The superintendent failed to submit complete plans for that improvement prior to the close of the year, but we have that improvement now in course of construction and that improvement will be made very soon.

The CHAIRMAN. Is that the reason you raised the amount \$10,000?

Mr. MERITT. No, sir; the reason we raised this appropriation is because we are putting up additional buildings and the buildings

have been constructed so long that it requires more money to keep them in repair. We have several millions dollars' worth of buildings and some of those buildings are getting old.

The CHAIRMAN. What percentage of this amount have you estimated for repairs?

Mr. MERITT. Probably 60 per cent of the appropriation will be for repairs, more than 50 per cent.

The CHAIRMAN. What is the difference between wooden buildings and stone and brick buildings as to the necessity for repairs?

Mr. MERITT. Of course, the stone buildings are more durable.

The CHAIRMAN. You can not estimate the difference between the two? I know that you have a great many stone and brick buildings in the West.

Mr. MERITT. Yes, sir; the brick and stone building lasts longer than the frame building. We are building them now more substantially than formerly.

The CHAIRMAN. The cost of repairing those buildings is not nearly so great as for repairing the wooden buildings?

Mr. MERITT. No, sir.

The CHAIRMAN. You think that of this amount about 60 per cent would be for repairs?

Mr. MERITT. Yes, sir; and improvements.

The CHAIRMAN. The next item is:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$75,000: *Provided*, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native pupils of school age under twenty-one years of age brought from Alaska.

What justification have you for that?

Mr. MERITT. We are offering the following justification for this item:

Indian school transportation.

| | | |
|---|-------|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated | ----- | \$72,000.00 |
| Fiscal year ended June 30, 1915: | | |
| Amount appropriated | ----- | 72,000.00 |
| Amount expended | ----- | 67,660.24 |
| Unexpended balance | ----- | ¹ 4,339.76 |

ANALYSIS OF EXPENDITURES.

| | | |
|---------------------------------|-------|-----------|
| Traveling expenses | ----- | 67,205.11 |
| Telegraph and telephone service | ----- | 437.13 |
| Miscellaneous | ----- | 18.00 |
| | | <hr/> |
| | | 67,660.24 |

Number of children enrolled in nonreservation schools during the past three years: In 1913, 10,702; 1914, 10,857; 1915, 10,791.

Transportation of Indian pupils, amount requested, \$75,000.

Nearly all of this appropriation is used for payment of the transportation of children to and from nonreservation schools. A small amount is used at reservation schools and for the transportation of Indian children to Government day

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

schools and to public schools, who otherwise would be unable to attend the same because the distance is too great for them to walk. In many cases the furnishing of such transportation makes it unnecessary to enroll these Indian children in boarding schools.

Three thousand three hundred dollars only of the appropriation was set aside in accordance with the terms of the item for the purpose of obtaining remunerative employment for Indian youth.

Before the close of the fiscal year 1915, a number of superintendents submitted requests for additional apportionments from this fund to cover the return home of pupils whose terms had expired. In many cases only a small portion of the amount requested could be allowed and a few superintendents of nonreservation schools reported to the office that because there were no funds available from this appropriation at the close of the school year they used miscellaneous receipts, Class IV, to cover the expense of returning pupils to their homes. Sums reported amounted to between two and three hundred dollars.

In some cases where Indian children are financially able to do so, they have been required to pay their own transportation to nonreservation schools but as increased care is exercised to enroll only children who would otherwise be deprived of an education, the number who can be called upon to pay their own transportation will be likely to diminish rather than increase.

We ask for an increase of this appropriation of \$3,000. This appropriation was formerly \$80,000, but two years ago they cut it to \$72,000, and we find it difficult to meet all of the expenses connected with the transportation of pupils because of this decrease in the appropriation, and we are asking for \$3,000 on that account.

The CHAIRMAN. I see you have stricken out language appearing in lines 15, 16, 17, and 18, as follows: "In the transportation and placing of Indian youths in positions where a remunerative employment may be found for them in industrial pursuits," and have substituted this language: "For obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment." Is the word "necessary" there the only change? Is that the only difference?

Mr. MERITT. We transposed that language so as to make it appear that the primary purpose of the item is to obtain employment and not the transportation for the pupils, because the purpose for which the appropriation is used is to obtain employment for the Indians, and the transportation of the Indians to the places of employment is simply one of the necessary conditions.

The CHAIRMAN. As I understand the situation, you get this remunerative employment for them during the summer months, or during the vacation. Now, there is always work to be obtained from the farmers and people near the schools, is there not, and therefore it is not necessary to have funds for the purpose of transporting them from the schools to the places of employment?

Mr. MERITT. It is necessary to have a small fund available, and sometimes, after they have graduated from the schools, we find places for them in the commercial world. For instance, we have a number of Indians now working on railroads in the Southwest and in the beet fields of the Southwest, and it is sometimes necessary to use a part of this fund to get those Indians to their places of employment. We have an Indian, Mr. Dagenett, who is in charge of this work. He has been connected with the Indian Service for a number of years.

The CHAIRMAN. Do you have much trouble in getting Indians who have graduated from these schools, or the pupils, to take employ-

ment of any kind? What percentage of the Indians take the employment?

Mr. MERITT. Only a very small percentage. We realize that the best chance for the Indian is to go back to his allotment, where he has an available agricultural allotment, and farm his land and raise stock. They will more quickly become independent and self-supporting by doing that rather than by taking day employment.

The CHAIRMAN. Do you think it is beneficial to have this system of employment in the schools?

Mr. MERITT. It is very beneficial. We have found what is called the outing system to be very beneficial to the Indians. They not only come in contact with the civilization of white people, but they learn the mode of living and method of doing work in the homes and on the farms and in the places of business of the progressive white citizens.

The CHAIRMAN. What is your custom when you have Indian pupils at Carlisle and Sherman Institute and places far distant from the tribes? Some of them would have to travel nearly across the United States. Do you furnish funds for those Indians to return to their parents during vacations?

Mr. MERITT. In some cases we do, but we discourage the returning home of the students at the end of each term of school; and where the Indians have funds of their own, we are now requiring them to pay for their own transportation.

The CHAIRMAN. Do you find any trouble in getting the parents to furnish the money for the children to return home?

Mr. MERITT. Not where the Indian parents have money. They are always willing to spend money to get their children back to their homes. Indian parents are very fond of their children and are always willing to spend their last dollar on their children.

Mr. NORTON. The change provided for on page 10, in line 18 to line 20, inclusive, is for the purpose of permitting the expenditure of this money for agents to look up employment for Indians, rather than to have it limited to the payment of transportation expenses for the Indians as provided in the original statute.

Mr. MERITT. We have been paying under the existing law the expenses of certain employees. It is not intended to increase the number of employees because of this language. We simply intend by this change to more clearly define the duties of the Bureau and the work that is now being carried on under this legislation.

Mr. NORTON. Under the new wording you are permitted to expend the money for purposes other than those you are permitted to expend it for under the old wording, are you not?

Mr. MERITT. If there is any question about having additional employees, we will not insist upon the change in the language, because that is not our purpose.

Mr. NORTON. Do you mean that under the old act the money was to be used, not for the transportation of Indians to places of employment—

Mr. CARTER (interposing). The old language was, "and placing of Indian youths in positions where a remunerative employment may be found for them," etc.

Mr. MERITT. We have been using a part of that fund in paying the salaries of people engaged in finding work for the Indians and plac-

ing them in that employment. If there is any objection on the part of the committee to the change, we will not urge it.

Mr. NORTON. Does this provide for special employees to look up work for the Indians?

Mr. MERITT. Yes, sir. Mr. Dagenett is engaged in this work and has been so engaged for several years past. Mr Carter knows Mr. Dagenett. He is an Oklahoma Indian.

Mr. NORTON. Is he the only one looking after that particular work?

Mr. MERITT. He is in charge of it, but we also have a few other employees, but not very many. For instance, when the beet fields need the Indians it is necessary to send an employee there to look after the Indians, to see that they are protected from the liquor traffic, and to see that they get the money due them; but there are very few employees connected with this work.

Mr. NORTON. It would be well, if it is not so now, that the spirit of the whole department should be permeated with the idea of getting employment for these boys and girls who are trained in the Indian schools.

Mr. MERITT. Yes, sir; and that is the policy of the bureau—to get employment for the Indians. We prefer, however, that they go to work on their own allotments rather than go out and take day labor employment. But where Indians are without available agricultural allotments, and have no other means of support, we are glad to use every means at our command to get them employment as laborers, and to have them to do work of any kind or character.

Mr. CARTER. I understood you to say that you asked for an increase in this appropriation, but it does not show here.

Mr. MERITT. The increase asked is \$3,000, but the printer left out in the estimate column for 1917 the amount requested for this year, but it is shown in the bill.

Mr. CARTER. Your figures in the bill show only \$72,000.

Mr. MERITT. That shows the appropriation of last year, and it was a typographical error not to include in the estimate column for 1917 the amount we are asking for this year.

Mr. CARTER. The language in the bill does not ask for any increase.

Mr. MERITT. That is a typographical error, but you will see in the printed estimate that we are asking for \$75,000.

Mr. CARTER. I notice that your appropriation for the year ending June 30, 1915, was only \$72,000.

Mr. MERITT. Yes, sir.

Mr. CARTER. You still have on hand a balance of \$4,399.76.

Mr. MERITT. You will observe that we have a footnote there.

Mr. CARTER. I understand, but you are not that far behind in paying last year's school obligations?

Mr. MERITT. I think we will use all of that appropriation in this year, and, in addition to that, we have had to call on what is known as the class 4 funds of a number of nonreservation schools to meet the necessary traveling expenses of pupils.

Mr. CARTER. Why are the people to whom this money is due doing without it now?

Mr. MERITT. The superintendents have authority to issue requests on railroad companies for transportation, and those requests for transportation will come to the Indian Bureau to be settled.

Mr. CARTER. Do you mean to tell me that Indians travel without paying cash at the time?

Mr. MERITT. Yes, sir.

Mr. CARTER. And the accounts are sent to your bureau?

Mr. MERITT. Yes, sir.

Mr. CARTER. But the railroad companies would not permit you to be six months behind in paying this railroad fare.

Mr. MERITT. We are sometimes several months behind in settling the accounts.

Mr. CARTER. Where this money has been used for placing them in families under the outing system you have paid the bills because that would be salaries.

Mr. MERITT. Yes, sir; there is no question about that.

Mr. CARTER. It seems to me that six months after the money has been expended a matter of that kind certainly ought to have been adjudicated and settled.

Mr. MERITT. This statement—

Mr. CARTER (interposing). There certainly ought not to be a balance of \$4,000 due on account of railroad fare.

Mr. MERITT. This statement was made up on the first of October and was taken from the books of the finance division at that time. Now, in order to bring the matter up to the present time, I will be glad to get a statement of the last balance of this appropriation.

Mr. CARTER. I do not believe it possible that railroad companies would at this time allow anybody to owe them that much money without a good deal of trouble.

Mr. MERITT. The books of the finance division would show the exact balance, if any, that we have under this appropriation. The justification shows that the superintendents have been compelled to use what is known as class 4 funds in nonreservation schools to pay for the transportation of pupils back home, because of a shortage in the funds under this appropriation.

The CHAIRMAN. I understood you to say that where you did not have the funds or sufficient funds to carry out the purposes of this appropriation, you drew on the general support fund and made it available.

Mr. MERITT. No, sir; not from the support fund, but from what is known as class 4 funds of nonreservation schools. That fund is derived from the proceeds of the sale of stock at the school and of products of the farm. These schools usually raise a little bit more than they use, or some of the schools do, and they have a certain fund which, under the comptroller's decision and a ruling of the department, they can use for general purposes of the schools. It is usually a very small fund.

The CHAIRMAN. Do you make any report of those funds to the Treasurer in any way—where you are selling stock and produce?

Mr. MERITT. We require the superintendents to make a report regarding the use of the funds, and we check them up. We also send inspecting officials there to see that the funds are used properly.

The CHAIRMAN. Could you not make a report to Congress showing how much each school plant of that kind has produced and what you did with the funds?

Mr. MERITT. We could do that if Congress directs us. We can do that if it is the wish of Congress.

The CHAIRMAN. I think it would be very beneficial to the service to do that.

I see you use the words "Indian youths." The language is "For obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation or other expenses to their places of employment." Now, why not use the word "pupils" there? In the first clause the word "pupils" is used. The language is, "For collection and transportation of pupils to and from Indian and public schools and for placing school pupils, with the consent of their parents, under the care and control of white families," etc. Why not use the word "pupils" here so as to make the language uniform?

Mr. MERITT. The reason for that change is this: In some cases after a student has completed his course at a nonreservation school and is no longer a pupil, it is necessary to pay his transportation to a field of employment, and it is in order to make a little bit broader the use of this appropriation, so as to meet conditions that necessarily arise. For example, we very frequently have boys who have completed their course in nonreservation schools and who want employment. We find employment for them, but they are without funds to go to that employment, and we have been using this fund for that purpose. However, if the matter were brought to the attention of the comptroller, he might question the use of the funds for that purpose, in view of the fact that they are no longer technically pupils, although still under our jurisdiction, and it is our duty to look after their interests.

The CHAIRMAN. Suppose you change that language and insert the words, "pupils or expupils under the control of the education department"?

Mr. MERITT. The language, "pupils or expupils who are under the jurisdiction of the Commissioner of Indian Affairs," would be entirely agreeable to us.

The CHAIRMAN. Under whose jurisdiction?

Mr. MERITT. Under the jurisdiction of the Commissioner of Indian Affairs.

The CHAIRMAN. I think the other language is too broad. The last provision reads, "The provisions of this section shall also apply to native pupils of school age—under 21 years of age—brought from Alaska." I think the words "Indian pupils" ought to appear there. It is not the intention to educate everybody from Alaska, and that language would include the Americans there.

Mr. MERITT. That appropriation is used only for Indian pupils.

The CHAIRMAN. I am referring to lines 22 and 23. That might refer back to the other clause, but it would not hurt to have the word "Indian" inserted there. There has been an effort on behalf of the Eskimo Indians—

Mr. CARTER (interposing). They could come in under that language.

Mr. MERITT. We will have no objection to having the word "Indian" inserted there.

The CHAIRMAN. The next item is:

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

Is that the same as the present law?

Mr. MERITT. Yes, sir; that has been in the Indian bill for a number of years, but you will notice that it is not continuing legislation.

The CHAIRMAN. Is there any change there from the other language?

Mr. MERITT. No, sir; it is the same language, and we offer for the record the following justification:

PER CAPITA EXPENDITURE.

This item provides that expenditures for Indian education may be made without limitation as to the number of pupils so educated, and is the same as the provision appearing in the appropriation act for the fiscal year 1915.

Prior to 1911 expenditures of appropriations for the support of Indian schools were limited to \$167 per Indian pupil per annum. As it became impracticable to support schools at this rate a change in the law was made and the same provision has been enacted each year since 1911.

Experience has shown that it is impracticable to maintain schools upon the basis of \$167 per capita, as had formerly been the case.

Conditions at the different schools vary greatly, however, and it is difficult, if not impossible, to maintain them in different and widely separated parts of the United States at the same cost.

If we could have the word "hereafter" inserted at the beginning of that item, it would not be necessary to continue this item each year. At the last Congress we asked for that language so as to avoid the repetition of this item in the bill each year.

The CHAIRMAN. Suppose we inserted the words "herein or hereafter"?

Mr. MERITT. That would cover it.

Mr. CARTER. That would cover the purpose of the item.

The CHAIRMAN. And let it read, "All moneys appropriated herein or hereafter for school purposes," etc.

Mr. MERITT. That would make it permanent legislation.

Mr. CARTER. Why should there not be a limitation on the per capita expenditure?

Mr. MERITT. There is necessarily a limitation, because the appropriations are limited, but there should not be a specific limitation to an arbitrary amount, because the conditions at one school are so much different from the conditions at another school.

Mr. CARTER. You might also have a great difference in superintendents, and a limitation would take care of that. It seems to me that, while a limitation of \$167 is perhaps too small, a limitation would really be beneficial in your administration of affairs. You know we have some schools where it really seems to me the superintendents are extravagant, and I think the department thinks so.

Mr. MERITT. We have superintendents who are inclined to be more extravagant than others.

Mr. CARTER. Yes; and don't you think if we had a limitation there it would be beneficial to the department in the administration of the schools?

Mr. MERITT. It is difficult to put all of the schools on the same basis.

Mr. CARTER. That is true, but you could have a limitation here beyond which none should go, as we had prior to 1911.

Mr. MERITT. At some of the schools, where they have a small enrollment, the cost per capita is necessarily higher than where they

have an enrollment of several hundred. If we had a per capita limitation that would meet the situation at the small schools, the very fact that we had such a limitation would permit the superintendents of the larger schools to spend up to the maximum limitation. The average cost per capita at the schools is about \$200.

MR. CARTER. I think you will find some of them ran up around \$300.

MR. MERITT. No, sir; we call a superintendent down hard if he runs his per capita cost up to \$300.

The CHAIRMAN. You have made a change in the next item, "To conduct experiments on Indian school or agency farms," etc. You have stricken out that item, which appears on page 11, and substituted different language, as follows:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$500,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August twenty-fourth, nineteen hundred and twelve.

What is the purpose of that?

MR. MERITT. The purpose of that was to bring the activities under this appropriation together. You will observe that under the old language we had a part of the agricultural work connected with the forestry appropriation, and a little bit later we had an appropriation for farmers. This is simply to make the item logical and bring this character of work together. We offer the following justification of this item for the record:

Industrial work and care of timber.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$450,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 450,000.00 |
| Amount expended----- | 413,163.63 |
| <hr/> | |
| Unexpended balance ----- | 36,836.37 |

ANALYSIS OF EXPENDITURES.

| | |
|---|--------------|
| Salaries, wages, etc----- | \$342,893.25 |
| Traveling expenses----- | 11,153.57 |
| Transportation of supplies----- | 17.26 |
| Heat, light, and power (service)----- | 61.23 |
| Telegraph and telephone service----- | 13.50 |
| Printing, binding, and advertising----- | 253.23 |

| | |
|-------------------------------------|--------------|
| Subsistence supplies..... | \$1, 984. 17 |
| Dry goods, clothing, etc..... | 374. 31 |
| Forage..... | 11, 403. 15 |
| Fuel..... | 1, 301. 31 |
| Stationery and office supplies..... | 195. 50 |
| Medical supplies..... | 32. 24 |
| Equipment, material, etc..... | 38, 124. 12 |
| Construction..... | 1, 647. 20 |
| Repairs (to plant)..... | 12. 40 |
| Rent..... | 2, 874. 71 |
| Miscellaneous..... | 822. 48 |
| | 413, 163. 63 |

| | |
|--|--------------|
| Expended on account of farmers, stockmen, etc..... | 240, 657. 87 |
| Expended on account of matrons..... | 50, 954. 55 |
| Expended on account of forestry..... | 109, 704. 62 |
| Expended on account of experimentation..... | 11, 846. 59 |

This appropriation is known as "Industrial work and care of timber," and to simplify the expenditure thereof is apportioned under four general headings as follows for the fiscal year 1916:

| | |
|----------------------------|-----------------|
| Agriculture and stock..... | \$250, 000 |
| Experimentation..... | 20, 000 |
| Field matrons..... | 60, 000 |
| Forestry..... | 120, 000 |
| Total | 450, 000 |

The following statement gives an analysis of the expenditures from this appropriation under the different headings for the fiscal year 1915, with additional claims and obligations settled to November 1, 1915 (not yet classified), and advances to disbursing officers, from which it will be noted that \$33,528.03 reverted to the United States Treasury from the 1915 appropriation of \$450,000. This is due to the fact that the greater part of the appropriation is hypothecated early in the fiscal year to cover salaries, annual estimate or contract supplies, equipment, and incidentals, which ties up the money for this purpose. It frequently happens that positions for which funds have been set aside are vacant for a portion of the year; savings are also made on annual estimate or contract supplies, and for various reasons superintendents are unable to expend the entire amount of authorities granted them for particular purposes.

Industrial work and care of timber, 1916.

EXPENDITURES TO JUNE 30, 1915.

| | Account. | | | | Total. |
|--|------------------------|--------------------|--------------------|---------------------|---------------------|
| | Agriculture and stock. | Experimentation. | Field matrons. | Forestry. | |
| Salaries and wages..... | \$206, 717. 21 | \$4, 509. 36 | \$41, 104. 02 | \$90, 562. 66 | \$342, 892. 25 |
| Traveling expenses..... | 6, 971. 81 | | 57. 95 | 4, 123. 81 | 11, 153. 57 |
| Transportation of supplies..... | | 3. 01 | | 14. 25 | 17. 26 |
| Heat, light, and power..... | | | 61. 23 | | 61. 23 |
| Communication service..... | | | 13. 50 | | 13. 50 |
| Printing, binding, etc..... | | | | 253. 23 | 253. 23 |
| Subsistence supplies..... | 1. 88 | | 423. 79 | 1, 558. 50 | 1, 984. 17 |
| Forage..... | 7, 065. 69 | 38. 50 | 1, 759. 19 | 2, 539. 77 | 11, 403. 15 |
| Fuel, etc..... | 590. 73 | | 566. 58 | 144. 00 | 1, 301. 31 |
| Stationery and office supplies..... | | | | 195. 50 | 195. 50 |
| Medical supplies..... | 2. 90 | | 29. 34 | | 32. 24 |
| Equipment and materials..... | 19, 301. 10 | 4, 892. 52 | 3, 678. 43 | 10, 252. 07 | 38, 124. 12 |
| Construction..... | | 1, 647. 20 | | | 1, 647. 20 |
| Rent..... | | | 2, 874. 71 | | 2, 874. 71 |
| Miscellaneous..... | 6. 55 | 758. 00 | 385. 81 | 60. 83 | 1, 209. 19 |
| Total | 240, 657. 87 | 11, 846. 59 | 50, 954. 55 | 109, 704. 62 | 413, 163. 63 |
| Additional claims and obligations settled to Nov. 1, 1915 (not yet classified), and advances to disbursing officers..... | | | | | 3, 308. 34 |
| Total unexpended balance..... | | | | | 33, 528. 03 |
| Appropriation | | | | | 450, 000. 00 |

After establishing a sufficient number of positions under the various jurisdictions to supervise the timber operations and serve as forest guards and rangers, it is necessary to hold in reserve an emergency fund sufficient to employ large numbers of men to fight forest fires, in the event of any extensive conflagrations. If the conflagrations fail to occur or are handled by the regular force of employees, this reserve fund naturally remains unused at the close of the fiscal year.

Under the former practice savings were reported by superintendents quarterly, in order that they might be reauthorized for other purposes. This naturally resulted in quite a large amount reverting to the Treasury each year. However, superintendents now report savings on authorities as soon as made, which renders it possible immediately to reauthorize the expenditure thereof for necessary purposes at other jurisdictions. It is believed that this system will materially reduce the amount which has formerly reverted to the Treasury from this fund each year. However, it must be understood that even with this system in operation a small portion of the fund will remain unused at the end of the year.

The appropriation of \$450,000 for the fiscal year 1916 was apportioned as follows on July 1, 1915:

Apportionment, industrial work and care of timber, 1916.

| Purpose. | Account. | | | | Total. |
|---|------------------------|------------------|------------------|-------------------|-------------------|
| | Agriculture and stock. | Experimentation. | Field matrons. | Forestry. | |
| Salaries and wages..... | \$211,175.00 | \$540.00 | \$4,833.00 | \$76,305.00 | \$336,350.00 |
| Equipment and supplies..... | 28,352.45 | 2,086.00 | 8,667.77 | 4,903.56 | 44,009.78 |
| Traveling expenses and incidentals..... | 7,950.00 | ..... | 1,183.00 | 20,400.00 | 29,533.00 |
| Reserve..... | 2,522.55 | 17,374.00 | 1,819.23 | 18,391.44 | 40,107.22 |
| Total..... | 250,000.00 | 20,000.00 | 60,000.00 | 120,000.00 | 450,000.00 |

It will be noted that this apportionment provided for a total reserve of \$40,107.22, which on November 1, 1915, had been reduced to \$11,884.71.

For the sake of clearness each of the four sections of this appropriation is justified separately.

AGRICULTURE AND STOCK.

For the employment of practical farmers and stockmen in addition to the agency and school farmers now employed and to superintendent and direct farming and stock raising among Indians, \$250,000 was apportioned for this branch of the service for the fiscal year 1915, divided as follows:

| | |
|---|-------------------|
| Salaries and wages..... | \$211,175.00 |
| Equipment and supplies..... | 28,352.45 |
| Traveling expenses and incidentals..... | 7,950.00 |
| Reserve..... | 2,522.55 |
| Total..... | 250,000.00 |

Farmers and stockmen paid from the appropriation "Industrial work and care of timber (agriculture and stock) 1916":

General supervision—

| | |
|----------------------------|----------|
| Supervisor of farming..... | 3,000.00 |
| Traveling expenses..... | 100.00 |

Total..... 3,100.00

Summary:

| | |
|----------------------------|------------|
| Supervisor of farming..... | 3,100.00 |
| Farmers..... | 185,380.00 |
| Stockmen..... | 29,360.00 |

Grand total..... 217,840.00

The greater portion of this amount is expended for salaries, equipment, and traveling expenses of farmers and stockmen to work among the adult Indians on the different reservations, directing and supervising their farming, live stock and other industrial activities. Where more than one farmer is employed the general custom is to divide the reservation into districts and station a farmer permanently in each, preferably in Government quarters when available, and to provide him with transportation facilities, so that he can travel about among the Indians in his district, thereby keeping in close touch with their farming operations or other industrial activities. However, passenger-carrying vehicles can not now be purchased without the specific authority of Congress, which another item in the Indian bill is intended to confer. In the meantime the service is doing the best it can with the present equipment of this nature.

Each farmer is expected to be personally acquainted with every Indian family in his district and thoroughly familiar with their industrial condition, needs, and resources, so as to be in a position to help them get the best results from their efforts toward self-support by means of farming, live-stock raising, or other industrial activities. The duties of farmers and stockmen are primarily to instruct the Indians in all departments of agriculture and live-stock work; as to proper methods of preparing the soil, planting, caring for and harvesting their crops; the use of modern agricultural implements and machinery; the building and equipment of their homes; and in general, to advise them in all phases of their industrial activities, with the view of promoting their civilization and self-support.

It will be noted that 210 farmers are paid from the appropriation under discussion (Industrial work and care of timber), in addition to which 56 farmers are paid from other appropriations, as shown below, making a grand total of 266 farmers for an Indian population of 309,911, or 1 farmer to every 1,165 Indians.

The number of farmers employed is entirely too small to get proper results from their work, especially on those larger reservations where the farmers must act as administrative representatives of the superintendent in addition to directing the farming and industrial activities of the Indians. Within the past five or ten years the Indian Service has become one very largely of individualized interests, and the administration of the laws and regulations relating to leases, sales, and patents to allotted lands and the supervision of the moneys derived therefrom has added manifold to the details of reservation work. In many instances these duties involve recommendations covering considerable areas of valuable lands, and where the jurisdictions are large the superintendent must rely almost entirely upon the judgment of his district representative. This calls for men of large experience and good judgment in real-estate values, as well as men of the strictest integrity.

On many reservations the industrial salvation of the Indians depends largely upon the live-stock industry. From the latest figures the Indians of the United States own individually \$25,471,602 worth of live stock, in addition to tribal stock held in common, valued at approximately \$1,694,721, 44,704 Indians being engaged in the live-stock industry. During the fiscal year 1915, 31 stockmen were paid from "Industrial work and care of timber" and 15 from other funds, making a total of only 46 stockmen to supervise the tremendous individual and tribal live-stock interests of the Indians of the United States, estimated to be worth approximately \$27,166,323.

Comprehensive plans have been formulated and partially put into effect for the systematic development of the live-stock industry on the different Indian reservations, pursuant to which large purchases of live stock have been made during the past year. In order to get proper results by giving the business the same careful attention that a successful white stockman accords thereto it is absolutely essential that a largely increased force of practical and competent stockmen be employed in the Indian Service. The urgent need for more farmers and stockmen, as set forth herein, explains in part the fact that the estimate for this appropriation for the fiscal 1917 calls for \$500,000, an increase of \$50,000 over the amount appropriated for the current year. It is necessary that the farmers on the larger reservations act as administrative representatives of the superintendents in their particular districts, oversee all the industrial activities of the Indians therein, and where the Indians have been allotted to view allotments in connection with applications for patents in fee; to supervise the expenditure of individual Indian funds; to assist the Indians in the purchase of live stock, erection of homes,

barns, etc. Where the Indians have irrigated lands the farmers in many cases are charged with the responsibility of the proper distribution and use of the water and the instruction of the Indians in all the details of successful farming in an irrigated country.

The following comparative figures, in regard to Indian farming for the fiscal years 1914 and 1915, show gratifying and substantial progress:

Farming by Indians.

| | Year. | | Gain. | |
|------------------------------|---------|---------|--------|-----------|
| | 1914. | 1915. | Total. | Per cent. |
| Able-bodied male adults..... | 42,352 | 42,239 | | |
| Number farming..... | 28,702 | 30,277 | 1,575 | 5.4 |
| Acreage cultivated..... | 616,348 | 643,843 | 26,495 | 4.3 |

Encouraging as these figures are, yet, as indicated above, the number of farmers now employed is entirely too small to adequately cover the territory involved in the 643,843 acres of cultivated land (averaging 2,420 acres to each Government farmer) or to give each Indian farming that close personal attention so necessary to successful results. In addition there are 11,962 able-bodied male adult Indians not now engaged in farming, with 6,948,768 acres of uncultivated agricultural land on the different reservations. Many of these Indians are, of course, engaged in other industrial activities, but by far the greater number of them should be farming, and it is the task of the Indian Service farmers to increase the number of Indians farming and the total cultivated acreage to the greatest possible extent, as well as to see that proper and remunerative methods are used. In view of these facts it is felt that the additional amount asked for is absolutely essential to the effective prosecution of the important work assigned to this particular branch of the service.

Farmers and stockmen paid from "Industrial work and care of timber (agriculture and stock)."

FARMERS.

| Number. | Salary. | Total. | Number. | Salary. | Total. |
|---------|---------|----------|----------|---------|----------|
| 28..... | \$1,200 | \$33,600 | 38..... | \$720 | \$27,360 |
| 1..... | 1,100 | 1,100 | 1..... | 660 | 660 |
| 17..... | 1,000 | 17,000 | 1..... | 540 | 540 |
| 77..... | 900 | 69,300 | 4..... | 300 | 1,200 |
| 18..... | 840 | 15,120 | | | |
| 25..... | 780 | 19,500 | 210..... | | 185,380 |

STOCKMEN.

| | | | | | |
|--------|---------|---------|---------|-------|--------|
| 1..... | \$1,500 | \$1,500 | 1..... | \$800 | \$800 |
| 1..... | 1,400 | 1,400 | 4..... | 780 | 3,120 |
| 4..... | 1,200 | 4,800 | 4..... | 720 | 2,880 |
| 1..... | 1,020 | 1,020 | 1..... | 600 | 600 |
| 7..... | 1,000 | 7,000 | | | |
| 6..... | 900 | 5,400 | 31..... | | 29,360 |
| 1..... | 840 | 840 | | | |

Farmers and stockmen paid from other funds.

| Reservation. | Farmers. | | | Stockmen. | | | Fund. |
|-----------------|----------|---------|--------|-----------|---------|---------|---|
| | Num-ber. | Salary. | Total. | Num-ber. | Salary. | Total. | |
| Blackfeet..... | 1 | \$900 | \$900 | | | | Support of Indians, Blackfeet Agency, Mont. Blackfeet Reservation 4 per cent fund. Indian moneys, proceeds of labor. Support of Cheyennes and Arapahoes, Oklahoma. |
| Do..... | | | | 1 | \$1,500 | \$1,500 | |
| Do..... | 1 | 600 | 600 | | | | |
| Cantonment..... | 1 | 840 | 840 | | | | |

Farmers and stockmen paid from other funds—Continued.

| Reservation. | Farmers. | | | Stockmen. | | | Fund. |
|----------------|-------------|-------------------|--------|------------------|--------------------------------|---------|---|
| | Number. | Salary. | Total. | Number. | Salary. | Total. | |
| Cheyenne River | 1 | \$840 | \$840 | | | | Cheyenne River Reservation 3 per cent fund. |
| Do | 3 | 720 | 2,160 | | | | Interest on Cheyenne River Reservation 3 per cent fund. |
| Coeur d'Alene | 1 | 900 | 900 | | | | Interest on Coeur d'Alene 3 per cent fund. |
| Crow | 1 | 800 | 800 | | | | Indian moneys, proceeds of labor. |
| Crow Creek | 1 | 840 | 840 | | | | Support of Sioux of different tribes, employees. |
| Fort Apache | | | | 1 1 1 1 | \$1,200 1,000 900 600 | \$3,100 | Indian moneys, proceeds of labor. |
| Fort Belknap | 1 | 900 | 900 | | | | Support of Rocky Boy's Band of Chippewas and other Indians. |
| Fort Berthold | 1 | 900 | 900 | | | | Fort Berthold Reservation 3 per cent fund. |
| Do | 1 | 900 | 900 | | | | Indian moneys, proceeds of labor. |
| Fort Hall | 1 | 840 | 840 | | | | Support of Indians of Fort Hall Reservation, Idaho. |
| Do | 1 | 720 | 720 | | | | Support of Bannocks, employees. |
| Fort Peck | 1 | 1,000 | 1,000 | | | | Support of Indians of Fort Peck Agency, Mont. |
| Jicarilla | | | | 1 | 900 | | Support of Indians in Arizona and New Mexico. |
| Kaibab | 1 | 900 | 900 | | | | Do. |
| Keshena | 2 | 780 | 1,560 | | | | Interest on Menominee log fund. |
| Do | 1 | 1,100 | 1,100 | | | | Do. |
| Kiowa | 1 | 840 | 840 | | | | Apache, Kiowa, and Comanche 4 per cent fund. |
| Do | 3 | 780 | 2,340 | | | | Do. |
| Leech Lake | 2 | 900 | 1,800 | | | | Chippewas in Minnesota fund. |
| Do | 1 | 720 | 720 | | | | Do. |
| Leupp | 1 | 900 | 900 | | | | Support of Indians in Arizona and New Mexico. |
| Lower Brule | | | | 1 | 900 | | Support of Sioux of different tribes, employees. |
| Mescalero | 1 | 900 | 900 | 1 | 1,000 | | Support of Indians in Arizona and New Mexico. |
| Moqui | 1 | 900 | 900 | | | | Do. |
| Navajo | 1 | 780 | 780 | | | | Indian moneys, proceeds of labor. |
| Osage | 3 | 1,200 | 3,600 | | | | Do. |
| Do | 1 | 1,000 | 1,000 | | | | Chippewas in Minnesota fund. |
| Red Lake | 1 | 900 | 900 | | | | Proceeds of Rosebud Reservation. |
| Rosebud | 1 | 900 | 900 | | | | Support of Indians in Arizona and New Mexico. |
| Salt River | 1 | 300 | 300 | | | | Do. |
| Do | 1 | 240 | 240 | | | | Do. |
| San Carlos | 1 | 1,000 | 1,000 | 1 2 | 1,200 900 | 3,900 | Indian moneys, proceeds of labor. |
| Shoshone | 1 | 900 | 900 | | | | Support of Shoshones, employees. |
| Sisseton | 1 | 720 | 720 | | | | Interest on Sisseton and Wabpeton fund. |
| Standing Rock | 1 | 840 | 840 | 1 | 900 | 900 | Indian moneys, proceeds of labor. |
| Tomah | 1 | 1,200 | 1,200 | | | | General expenses, Indian Service. |
| Tongue River | 1 | 720 | 720 | | | | Support of Northern Cheyennes and Arapahoes, Montana. |
| Do | | | | 1 1 | 1,500 900 | 2,400 | Indian moneys, proceeds of labor. |
| Utah | 2 | 900 | 1,800 | | | | Support of Confederate Bands of Utes, employees. |
| Do | 1 | 900 | 900 | | | | Do. |
| Ute Mountain | 1 | 900 | 900 | | | | Interest on Confederate Bands of Utes 4 per cent fund. |
| Do | 1 | 900 | 900 | | | | Support of Indians in Arizona and New Mexico. |
| Western Navajo | 1 | 900 | 900 | 1 | 1,200 | 1,200 | Chippewas in Minnesota fund. |
| White Earth | 1 1 1 | 200 840 780 | 2,520 | | | | Chippewas in Minnesota fund. |
| Winnebago | 1 | 720 | 720 | | | | General expenses, Indian Service. |
| Yakima | 1 | 900 | 900 | | | | Indian moneys, proceeds of labor. |
| Zuni | 1 | 1,000 | 1,000 | | | | Support of Indians in Arizona and New Mexico. |
| Total | 56 | | 47,840 | 15 | | 12,100 | |

Farmers and stockmen paid from other funds—Continued.

GENERAL SUMMARY.

| Position. | Fund. | | | Total. |
|---------------|--|----------|----------|-----------|
| | Indus- trial work and care of timber. | Tribal | Other. | |
| Farmers..... | \$185,380 | \$26,920 | \$20,920 | \$233,220 |
| Stockmen..... | 29,360 | 10,000 | 2,100 | 41,460 |
| Total..... | 214,740 | 36,920 | 23,020 | 274,680 |

EXPERIMENTATION.

"To expend not to exceed \$25,000 to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits."

The amount estimated for experimentation is largely for the purpose of continuing operations already begun, and to encourage such work at other places where the need therefor becomes apparent. It is, of course, the general policy of the Indian Service to conduct the experimentation work on the farms of the Indians so that they may not only see directly what can be accomplished on their own lands but also take an active part in discoveries and accomplishments along agricultural lines. There is a certain amount of experimentation work, however, which, because of the discouraging effect of failure upon the Indians, ought to be prosecuted at some central point, and when definite and certain results are accomplished the adaptability of the various seeds, plants, and trees can then be brought to the attention of the Indians with more hope of success. The largest and most important experimentation work in the Indian Service is carried on under the Pima jurisdiction in Arizona and on the San Juan Reservation in New Mexico. The farm on the Pima Reservation is conducted under a cooperative agreement made in 1907 between the Departments of Agriculture and Interior. The benefits of this farm can not be over estimated. Many useful plants have been developed and these are beneficial not only to the Indians of the reservation but also to those on other reservations in that section where similar conditions exist. As a result of the experimentation work on this farm a long-staple Egyptian cotton has been developed which is now grown extensively by both Indians and whites in that section. In addition to experimentation work with cotton, tests are also being made with Peruvian alfalfa, Mexican June corn, Bermuda onions, fruits, nuts, trees, and forage plants.

At the San Juan school experimentation work is being carried on under the direction of practical farmers and excellent results have been accomplished, about 50 acres being used for this purpose. Various kinds of alfalfa, fruits, grain, melons, vegetables, and trees are being experimented with and the Indians are furnished with seeds and cuttings from the varieties which the experiments show to be best adapted to local conditions.

FIELD MATRONS.

"For the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipment and supplies, and renting quarters for them where necessary."

All field matrons (60 in number) receiving \$600 and over per annum devote their entire time to the work. Fifteen matrons, paid \$300 each per annum, are employed for half their time. However, this practice does not obtain the best results, and it is now the policy to reduce the number of half-time matrons as rapidly as practicable. The number now in the service on this basis (15) represents a reduction of 4 from the preceding year.

The industrial progress of the Indians is largely dependent upon their health. Thousands of dollars have been expended each year for promoting the educa-

tion, civilization, and self-support of the Indians and for physicians and hospitals for the treatment of diseases among them. But all this expenditure will result in little permanent benefit to the Indians if they have not the health and strength necessary to do their part in carrying out this extensive industrial program and if we do not remedy the insanitary conditions which breed disease on the theory that "prevention is better than cure." In this important work the field matron occupies a necessary and vital place.

Field matrons, fiscal year 1915.

| Number. | Salary. | Total. | Number. | Salary. | Total. |
|-----------------------|---------|--------|----------------------|---------|---------|
| 2 ¹ | \$150 | \$300 | 2..... | \$780 | \$1,560 |
| 1 ¹ | 180 | 180 | 4..... | 840 | 3,360 |
| 15 ² | 300 | 4,500 | 1 ³ | 900 | 450 |
| 10..... | 600 | 6,000 | | | |
| 7..... | 660 | 4,620 | 79..... | | 47,610 |
| 37..... | 720 | 26,640 | | | |

- ¹ Assistants.
- ² Half time.
- ³ Nurse and matron; one-half of salary paid from another fund.

It is the duty of field matrons to visit the Indian women in their homes and to give them counsel, encouragement, and help in the general care of the house and surroundings, hygiene, and sanitation; the preparation and serving of food; the keeping and care of domestic animals, including dairy stock; the care of children and of the sick; observance of the Sabbath; the organization of societies for building up character and for intellectual and social improvement; and anything else that will promote the civilization of the Indians, particularly in their home life and surroundings.

According to the latest figures, the Indian population of the United States under Federal supervision is 309,911. The total number of field matrons now employed (79) averages only 1 matron to every 3,923 Indians. It will thus be seen that the number of matrons employed is entirely too small to get the best results. In addition, the funds available have not permitted the payment of salaries sufficiently large to attract the best class of properly qualified women for this important work so vitally necessary to the welfare and progress of the Indians along the lines of modern civilization.

FORESTRY.

"For the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests."

General supervision.

| No. | Position. | Salary. | Per diem and expenses. | Total. |
|-----|-----------------------------------|---------|------------------------|---------|
| 1 | Supervisor of forests..... | \$2,250 | \$1,350 | \$3,600 |
| 1 | do..... | 12,000 | 1,500 | 3,500 |
| 1 | do..... | 12,000 | 1,200 | 3,200 |
| 1 | do..... | 22,250 | 1,350 | 3,600 |
| 1 | Lumberman..... | 22,250 | 600 | 2,850 |
| 1 | do..... | 2,000 | 600 | 2,600 |
| 1 | Deputy supervisor of forests..... | | | |
| | Total..... | 12,750 | 6,600 | 19,350 |

¹ Actual necessary traveling expenses, including sleeping-car fare and incidentals, and actual expenses of subsistence (not exceeding \$3 a day) when on duty away from home or designated headquarters.
² Actual necessary traveling expenses, including sleeping-car fare and incidentals, and actual expenses of subsistence (not exceeding \$3 a day) when on duty away from home or designated headquarters, but exclusive of subsistence when on an Indian reservation.

Salaries under agencies to be paid from "Industrial Work and Care of Timber, Forestry, 1917."

| Reservation. | Number. | Number of months. | Salary per month. | Total salary. | Salary of all employees. | Expenses. |
|---|---------|-------------------|-------------------|---------------|--------------------------|-----------|
| Blackfeet, forest guard | 2 | 7 | \$75.00 | \$1,050 | \$1,050 | ..... |
| Coeur d'Alene: | | | | | | |
| Ranger | 1 | 12 | 100.00 | 1,200 | 1,950 | \$200 |
| Forest guard | 1 | 10 | 75.00 | 750 |  | ..... |
| Colville: | | | | | | |
| Forest guard | 1 | 12 | 83.33 | 1,000 | 3,625 | ..... |
| Do | 7 | 5 | 75.00 | 2,625 |  | ..... |
| Flathead: | | | | | | |
| Deputy supervisor of forests | 1 | 12 | 133.33 | 1,600 | | 200 |
| Forest guard | 1 | 12 | 90.00 | 1,080 |  | ..... |
| Do | 3 | 12 | 75.00 | 2,700 |  | ..... |
| Do | 5 | 5 | 75.00 | 1,875 | 7,255 | ..... |
| Fort Apache, deputy supervisor of forests | 1 | 12 | 108.33 | 1,300 | 1,300 | 200 |
| Fort Lapwal: | | | | | | |
| Ranger | 1 | 12 | 91.66 | 1,100 | 3,020 | ..... |
| Forest guard | 2 | 12 | 80.00 | 1,920 |  | ..... |
| Grand Portage, forest guard | 2 | 6 | 50.00 | 600 | 600 | ..... |
| Hayward: | | | | | | |
| Scaler | 1 | 12 | 100.00 | 1,200 | 1,700 | 100 |
| Forest guard | 2 | 5 | 50.00 | 500 |  | ..... |
| Hoopa Valley: | | | | | | |
| Forest guard | 1 | 12 | 100.00 | 1,200 | 2,100 | 200 |
| Do | 2 | 6 | 75.00 | 900 |  | ..... |
| Jicarilla: | | | | | | |
| Deputy supervisor of forests | 1 | 12 | 103.33 | 1,300 | | 200 |
| Forest guard | 2 | 12 | 75.00 | 1,800 |  | ..... |
| Do | 1 | 12 | 50.00 | 600 | 3,700 | ..... |
| Klamath: | | | | | | |
| Deputy supervisor of forests | 1 | 12 | 133.33 | 1,600 | | 200 |
| Forest guard | 1 | 12 | 83.33 | 1,000 | 2,600 | ..... |
| Lac du P' am' eau: | | | | | | |
| Forest guard | 1 | 6 | 70.00 | 420 | 1,020 | ..... |
| Do | 2 | 6 | 50.00 | 600 |  | ..... |
| La Pante, forest guard | 3 | 4 | 70.00 | 840 | 840 | ..... |
| Leech Lake: | | | | | | |
| Forest guard | 3 | 6 | 50.00 | 900 | 1,800 | ..... |
| Do | 1 | 12 | 75.00 | 900 |  | ..... |
| Mescalero: | | | | | | |
| Forest ranger | 1 | 12 | 91.66 | 1,100 | 1,550 | 200 |
| Forest guard | 1 | 6 | 75.00 | 450 |  | ..... |
| Navajo, forest guard | 2 | 6 | 50.00 | 600 | 600 | ..... |
| Nett Lake, forest guard | 2 | 6 | 40.00 | 480 | 480 | ..... |
| Pine Ridge: | | | | | | |
| Forest guard | 1 | 12 | 75.00 | 900 | 1,620 | ..... |
| Do | 1 | 12 | 60.00 | 720 |  | ..... |
| Red Cliff, forest guard | 1 | 12 | 75.00 | 900 | 900 | ..... |
| Roseburg, deputy supervisor of forests | 1 | 12 | 125.00 | 1,500 | 1,500 | 600 |
| Round Valley, forest guard | 1 | 12 | 75.00 | 900 | 900 | ..... |
| Shoshone: | | | | | | |
| Forest guard | 1 | 12 | 80.00 | 960 | 1,710 | ..... |
| Do | 2 | 5 | 75.00 | 750 |  | ..... |
| Siletz, forest guard | 3 | 2 | 75.00 | 450 | 450 | ..... |
| Spokane: | | | | | | |
| Forest guard | 1 | 12 | 83.33 | 1,000 | 1,750 | ..... |
| Do | 2 | 5 | 75.00 | 750 |  | ..... |
| Taholah: | | | | | | |
| Scaler | 1 | 12 | 100.00 | 1,200 | | 200 |
| Assistant ranger | 1 | 12 | 91.66 | 1,100 | | 100 |
| Forest guard | 3 | 4 | 75.00 | 900 | 3,200 | ..... |
| Tulalip, forest guard | 1 | 12 | 100.00 | 1,200 | 1,200 | 200 |
| Tule Kiver: | | | | | | |
| Forest guard | 1 | 12 | 75.00 | 900 | 1,080 | ..... |
| Do | 1 | 3 | 60.00 | 180 |  | ..... |
| Utah and Ouray: | | | | | | |
| Forest guard | 1 | 12 | 75.00 | 900 | 1,080 | ..... |
| Do | 2 | 3 | 30.00 | 180 |  | ..... |
| Umatilla, forest guard | 1 | 6 | 75.00 | 450 | 450 | ..... |
| Warm Springs: | | | | | | |
| Forest assistant | 1 | 12 | 100.00 | 1,200 |  | ..... |
| Forest guard | 7 | 4 | 75.00 | 2,100 | 3,300 | ..... |

¹ Actual necessary traveling expenses, including sleeping-car fare and incidentals, and actual expenses of subsistence (not exceeding \$3 a day) when on duty off the reservation. Not exceeding \$200 to be expended for this purpose.

² And actual necessary traveling expenses, including sleeping-car fare and incidentals, and actual expenses of subsistence (not exceeding \$3 a day) when on duty away from official headquarters at Roseburg, Oreg., but exclusive of subsistence when on duty on an Indian reservation.

³ And actual necessary traveling expenses, including sleeping-car fare and incidentals, and actual expenses of subsistence (not exceeding \$3 a day) when on duty off the reservation.

Salaries under agencies to be paid from "Industrial Work and Care of Timber, Forestry, 1917"—Continued.

| Reservation. | Number. | Number of months. | Salary per month. | Total salary. | Salary of all employees. | Ex-penses. |
|-----------------------------------|---------|-------------------|-----------------------|---------------|--------------------------|------------|
| White Earth: | | | | | | |
| Forest guard..... | 1 | 12 | ¹ \$125.00 | \$1,500 | \$3,000 | \$500 |
| Do..... | 1 | 12 | 75.00 | 900 | | |
| Do..... | 6 | 2 | 50.00 | 600 | | |
| Yakima: | | | | | | |
| Deputy supervisor of forests..... | 1 | 12 | ¹ 125.00 | 1,500 | | 200 |
| Forest guard..... | 1 | 12 | 80.00 | 960 | | |
| Do..... | 5 | 5 | 80.00 | 2,000 | 4,460 | |
| Total..... | 105 | | | 61,790 | 61,790 | 3,300 |

¹ And actual necessary traveling expenses, including sleeping-car fare and incidentals and actual expenses of subsistence (not exceeding \$3 a day) when on duty off the reservation. Not exceeding \$200 to be expended for this purpose.

Below are given the estimated amounts which will be needed for general forestry work during the fiscal year 1917, including labor and materials for road, trail, and telephone repair and for fire fighting and timber estimating:

| | | | |
|----------------------|-------|-----------------------|--------|
| Blackfeet..... | \$500 | San Carlos..... | \$500 |
| Coeur d'Alene..... | 300 | Shoshone..... | 800 |
| Colville..... | 3,000 | Spokane..... | 1,000 |
| Flathead..... | 3,000 | Taholah..... | 4,000 |
| Fort Apache..... | 3,000 | Tongue River..... | 200 |
| Hoopa Valley..... | 2,000 | Tulalip..... | 400 |
| Klamath..... | 4,000 | Tule River..... | 250 |
| Lac du Flambeau..... | 800 | Uintah and Ouray..... | 200 |
| Leech Lake..... | 500 | Warm Springs..... | 4,000 |
| Mescalero..... | 800 | Yakima..... | 4,050 |
| Nett Lake..... | 800 | | |
| Red Cliff..... | 500 | Total..... | 34,800 |
| Round Valley..... | 200 | | |

It is believed that the absolute needs for salaries, expenses, equipment, and current repairs to telephone lines, cabins, fences, etc., will amount to at least \$119,240.

Reports from superintendents regarding the need for permanent forestry improvement work show that an expenditure of about \$300,000 could be profitably made therefor. All these permanent improvements are required for the adequate protection of Indian timber, and the expense connected with work of this character has heretofore and will continue to be charged against the forestry appropriation. It is essential that a rather large reserve be maintained in the forestry fund to meet contingencies in the form of forest fires. However, in proportion as trails, fire lines, telephones, and lookout stations are established the yearly reserve for special expense can be reduced.

As the regular current running expenses next year will be about \$119,240, there will be left \$10,760 as a contingent fire-fighting fund out of the appropriation of \$130,000 which should be made for forestry work.

The CHAIRMAN. Is there any increase in the appropriation by reason of this change in the language? Do you have a special appropriation for the forestry service?

Mr. MERITT. No, sir; this appropriation here takes care of our forestry work, our agricultural work, our stock-raising work, our masonry work, and our experimental work.

The CHAIRMAN. Does it take care of the stock-raising work among the Indians?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And of the superintendents directing the stock-raising work?

Mr. MERITT. Yes, sir.

The CHAIRMAN. You ask an appropriation of \$500,000 instead of \$450,000.

Mr. MERITT. We are asking for an increase of \$50,000 in this appropriation because during the last two sessions of Congress the appropriations for industrial work have been materially increased and as a result we are very substantially increasing the industrial activities on the reservations. We need an additional appropriation to take care of a large number of tribal herds that have been purchased for the Indians and also for increasing the industrial activities, such as farming and stock raising.

The CHAIRMAN. What is your unexpended balance?

Mr. MERITT. We have an unexpended balance of \$36,836.37. That unexpended balance, however, may be hypothecated when all of the outstanding obligations are paid.

The CHAIRMAN. Have you any outstanding contracts for the delivery of stock of any kind, or any other contracts that would take up the balance?

Mr. MERITT. We probably have some small outstanding obligations that will use most of the balance shown here.

The CHAIRMAN. Would there be any objection to subtracting the \$36,000 you have on hand from the \$500,000 you are asking for?

Mr. MERITT. We would very much like to have the increased appropriation requested so as to enable us to get the Indians started on their allotments. I am familiar with the conditions, and we have not in past years been giving the attention that we should to industrial activities among the Indians. I believe that what we really most need now is to get the Indians to go to work on their allotments. Within a few years if adequate appropriations are provided, I think we can have a great many Indians who are now receiving gratuities from the Government on a self-supporting basis, but, in order to bring about that condition, it will be necessary to provide these reimbursable appropriations as well as the specific appropriations to provide farmers, stockmen, and field matrons for the Indians. Under this bill we employ 79 matrons, 210 farmers, 31 stockmen, and 105 supervisors of forests, forestry guards, and rangers.

The CHAIRMAN. Will you report to Congress, or this committee, how many stock you have bought, to what tribes they have been furnished, the amount paid for them, etc.?

Mr. NORTON. You have not bought any stock out of this appropriation?

Mr. MERITT. We have justifications showing exactly what we have used these funds for and we also have made a report in connection with the appropriation "Industry among Indians" required by Congress, which is House Document No. 178, Sixty-fourth Congress, first session.

Mr. NORTON. I would like to ask you, Mr. Meritt, whether out of this appropriation for 1916 you have purchased any stock?

Mr. MERITT. No, sir; this is not the appropriation we use for purchasing stock.

Mr. NORTON. This appropriation of \$450,000 was used for the payment of employees?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Entirely?

Mr. MERITT. Very largely.

The CHAIRMAN. Then, I would like to know how many employees were employed, who they are, and what they are paid. Does the document you refer to show that?

Mr. MERITT. That document refers to the use of the funds for the encouraging of industry among Indians. That is a reimbursable appropriation, and it has more or less connection with this specific appropriation we are referring to. You will remember that at the last session of Congress there was appropriated \$600,000 of reimbursable funds for the purpose of encouraging industry among Indians, but this appropriation here is simply for the purpose of providing farmers, stockmen, forest guards, and field matrons to work among the Indians.

Mr. NORTON. Mr. Meritt, have you a statement showing how this money has been expended, or any part of it, further than the statement on page 444 of the estimates of appropriations for the year ending June 30, 1917?

Mr. MERITT. Yes, sir; we have a detailed statement in the justification I have offered, and it will appear in the printed hearings.

Mr. NORTON. On page 44 of the estimates of appropriations for the fiscal year 1917 it appears that in 1915 \$320,975 of the appropriation was paid for employees.

Mr. MERITT. Yes, sir; necessarily a very large amount of this appropriation is for employees, because that is the purpose of the appropriation.

(A recess was thereupon taken until 2 o'clock.)

AFTER RECESS.

The subcommittee reassembled at the expiration of the recess.

Present: Messrs. Stephens (chairman), Carter, and Norton.

The CHAIRMAN: The next item is as follows:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed 3 permanent warehouses in the Indian Service; *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$50 each, and section 23 of the act of June 25, 1910 (36 Stats. L., p. 861), is hereby amended accordingly.

You ask for the same amount that you had last year. Please state the justification for this item.

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Purchase and transportation of Indian supplies.

| | |
|--|----------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$300, 000. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 300, 000. 00 |
| Amount expended..... | 333, 094. 70 |
| Overdrawn..... | 33, 094. 70 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|-------------------|
| Salaries, wages, etc | \$46,027.16 |
| Traveling expenses | 1,730.55 |
| Transportation of supplies | 268,051.36 |
| Heat, light, and power (service) | 221.13 |
| Telegraph and telephone service | 1,025.71 |
| Printing, binding, and advertising | 773.67 |
| Fuel | 229.38 |
| Stationery and office supplies | 1,384.46 |
| Equipment, material, etc | 194.05 |
| Rent | 13,074.96 |
| Miscellaneous | 382.27 |
| Total | 333,094.70 |

NOTE.—\$65,993.47 of the total amount was expended on account of the five warehouses and inspection and advertising of supplies, awarding contracts, etc.

Purchase and transportation of Indian Supplies, 1917.

| | |
|--------------------|-----------|
| Appropriated, 1915 | \$300,000 |
| Appropriated, 1916 | 300,000 |
| Estimated, 1917 | 300,000 |

No part of this appropriation is expended for supplies, except such equipment as may be required to operate the Indian warehouses. The fund is used, except as noted, in the payment of expenses incident to advertisement, purchase, inspection, and transportation of supplies for the Indians, and for the Indian Service generally, including the cost of maintaining the Indian warehouses.

The appropriation for the fiscal year 1915 was expended as follows:

Fiscal year ended June 30, 1915:

| | |
|-------------------------|------------------|
| Amount appropriated | \$300,000.00 |
| Amount expended | 333,094.70 |
| Amount overdrawn | 33,094.70 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|-------------------|
| Salaries, wages, etc | 46,027.16 |
| Traveling expenses | 1,730.55 |
| Transportation of supplies | 268,051.36 |
| Heat, light, and power (service) | 221.13 |
| Telegraph and telephone service | 1,025.71 |
| Printing, binding, and advertising | 773.67 |
| Fuel | 229.38 |
| Stationery and office supplies | 1,384.46 |
| Equipment, material, etc | 194.05 |
| Rent | 13,074.96 |
| Miscellaneous | 382.27 |
| Total | 333,094.70 |

\$65,993.47 of the total amount was expended on account of the Indian warehouses, inspection, and advertising of supplies, awarding contracts, etc.

It will be noted that to date this appropriation has been overdrawn to the extent of \$33,094.70, and there are outstanding indebtedness sufficient to make the total sum expended for all purposes approximately \$350,000. It is estimated, therefore, that the total deficit will be about \$50,000. The deficits occurring in this appropriation for some years past have been covered by deficiency appropriations, for the payment of claims certified to Congress by the Secretary of the Treasury.

The largest item of expenditure, of course, is for the actual transportation of supplies, which for 1915 amounts to \$268,051.36 to date. The outstanding indebtedness is estimated at from \$15,000 to \$20,000 more.

For the fiscal year 1914 the amount expended for the transportation of supplies approximated \$275,000. For the fiscal year 1913, it approximated \$382,000.

The estimated amount for 1917 is \$245,000, but it is not believed that this will cover the expenses incident to the transportation of supplies. There will

probable be an indebtedness incurred during the fiscal year 1917 of from \$270,000 to \$280,000, leaving a deficit of from \$25,000 to \$35,000.

The remainder of this appropriation is used to maintain the warehouses. Prior to the year 1915 these were five in number, but during that year the number was reduced to three. The figures for the different fiscal years are not, therefore, strictly comparable.

| | |
|---|-------------|
| Total expenditures for maintaining warehouses, etc. . | |
| 1913----- | \$66,905.75 |
| 1914----- | 65,709.20 |
| 1915----- | 65,993.47 |
| Estimated for 1917----- | 54,050.00 |
| Salaries, wages, etc. : | |
| 1913----- | 46,998.96 |
| 1914----- | 47,488.19 |
| 1915----- | 46,027.16 |
| Estimated for 1917----- | 40,000.00 |
| Traveling expenses : | |
| 1913----- | 4,400.00 |
| 1914----- | 4,845.31 |
| 1915----- | 1,730.55 |
| Estimated for 1917----- | 2,000.00 |
| Telegraph and telephone service : | |
| 1913----- | 764.84 |
| 1914----- | 789.37 |
| 1915----- | 1,025.71 |
| Estimated for 1917----- | 500.00 |
| Heat, light, and power (service) : | |
| 1913----- | 338.57 |
| 1914----- | 310.35 |
| 1915----- | 221.13 |
| Estimated for 1917----- | 350.00 |
| Printing and advertising : | |
| 1913----- | 749.56 |
| 1914----- | 745.67 |
| 1915----- | 773.67 |
| Estimated for 1917----- | 500.00 |
| Stationery and office supplies : | |
| 1913----- | 804.30 |
| 1914----- | 1,328.77 |
| 1915----- | 1,384.46 |
| Estimated for 1917----- | 500.00 |
| Fuel : | |
| 1913----- | 320.93 |
| 1914----- | 259.80 |
| 1915----- | 229.38 |
| Estimated for 1917----- | 200.00 |
| Equipment : | |
| 1913----- | 529.96 |
| 1914----- | 204.69 |
| 1915----- | 194.05 |
| Estimated for 1917----- | 200.00 |
| Rent of warehouses : | |
| 1913----- | 11,740.00 |
| 1914----- | 11,475.00 |
| 1915----- | 13,074.96 |
| Estimated for 1917----- | 9,500.00 |
| Miscellaneous : | |
| 1913----- | 258.09 |
| 1914----- | 160.35 |
| 1915----- | 382.27 |
| Estimated for 1917----- | 300.00 |
| Total expenditures : | |
| 1913----- | 449,337.99 |
| 1914----- | 342,002.71 |
| 1915----- | 333,094.70 |
| Estimated for 1917----- | 300,000.00 |

The difference between the amount asked for operation and maintenance of the warehouses, as shown in the expenditures for 1915, and in the estimate for 1917, is due to the reduction in the number of permanent warehouses from five to three, it being estimated that we can save approximately \$6,000 in salaries and about \$3,500 in rental, with other smaller savings.

As between the expenditure for transportation in 1913 and 1914, it must be considered that in the former year the expenditure included the cost of transportation of supplies from the end of the road or steamboat line to the agency or school by teams, while since 1913 that service has been paid for out of the support fund of the school or agency for which the goods were purchased.

The appropriation for purchase and transportation of Indian supplies from 1908 to 1911, inclusive, were each \$315,000, including expenses incident to telegraphing and telephoning. In 1912 there was appropriated \$285,000, and a separate appropriation of \$14,000 for telegraphing and telephoning was made.

An earnest effort has been made for several years to regulate the expenditures from this appropriation in such a way as to prevent a deficit, but it is not believed that this can be done while the total amount is held at \$300,000, except at great cost to the Government. Past experience has shown that where we consistently accept the lowest prices on the supplies, including both original cost and freight, that part of the cost covering the freight charges, and which is payable from this appropriation, is sufficient throughout the year to involve a deficit of from \$25,000 to \$50,000 per year. To avoid this, it would be necessary to accept delivered prices, in cases where they were higher than other prices plus freight to destination, in order to avoid payment of the freight charges from this appropriation. This would involve considerable expense to the Government.

By reason of the reduction in the number of warehouses a considerable reduction in number of permanent employees has been made.

Notwithstanding the fact that the total expenditures under this fund during the fiscal year 1915 were smaller than for some years past, there was an actual increase in the volume of business handled. During the fiscal year 1914 the Indian warehouses handled 60,015,338 pounds of supplies of all kinds. During the fiscal year 1915, this amount increased to 73,393,584 pounds. The total cost of maintaining the warehouses, inspecting supplies, and all other expenditures from this fund, exclusive of transportation charges, was less than \$1.80 per ton; or, on a basis of cost, about 4.83 per cent of the value of the supplies handled.

It will be noted that a proviso has been inserted in this section which, if placed upon the statutes, will have the effect of modifying in a small degree section 3709 of the Revised Statutes as it now applies under the direction of Congress found in section 23 of the act of June 25, 1910 (36 Stat. L., 855-861). Under the application of these laws it is necessary in the Indian Service that every purchase be advertised for unless it be an exigency, a purchase from Indians, or a purchase of a patented or copyrighted article on which competition is impracticable. The requirement to advertise has no relation to the amount involved in the proposed purchase; in other words, unless the article to be purchased comes within the three excepted classes it is necessary that competitive bids be procured. In many instances the ultimate cost of advertising, even though it be done informally and not through newspapers, exceeds to a degree the value of the article itself. This condition should be remedied at the earliest practicable date and the requirement to advertise confined to those purchases which involve such an amount as would make it of financial interest to the Government to secure competition. It is believed that if the Indian Service can be relieved of the necessity for advertising on purchases involving \$50 or less it will be greatly benefited, as these small purchases (on which the Government can hope to gain but little, if anything, through advertising) will be expedited and the clerical labor involved in preparing the necessary forms saved.

In this connection there is quoted the law under which the Navy Department operates (34 Stat. L., 1193):

"That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed \$500 and when, in the opinion of the proper administrative officers, such limitation of amount is not designed to evade purchase under formal contract or bond and equally or more advantageous terms can thereby be secured."

The larger purchases of the Indian Service, as a rule, can be anticipated, but it is the small purchases, the need for which arise suddenly but which do not constitute exigencies under the law, which the proposed amendment is intended to cover. Competition is not always available at the Indian agency and many out-of-the-way subagencies and day schools of the service, and much trouble and delay is experienced through the necessity for having to send to distant points in order to comply with the law, with nothing gained in the end.

It is understood that in a number of places dealers have declined to go to the trouble of making out a formal bid where the amount involved is small and no assurance can be given that they will get the order. They charge this requirement to official "red tape," but the service simply obeys the law.

Inasmuch as the Navy Department and, it is understood, other branches of the Government service operate under such an exception to the general rule requiring advertising, it is believed that the Indian Service should also be permitted to avail itself of such an opportunity to expedite and more efficiently handle these small purchases and make its business more attractive to outsiders.

This is the appropriation that enables us to rent warehouses and pay the freight on goods transported to the Indian reservations and Indian schools. We purchase between \$3,000,000 and \$1,000,000 worth of goods for the Indian reservations and Indian schools during the year.

The CHAIRMAN. I notice you ask for the following proviso:

Provided further, That section thirty-seven hundred and nine, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$80 each, and section twenty-three of the Act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and sixty-one), is hereby amended accordingly.

Mr. MERITT. That provision is a very important one, Mr. Chairman, because it will enable us to purchase small articles for the schools and the reservations without going through the red tape of advertising or going to the warehouses.

The CHAIRMAN. As I understand it, that is intended to cover cases where the amount is less than \$80.

Mr. MERITT. That should read \$50. That is a typographical error.

The CHAIRMAN. When the amount is under \$50 you will not have to advertise. Is that the effect of it?

Mr. MERITT. Yes, sir; that will be very helpful to us. We would like very much to have that item.

The CHAIRMAN. Has there been any change made with reference to the number of warehouses as compared with the number in the old bill?

Mr. MERITT. Yes, sir; we now have three permanent warehouses located in Chicago, St. Louis, and San Francisco. We have done away with the permanent warehouse at New York, and at Omaha. During the period of the year when the freight shipments are the heaviest we rent warehouses temporarily in New York and in Omaha for about four months. That will result in a saving of employees and also of rental.

The CHAIRMAN. Are you able to estimate the amount of saving effected by abolishing those two places?

Mr. MERITT. We think there will be a saving of at least \$10,000 a year.

The CHAIRMAN. What was the amount of salaries paid the men you were forced to keep at those places, and what was the amount of rent for those warehouses? Can you estimate that?

Mr. MERITT. This statement will appear hereafter in the record.

The CHAIRMAN. Are there any other savings, except the ones you have mentioned?

Mr. MERITT. No, sir; those are the only savings. You will notice we have been overdrawing this fund for a number of years. It has been almost impossible to keep the amount down to a certain sum because of the difference in freight charges, and it is exceedingly difficult to estimate the exact amount that will be used; but we think that with the abolition of these two warehouses and the procuring of this legislation enabling us to buy locally, we will be able to bring the appropriation within the \$300,000.

The CHAIRMAN. Then it is in your discretion to buy locally in some city and have the goods shipped to these warehouses and distributed from there?

Mr. MERITT. Yes, sir. Under existing law, though, we are required to advertise in all cases, except emergencies, when we buy from Indians and the purchase of patented or copyrighted articles.

The CHAIRMAN. And your position now is that under \$50 you do not have to advertise?

Mr. MERITT. That is what we hope to accomplish by this amendment.

Mr. NORTON. The amount overdrawn under this account at the close of the last fiscal year was \$33,094.70, was it not?

Mr. MERITT. Yes, sir. That will be certified by the auditor to the Secretary of the Treasury and the Secretary of the Treasury will ask for an appropriation for that amount from the Committee on Appropriations.

Mr. NORTON. And the total amount expended on account of Indian warehouses was \$333,094.70? That will be smaller by about \$10,000 for the next fiscal year?

Mr. MERITT. We think we can make a saving of at least \$10,000 by the abolition of the two warehouses mentioned.

Mr. NORTON. Is this an actual saving, or do we lose in some other way by not having these warehouses?

Mr. MERITT. No, sir; it will be an actual saving.

Mr. NORTON. You think you can buy the goods just as cheaply and to as good advantage with three warehouses as with five warehouses?

Mr. MERITT. Yes, sir; in fact I think we could probably save money by having only one warehouse.

Mr. NORTON. Then why not provide for only one warehouse?

Mr. MERITT. We have recently reduced the number to three warehouses, and we would like to try this plan out a little while longer and then probably later on it may be possible for us to see our way clear to recommend only one warehouse.

Mr. NORTON. What is the particular necessity of having a warehouse at San Francisco?

Mr. MERITT. In order to supply goods to those far western reservations. We have a great many Indian reservations and schools in California, Oregon, and Washington, and it is convenient to have a warehouse there.

Mr. NORTON. As I understand it, these warehouses are where you store goods bought in carload lots, or bought in large bulk, and from the warehouses they are distributed to the different Indian reservations?

Mr. MERITT. The goods are transmitted to the warehouses and then shipped to the various schools and agencies; and we also have lettings at the various warehouses where the samples are spread out and the representatives of the Bureau go there and make awards.

Mr. NORTON. Have you a statement showing the cost of maintenance of each of these warehouses?

Mr. MERITT. In the justification you will find a statement showing the expense for salaries, rent, transportation, and other miscellaneous expenses.

The CHAIRMAN. Does that statement show the amount of goods shipped from the different warehouses?

Mr. MERITT. We have not a statement showing the amount shipped from each warehouse, but I will be glad to give that information to the committee.

The CHAIRMAN. I think it would be very advantageous for us to have it.

Mr. MERITT. The following statement will show the amount shipped from each warehouse, and also the salaries and rent paid at each warehouse.

Weight of supplies shipped by each warehouse during the fiscal year 1915:

| | Pounds. |
|-----------------------------------|--------------|
| Chicago | 31, 239, 284 |
| St. Louis | 34, 973, 645 |
| San Francisco (approximate) | 3, 398, 067 |
| New York (10 months only) | 899, 386 |
| Omaha (9 months only) | 3, 979, 090 |

Of the above amounts, the following weights were actually handled in the warehouses themselves:

| | Pounds. |
|---------------------------------------|-------------|
| Chicago | 3, 768, 326 |
| St. Louis | 1, 163, 940 |
| San Francisco (no figures available). | |
| New York (10 months) | 594, 412 |
| Omaha (9 months) | 892, 534 |

The difference—being the amounts not handled through the warehouses—is due principally to coal at St. Louis and Chicago. St. Louis handled the shipment of coal from the mines in southern Illinois, and Chicago the shipment of coal from ports on the Great Lakes (Superior, Duluth, Milwaukee, etc.). Besides this, a small amount of miscellaneous supplies was handled by each of the warehouses which did not pass through the warehouse.

Salaries, fiscal year 1915:

| | |
|----------------------------|---------------|
| Chicago | \$19, 438. 00 |
| St. Louis | 7, 239. 66 |
| San Francisco | 7, 009. 31 |
| New York (10 months) | 6, 731. 66 |
| Omaha (9 months) | 4, 140. 00 |

Rent, fiscal year 1915:

| | |
|----------------------------|------------|
| Chicago | 4, 500. 00 |
| St. Louis | 1, 500. 00 |
| San Francisco | 2, 400. 00 |
| New York (10 months) | 2, 916. 66 |
| Omaha (9 months) | 1, 199. 97 |

No reports are on file from Omaha for the months of April and May, or from New York for the month of May, 1915.

There is no way to tell what the saving will be, due to closing the warehouses in Omaha and New York, as so far they have only been closed for the months of June, July, and August, 1915, during which months the work at the other

warehouses was so light that the additional work thrown on them was not felt. The saving for the three months would probably approximate:

New York:

| | |
|--------------------------------|----------|
| Rent for three months..... | \$874.98 |
| Salaries for three months..... | 1,579.98 |

Omaha:

| | |
|--------------------------------|----------|
| Rent for three months..... | 399.99 |
| Salaries for three months..... | 1,286.25 |

| | |
|------------|----------|
| Total..... | 4,141.20 |
|------------|----------|

For the current fiscal year it is estimated that we will save about \$6,000 in salaries and \$3,500 in rental.

The CHAIRMAN. What goods can be bought and distributed from San Francisco cheaper than from the other two points?

Mr. MERITT. Dried fruits—in fact fact, fruits of all kinds—and sugar.

The CHAIRMAN. Can meats of any kind be bought cheaper there?

Mr. MERITT. No; I think Chicago could beat San Francisco on meats.

The CHAIRMAN. How about blankets or articles of clothing? Are they cheaper there than elsewhere?

Mr. MERITT. No; I believe Chicago and St. Louis would be cheaper.

The CHAIRMAN. Sugar, beans, rice, certain dried or canned fish, fruit, and certain other subsistence items are the main things you can get there as cheap or cheaper?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What difference would there be in purchasing in that market and in St. Louis or Chicago?

Mr. MERITT. We require the merchants of San Francisco and on the coast to compete with the merchants at Chicago and St. Louis and other cities of the Central West and the East.

The CHAIRMAN. Is it not a fact that if you require them to compete you could get the goods cheaper to a greater majority of the Indian reservations from St. Louis or Chicago?

Mr. MERITT. But it is more convenient to ship them from San Francisco.

The CHAIRMAN. I understand that, but does it not cost more to ship them from San Francisco to the main reservations than from Chicago or St. Louis?

Mr. MERITT. Probably so, when we include all the reservations, but it is cheaper to ship from San Francisco to the reservations on the coast.

The CHAIRMAN. To about what proportion of Indians would it be cheaper to ship from San Francisco?

Mr. MERITT. I would say probably 15 or 20 per cent. The San Francisco warehouse does not handle near the quantity of goods that the Chicago warehouse handles.

The CHAIRMAN. Which one handles the most?

Mr. MERITT. Chicago.

The CHAIRMAN. About what proportion of the total does Chicago handle?

¹ Part of the salary list of the Chicago warehouse is due to making up tables showing the cost of Indian supplies under the various annual estimate contracts for the entire Indian Service. This amounts to several thousand dollars annually and is really chargeable against the Indian Service at large rather than the Chicago warehouse.

Mr. MERITT. I would say that at this time, since the abolition of the two warehouses in New York and Omaha, Chicago would handle probably 50 per cent of the goods.

The CHAIRMAN. Fifty per cent of the entire output?

Mr. MERITT. Yes, sir; 50 per cent of the entire output handled through the warehouses.

The CHAIRMAN. Can you get goods from St. Louis to the reservations, say, in New Mexico, Arizona, and Oklahoma, cheaper than you can from Chicago or would the freight rates be about the same?

Mr. MERITT. There is very little difference in rates between Chicago and St. Louis, the rates to the southwest points being slightly in favor of St. Louis.

The CHAIRMAN. If one of the two should be abolished, which would be the more advantageous to the Government to retain?

Mr. MERITT. Chicago, or possibly St. Louis, would be the logical place for the one warehouse if we only had one.

The CHAIRMAN. About what would the saving be if we only had one warehouse?

Mr. MERITT. It would probably be \$15,000. I would not like to advocate, though, at this time the abolishing of all the warehouses except one. I would prefer to wait and get specific instructions from the office and the department on that matter.

The CHAIRMAN. Of course we are simply trying to get all the facts in the matter, and we want to get the benefit of the information you must have relative to the availability of the different warehouses, and as to which one we should retain if we should decide to reduce the number to one.

Mr. NORTON. Mr. Meritt, I observe from your justification that in 1914 there were 60,015,638 pounds of supplies distributed from the warehouses and that in the fiscal year 1915 there were 73,393,584 pounds distributed at a cost for distribution through the warehouses of 4.83 per cent of the value of the supplies handled.

Mr. MERITT. Yes, sir.

Mr. NORTON. It occurred to me that that seems to be a high cost for mere distribution through a warehouse, and is, as a matter of fact, a high cost unless some considerable saving is made by virtue of buying through these warehouses.

Mr. MERITT. We feel it is necessary to buy through a warehouse in order to keep a check on the goods purchased so that they can be properly inspected and see that the goods we get are in accordance with the specifications.

Mr. NORTON. You think a saving of more than 4.83 per cent of the value of the goods is made by the use of these warehouses?

Mr. MERITT. Oh, yes. A check of that kind is absolutely necessary in our service, otherwise goods might be palmed off on the service of an inferior grade and not up to the standard.

Mr. NORTON. Do I understand from your statement that the warehouses are used largely to keep a check on the goods rather than to purchase the goods at a better price?

Mr. MERITT. They are used for both purposes; both for purchasing and for checking the goods after they are purchased.

Mr. NORTON. Of course, when the goods are sent out to any reservation or to any agency they are there put in a local storehouse and distributed from the storehouse and checked again?

Mr. MERITT. Yes, sir.

The CHAIRMAN. As I understand it, these goods are brought to the warehouse, for instance, at Chicago, and each manufacturer has a representative there to show the goods. The samples are all there and the parties representing the department do not have to travel anywhere to see the samples, but buy right at the warehouse; is not that the custom?

Mr. MERITT. Yes, sir.

Mr. CARTER. Is not the real benefit the warehouse serves the fact that it gives you an expert to pass upon the value of each line of goods?

Mr. MERITT. That is one of the benefits.

Mr. CARTER. Is not that the principal one?

Mr. MERITT. That is one of the principal benefits, I should say; yes, sir.

Mr. CARTER. Suppose you did away with the warehouses completely, what would be your method of inspection and checking up to see if the contracts were complied with?

Mr. MERITT. In the event we did away with all the warehouses, which I would not advocate, it would be necessary for us to send inspecting officials to the source of supply, the manufacturer, and there inspect the article before it is shipped to the reservations.

Mr. CARTER. Instead of having them all brought into one place and inspected?

Mr. MERITT. Yes, sir.

Mr. CARTER. Now, is not that really the principal benefit? I want to know whether it is or is not. It occurred to me that is the principal benefit derived from the warehouse system.

Mr. MERITT. I would consider that one of the principal benefits.

Mr. CARTER. I notice the amount you expended in 1913 was \$342,000.

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice the amount expended last year was only \$333,000.

Mr. MERITT. Yes, sir.

Mr. CARTER. There was a difference there of about \$9,000 saved. Do you attribute any part of that saving to the fact that you did not have to keep up the five warehouses?

Mr. MERITT. I think that contributed to the saving.

Mr. CARTER. I notice the salaries and wages paid out, according to the hearings of two years ago, amounted to \$47,488, and according to the hearings of last year that amounted to \$46,027, a difference of about \$1,400. Was that all that you were able to save on salaries by reason of the consolidation of these warehouses?

Mr. MERITT. It was for last year, because we maintained those warehouses practically the entire year. We will be able to show a larger saving in our next report to the Congress.

Mr. CARTER. Are you not temporarily maintaining the Omaha and New York warehouses this year?

Mr. MERITT. We closed those warehouses, but we opened them temporarily in September; but the Omaha warehouse has been ordered closed, and the New York warehouse will be closed by January 1.

Mr. CARTER. I notice in the hearings of last year that you expended \$274,434 for transportation of supplies, and for the last fiscal year you expended only \$268,000 for transportation of supplies.

Mr. MERITT. Yes, sir.

Mr. CARTER. Was any part of that saving due to the reduction in the number of warehouses?

Mr. MERITT. I do not think so, Mr. Carter.

Mr. CARTER. Would you not have a reduction in the cost of transportation of supplies when you consolidated them into a fewer number of warehouses?

Mr. MERITT. I think we would show a general reduction of expenses, but last year these warehouses were in operation practically the entire year. Therefore the figures we have here would not show a reduction. Next year we can show a reduction because of the reducing of the number of warehouses from five to three.

Mr. CARTER. I notice in your telephone and telegraph service a difference of \$200 more paid out last fiscal year than was shown in the hearings of a year ago. How does it come about that it cost 25 per cent more for telegraph and telephone services?

Mr. MERITT. Mr. Carter, that is because there is a constant tendency on the part of people to use the telephone and the telegraph in order to expedite business.

Mr. CARTER. That service is increasing?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice you paid \$11,475 for rent, as shown by the last hearings, and last year you report \$13,074. How is it you pay out \$1,600 more for rent when you kept two of the warehouses only four months out of the year, and before you kept all five of the warehouses all the year?

Mr. MERITT. As I explained before, these figures here do not show the saving on rent this year. We had during the last fiscal year the five warehouses throughout the year and we did not reduce the number of those warehouses until about June of this year.

Mr. CARTER. Then there is no difference practically in the expenditures now and before the warehouses were discontinued, because the commissioner was not able to discontinue them before the last fiscal year?

Mr. MERITT. No, sir. They were not discontinued until about June of this year, and then we discontinued two warehouses.

The CHAIRMAN. The next item is—

For telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, \$10,000.

What justification have you for that item?

Mr. MERITT. We offer the following justification for this item:

Telegraphing and telephoning, Indian Service.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 10,000.00 |
| Amount expended..... | 9,528.34 |
| Unexpended balance..... | 471.66 |

ANALYSIS OF EXPENDITURES.

Telegraph and telephone service----- \$9,528.34

This item is to provide the Indian Service with funds covering the transmission of telegrams to and from the Indian Office by officials in the field, and the cost, where necessary, of telephone tolls in forwarding such messages where direct connection can not be had. As said heretofore, most of the reservations and schools and officials are located west of the Mississippi River, and the nature of the service necessarily requires a large amount of telegraphing to and from the office.

The CHAIRMAN. Has there been any increase in the price?

Mr. MERITT. No, sir; we are requesting the same amount which was appropriated last year.

The CHAIRMAN. Is that made necessary for the efficient service of the bureau?

Mr. MERITT. Yes, sir; we need the full amount.

Mr. CARTER. I notice in most of your specific appropriations you have an appropriation for telegraph and telephone service. Your justification shows the amount expended for this service?

Mr. MERITT. Yes, sir.

Mr. CARTER. This \$10,000 is expended in addition to that?

Mr. MERITT. Yes, sir.

Mr. CARTER. Just how is that applied?

Mr. MERITT. The amount here, \$10,000, requested is to meet the expenses of telegrams sent by and to the Indian Bureau, but if a superintendent should telegraph to another superintendent regarding an agency matter or school matter, that telegram would not be paid out of this appropriation, but would be paid out of the separate fund for the agency or school.

Mr. CARTER. I understand you to say that the appropriation of \$10,000 is to be used in the Bureau of Indian Affairs here in Washington?

Mr. MERITT. It is to be used to cover the expense of telegrams sent out to the field by the bureau, and also the expense of telegrams received by the Indian Bureau.

The CHAIRMAN. That is the way it reads.

Mr. MERITT. Yes, sir.

The CHAIRMAN. So when you send a telegram to an agent to get information and he replies, both of the telegrams are charged to this appropriation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. But if an agent telegraphs or telephones to another agent, that is charged up to the agencies?

Mr. MERITT. Yes, sir.

Mr. CARTER. Is there a provision in any other appropriation bill except this one for this purpose?

Mr. MERITT. No, sir; there is no other specific appropriation, and we can not use any other appropriation for telegrams received or sent by the Indian Bureau.

Mr. CARTER. You make no estimate at all to the Committee on Appropriations for telegraph and telephone tolls on business pertaining to the Indian Service?

Mr. MERITT. No, sir. The only other request we make of the Appropriation Committee outside of the Indian Committees of the House and Senate is for appropriations to cover the employees in

the Indian Bureau, and also to cover any deficiencies that may arise and which are certified to Congress by the Secretary of the Treasury.

Mr. NORTON. I notice that the expenditures for the fiscal year ending June 30, 1914, were \$11,163.79, and for the fiscal year ending June 30, 1915, the expenditures were \$9,528.34, approximately \$2,000 less. In this particular department they seem to be using the telephone and telegraph less than before?

Mr. MERITT. We found that our superintendents were using the telegraph and telephone in a good many cases where they should have used the mails, and it was necessary for us to send a drastic circular to the field directing that they discontinue the unnecessary use of telegrams and the use of telephones, which has resulted in a saving in this specific appropriation.

The CHAIRMAN. Without injuring your service?

Mr. MERITT. Yes, sir; without injuring the service.

The CHAIRMAN. The next item is:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, \$2,000: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

What justification have you for that?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Court costs, etc., in suits involving lands allotted to Indians.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$2,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 2,000.00 |
| Amount expended..... | 311.07 |
| Unexpended balance | 1,688.93 |

ANALYSIS OF EXPENDITURES.

| | |
|----------------------------|----------|
| Salaries, wages, etc | \$127.70 |
| Traveling expenses | 104.05 |
| Court costs, etc..... | 79.32 |
| Total..... | 311.07 |

The claim of an Indian to an allotment or homestead on the public domain is often contested by white people who claim to have made prior settlement, or for other reasons, necessitating a hearing before the local land office to determine the rights of the respective parties. Witness fees must be paid, traveling expenses incurred, etc., in order to determine the facts in the cases and properly protect the interests of the Indians. Sometimes it becomes necessary to request the Department of Justice to represent Indians in suits based on contests of this character, or in the State courts when an Indian allotment has been clouded by reason of attempted conveyances obtained fraudulently or otherwise, for which the Department of Justice has not specific fund available.

There is an unexpended balance of \$1,688.93 in this appropriation. It is difficult for us to estimate the exact amount that may be needed in connection with this appropriation. We may have considerable litigation this year where we will be called upon to furnish funds, and next year we may have practically none.

The CHAIRMAN. Is this a continuing appropriation?

Mr. MERITT. No, sir. This unexpended balance goes back into the Treasury.

The CHAIRMAN. Two thousand dollars is your estimate, and that is the amount you need?

Mr. MERITT. In view of the unexpended balance, if the committee wants to reduce it to \$1,000 we will be able to get along with that amount.

Mr. CARTER. I notice that the language of this item reads "expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them," and so forth. You do not mean by that language that it is ever necessary for the department to spend money against the claim of an Indian?

Mr. MERITT. No, sir. This money is used largely in protecting an Indian who has taken up what is known as a fourth section allotment on the public domain, and a white man contests with the Indian as to who shall file on the land. It is sometimes necessary to pay witness fees in order to protect the title of the Indian.

The CHAIRMAN. If there is a special attorney for the Pueblo (New Mexico) Indians could he be paid out of this appropriation?

Mr. MERITT. No, sir; we have a specific appropriation for his salary.

The CHAIRMAN. What is the difference between that and this appropriation?

Mr. MERITT. This appropriation is largely for witness fees, and that appropriation is to pay the salary of a special attorney.

The CHAIRMAN. And you need both sums?

Mr. MERITT. Yes, sir.

Mr. NORTON. This appropriation specifically provides that no amount shall be used for the payment of attorney fees.

The CHAIRMAN. The next item is:

For expenses of the Board of Indian Commissioners, \$10,000.

What justification have you for that?

Mr. MERITT. We offer the following justification.

The CHAIRMAN. The same justification that you had four years ago?

Mr. MERITT. The justification is short, and I will read it:

Expenses of Indian commissioners.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$10,000. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 10,000. 00 |
| Amount expended----- | 9,204. 79 |
| Unexpended balance----- | 795. 21 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc----- | \$4,924. 74 |
| Traveling expenses----- | 2,911. 54 |
| Telegraph and telephone service----- | 86. 39 |
| Printing, binding, and advertising----- | 1,125. 20 |
| Stationery and office supplies----- | 135. 76 |
| Miscellaneous----- | 21. 16 |
| Total----- | 9,204. 79 |

In sections 2039 to 2072 of the Revised Statutes, the President is authorized to appoint a Board of Indian Commissioners to serve without compensation to perform certain duties outlined therein, and the acts amendatory thereof. In order to enable this body to carry on its function an appropriation is necessary to cover the traveling and other expenses of the members of this body.

The CHAIRMAN. What was the amount appropriated last year?

Mr. MERITT. The amount appropriated last year and the year previous was \$10,000, the same amount that we are asking for.

The CHAIRMAN. What was the amount before that?

Mr. MERITT. Four thousand dollars.

The CHAIRMAN. For a good many years?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is there any reason why this fund should have been raised from \$4,000 to \$10,000; any necessity for it, in your judgment?

Mr. MERITT. We did not estimate for an increase at the time.

The CHAIRMAN. You never estimated for more than \$4,000 until two years ago?

Mr. MERITT. I believe that is in accordance with the facts, Mr. Chairman.

The CHAIRMAN. What are the duties of these commissioners with reference to the purchase of supplies?

Mr. MERITT. Their duties, as defined by law, are to cooperate with the Commissioner of Indian Affairs in supervising the purchase of supplies for the Indian Service. This law was enacted during the administration of Gen. Grant, I believe, when there was alleged to be considerable grafting in the Indian Service, and it was to bring about an improved condition that this law was enacted.

The CHAIRMAN. Is it not further the fact that at that time, when they provided for this board of commissioners, that the War Department had control of the Indians and their supplies and that the persons who were appointed on that board were taken from civil life for the purpose of seeing that the Indians were not despoiled by the persons in the War Department who had them in charge?

Mr. MERITT. The War Department did not at that time have general supervision of the Indian Bureau. The War Department did have supervision over Indian affairs generally up to the time of the creation of the Interior Department in 1849. From that time on the Secretary of the Interior has had general supervision of Indian affairs. There were, however, a good many Army officers in charge of Indian reservations.

The CHAIRMAN. It had been the custom before that time for Army officers to have charge of the reservations as agents of the Government?

Mr. MERITT. There were a great many Army officers in charge of Indian agencies.

Mr. CARTER. Did not the law require at that time that Indian agents should be Army officers?

Mr. MERITT. No, sir.

The CHAIRMAN. What other services do the members of this Board of Indian Commissioners perform?

Mr. MERITT. They visit Indian schools and agencies and make reports in regard to their findings and recommendations as to improvements.

The CHAIRMAN. Is not the Government paying men for that exact purpose—you have in your bureau men who have charge of the schools, who report on the schools and the improvement of the schools?

Mr. MERITT. Yes, sir. We have inspectors and supervisors employed to inspect the agencies and schools and who report directly to the Commissioner of Indian Affairs and to the Secretary of the Interior.

The CHAIRMAN. Are not the facilities of the department much better than the facilities of this board for making correct reports to the Government?

Mr. MERITT. The idea back of this board, Mr. Chairman, was, of course, to get the view of disinterested men who are able to go on the reservations and make reports and recommendations from a broad business point of view.

Mr. NORTON. Who are the members of the commission at the present time; what is their business; what line of work are they engaged in; and also please give us the name and business of the secretary?

Mr. MERITT. The information called for is as follows:

Mr. George Vaux, jr., chairman (attorney at law), 1606 Morris Building, Philadelphia, Pa.

Merrill E. Gates, LL. D. (ex-president Rutgers and Amherst Colleges), 1309 Rhode Island Avenue, Washington, D. C.

Right Rev. William D. Walker (bishop of Episcopal Church), 367 Elmwood Avenue, Buffalo, N. Y.

Mr. Warren K. Moorehead (professor at Andover), Andover, Mass.

Rev. William H. Ketcham (connected with bureau of Catholic Indian missions), 1326 New York Avenue NW., Washington, D. C.

Rev. Samuel A. Eliot, D. D. (clergyman), 25 Beacon Street, Boston, Mass.

Mr. Frank Knox (editor), Manchester, N. H.

Mr. Edward E. Ayer (retired business man), Railway Exchange Building, Chicago, Ill.

Mr. Daniel Smiley (proprietor Lake Mohonk House), Mohonk Lake, N. Y.

Mr. Isidore B. Dockweiler (attorney at law), Los Angeles, Cal.

Mr. Malcolm McDowell, secretary (formerly in banking business, Chicago, Ill.), Bureau of Mines Building, Washington, D. C.

The CHAIRMAN. How long have you been connected with the department?

Mr. MERITT. I have been connected with the department about 10 years.

The CHAIRMAN. During the 10 years have these commissioners been attending the various lettings of contracts at the various warehouses?

Mr. MERITT. Usually they have had one or more representatives at the lettings, at least one of the lettings during the year.

The CHAIRMAN. What do they do at the lettings?

Mr. MERITT. They cooperate with the representatives of the Indian Office in deciding on the awards and on what goods shall be purchased.

The CHAIRMAN. Do you know of Mr. Abbott being at San Francisco several years ago?

Mr. MERITT. Yes, sir. Mr. Abbott was there, and I was also present, representing the bureau at that letting.

The CHAIRMAN. Were you there when he made a speech which was published in the papers with reference to the condition of Indian matters and favoring San Francisco over the other warehouse places?

Mr. MERITT. I was in the city at the time he made that speech at the Palace Hotel, but I was not present at the luncheon.

The CHAIRMAN. You read the report of that speech?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The purpose of that speech was to boost San Francisco over the other places for the letting of contracts?

Mr. MERITT. I think Mr. Abbott was simply playing a little politics when he made that speech.

The CHAIRMAN. Do you know of any useful or ornamental purpose that this commission subserves?

Mr. MERITT. I believe that the commission can be of some help in the solving of the Indian problem, provided the members of the commission cooperate with the Secretary of the Interior and the Commissioner of Indian Affairs in a sympathetic way.

The CHAIRMAN. Have they been doing that heretofore?

Mr. MERITT. I would say that there is closer cooperation now than there has been in the immediate past.

Mr. NORTON. Is it not a fact, Mr. Meritt, that the principal thing that this commission does is to fill the demand that the public make in general for some disinterested persons to check up and make such criticism as they deem should be made of the work of the Department of the Interior as it pertains to the care and conduct of Indian affairs?

Mr. MERITT. That is one of the purposes of the board.

Mr. NORTON. What, if any, investigations and reports thereon has this commission made during the past year?

Mr. MERITT. The board has made a number of reports. Dr. Eliot, of Boston, one of the very able members of the board, visited the Northwest last year and made some valuable reports on the conditions of the Indians in the Northwest. Mr. Vaux and Mr. Moorhead have made reports on conditions in Oklahoma.

Mr. CARTER. In the last year?

Mr. MERITT. In the last two years. Father Ketcham has made reports on conditions on the Flathead Reservation, and Mr. Ayer has made reports that have been read by the Indian Office with interest. In fact, a number of reports have been made by the different commissioners that were of considerable interest.

The CHAIRMAN. Have you adopted any suggestions they made to you and asked Congress to enact them into laws?

Mr. MERITT. I do not recall any specific recommendations they have made that we were not working on at the time, except probably some recommendations from Dr. Eliot in reference to the Indians of the Northwest, and probably Mr. Ayer has made some new recommendations regarding the Menominee Indians.

The CHAIRMAN. Has Congress passed any resolution or bill along the lines indicated and suggested by the board during all the years of your service?

Mr. MERITT. I do not at this time recall any specific instance.

Mr. CARTER. I notice that you have a very comprehensive justification for this item. I presume the bureau is very anxious to have this board retained in the present appropriation?

Mr. MERITT. To be perfectly frank, Mr. Carter, the bureau has not the slightest objection to the appropriation of \$10,000 at this time.

There has been a change in the personnel of the employees of the board that has very materially improved conditions.

Mr. CARTER. Would you like to have the amount increased?

Mr. MERITT. No, sir; we would not ask for an increase over our estimate.

Mr. CARTER. You referred to a report that Mr. Vaux made about Oklahoma matters; that was made some two or three years ago, was it not?

Mr. MERITT. Yes, sir; some time ago.

Mr. CARTER. He has not made any report within the last two years, has he?

Mr. MERITT. I do not think he has.

Mr. CARTER. He claimed at that time to have found some very startling conditions in Oklahoma?

Mr. MERITT. He did make a report which showed that the conditions were not as good as we thought they might be.

Mr. CARTER. Prior to that time, Mr. Moorehead, of the commission, made a much more sensational report?

Mr. MERITT. The report of Mr. Moorehead was, if I may use the term, more radical than the report made by Mr. Vaux.

Mr. CARTER. In fact, the report made by Mr. Moorehead was so sensational that Secretary Fisher refused to have it printed as a public document, did he not?

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Meritt, how do you find the conditions in Oklahoma now with reference to the matters that Mr. Vaux and Mr. Moorehead reported to the department, have they been improved or grown worse?

Mr. MERITT. I think that the conditions in Oklahoma are improving.

Mr. CARTER. Have not the conditions in Oklahoma improved to the point where they are quite satisfactory to the department now?

Mr. MERITT. The conditions at none of the schools or agencies are perfect, not what we would like to have them, but they are, we believe, improving all the time.

Mr. CARTER. Are wholesale frauds such as were reported by Mr. Moorehead to have taken place in Oklahoma still being practiced in Oklahoma?

Mr. MERITT. No, sir; I do not believe they are, although there are some cases where Indians are defrauded.

Mr. CARTER. The same as in any other State?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you attribute any of that elimination of fraudulent practices to the probate attorneys that have been on the job down there?

Mr. MERITT. The improved conditions in Oklahoma are due, to a considerable extent, to the probate attorneys and also to the aroused public sentiment.

Mr. CARTER. Have you now an organization or system in Oklahoma by which you can more readily detect and prevent fraud than before?

Mr. MERITT. Yes, sir. Commissioner Sells soon after he entered office, in cooperation with the local representatives of Oklahoma, formulated rules of procedure, and Congress very generously made an

appropriation for the salaries of probate attorneys. Those probate attorneys have saved thousands of dollars of property to the Indians that otherwise might have been lost.

Mr. CARTER. I may want to ask you some other questions about the probate attorneys when we get to that item.

I would like to know now if the bureau hears of any serious complaints against them from Oklahoma?

Mr. MERITT. About the probate attorneys?

Mr. CARTER. Yes, sir.

Mr. MERITT. As a general rule, the probate attorneys have done good work. There have been some criticisms.

The CHAIRMAN. Are all of these nine commissioners active, or only two or three of them?

Mr. MERITT. The Board of Indian Commissioners has been more active during the last two years than in previous years. They have all been more or less active. Some are more active than others.

The CHAIRMAN. Are there as many as half of them that go on the reservations and make reports?

Mr. MERITT. I believe that half of the Commissioners have been out on the reservations in the last two years.

The CHAIRMAN. Would not five members be as effective as nine, and the expense just half?

Mr. MERITT. Probably five, active, aggressive members on the board could accomplish as much as the nine members have accomplished in the years gone by.

The CHAIRMAN. Is it not a fact that nearly all of these men are eastern men, living a great many miles from the reservations?

Mr. MERITT. Yes, sir; they are practically all eastern men.

The CHAIRMAN. Is it not a fact that men living in the States where the main Indian reservations are would be much more competent to pass judgment on what was necessary than these eastern men, men who could be selected by the President like these men are selected?

Mr. MERITT. I would say that a man who lives in the immediate community where Indians live would, of course, have a more intimate knowledge of Indians than a man who lives many hundreds of miles away from the reservation.

The CHAIRMAN. Would not their recommendations, owing to their personal knowledge and having lived among the Indians, be of much more value to the department than those of eastern men in arriving at a conclusion as to legislation?

Mr. MERITT. Of course the men who are removed from the reservation would be disinterested and their views would not be colored by local influences.

The CHAIRMAN. Would it not be better if there were some near by the Indian reservations and some away from the Indian reservations who could possibly have no influence to injure the Indians in any way?

Mr. MERITT. I think, perhaps, that might be helpful.

The CHAIRMAN. Would it not be better to have part of them from near-by States and part of them from away from the Indian reservations, men who would have no personal interest?

Mr. MERITT. We have one commissioner from Chicago and one from California. The others, I believe, are eastern men.

The CHAIRMAN. How far is the California man away from any Indian reservation?

Mr. MERITT. His home is in Los Angeles, and we have a good many reservations in southern California and one very large Indian school at Riverside, near Los Angeles.

The CHAIRMAN. Is it not a fact that these California Indians are scattered?

Mr. MERITT. They have been placed on small reservations.

The CHAIRMAN. They are more or less scattered?

Mr. MERITT. We have nearly 20,000 Indians, though, in the State of California.

The CHAIRMAN. Nearly all of them are in the northern part of the State, are they not?

Mr. MERITT. A good many of them are; yes, sir. Still we have a large number of Indians in southern California.

The CHAIRMAN. That is the only western man sent there—the only man west of the Mississippi River?

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Meritt, I notice there was spent, according to your estimate here, for salaries, wages, etc., \$4,924.

Mr. MERITT. Yes, sir.

Mr. CARTER. What were those salaries and wages paid for?

Mr. MERITT. They were paid for a secretary, whose salary, I believe, was increased recently.

Mr. CARTER. To what amount?

Mr. MERITT. From \$2,500 to \$3,000.

Mr. CARTER. And what was the other \$1,924 paid for?

Mr. MERITT. The other employees in the office of the secretary.

Mr. CARTER. They have other other employees besides the secretary?

Mr. MERITT. They have two other employees, I believe.

Mr. CARTER. I notice you have another item here for printing, binding, and advertising, \$1,125.

Mr. MERITT. They have had considerable printing done; they have had their reports printed and bound.

Mr. CARTER. What kind of advertising do they do?

Mr. MERITT. I do not think they do any advertising. That is simply the bookkeeping classification that we give to that work.

Mr. CARTER. Is it your opinion that they would be authorized to spend any money for advertising under this appropriation?

Mr. MERITT. I do not believe that they have expended any money for advertising purposes.

Mr. CARTER. Do you think they would be authorized to spend any money for advertising?

Mr. MERITT. The language of the act is rather broad, and if the members of the commission thought that it was necessary to advertise for a specific thing, why, I should think that they would have that authority.

The CHAIRMAN. You say that Mr. Abbott went out as secretary of the board of commissioners in July of this year?

Mr. MERITT. I believe that his term of office expired in July.

The CHAIRMAN. Who is secretary now?

Mr. MERITT. A Mr. McDowell, of Chicago, a very agreeable gentleman. I have met him recently and am very favorably impressed with him.

The CHAIRMAN. Did Mr. Abbott, at the time he went out, make any report of the expenses of the commission at the time his term of office expired?

Mr. MERITT. That was one of his duties.

The CHAIRMAN. Did he comply with that duty?

Mr. MERITT. I think so, because there were certain expenses that he requested which were disallowed by the auditor and the comptroller.

The CHAIRMAN. What was the nature of those expenses which were disallowed?

Mr. MERITT. He made a trip, I believe, to Canada to investigate Indian affairs in Canada, and I believe it was held that those expenses could not be paid out of this appropriation.

The CHAIRMAN. What was the bill that he presented for that Canadian work?

Mr. MERITT. It was about \$500; I do not recall the exact total. He also had some of his expense money to San Francisco disallowed because he had made a double charge in connection with certain of his expenses.

The CHAIRMAN. What did that amount to, that double charge?

Mr. MERITT. About \$50, I believe. He went to Oklahoma City for the Department of Justice, and he had his expenses paid from here to Oklahoma City and back; and then he went from there to San Francisco and made another charge for his full expenses back from San Francisco to Washington. The comptroller's decision could better explain that than I can.

The CHAIRMAN. Will you furnish us with a copy of that?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Was that account disallowed?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Was it sworn to?

Mr. MERITT. I think it was.

The CHAIRMAN. Is there any other statement with reference to that account which you desire to make for the purpose of explaining it?

Mr. MERITT. No; the comptroller's decision would explain it better than I can; in fact, I am not thoroughly familiar with it, except in a general way.

(The comptroller's report referred to follows:)

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
April 20, 1915.

F. H. Abbott, special disbursing agent of the Interior Department, applied February 27, 1915, for a revision of the action of the Auditor for the Interior Department in disallowing by settlement No. 8022, dated October 6, 1914, credit for certain payments (aggregating \$312.49) made to himself as secretary of the Board of Indian Commissioners for travel expenses incurred during the period from May 27, 1914, to June 24, 1914, in attending the letting, at San Francisco, Cal., of contracts for the purchase of supplies for Indians. (See vouchers 47, 48, 49, and 50, fourth quarter, 1914.)

The reasons assigned by the auditor for disallowing credit for these payments are as follows:

"There appears to be no provision of law which gives the Board of Indian Commissioners the right to delegate any of its powers or duties authorized

by law to its secretary who is not a member thereof. Neither is there any provision of law for the payment of traveling expenses of said secretary."

As I understand the auditor's position in this matter he does not hold that traveling expenses could under no circumstances be allowed to the secretary, but that the allowance was not authorized in this case because the travel was performed by the secretary of his own volition, the same as though he were a member of the board, and not under proper orders which he was bound to obey.

The powers and duties of the Board of Indian Commissioners are clearly set forth in the act of May 17, 1882 (22 Stat., 70), as follows:

"Hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior."

From the nature of these powers and duties and from the provisions in the act of April 10, 1869 (16 Stat., 40), providing for the creation of this board, it is apparent that the board is to act on its own motion in making the inspections authorized. But I think it is the intent of the law that such inspections are to be made members of the board in person, with such clerical and other like assistance as they may require. This would seem to be indicated by the fact that said members are required to be selected "from men eminent for their intelligence and philanthropy."

I find nothing in the act of August 24, 1912 (37 Stat., 521), which authorizes the employment by the board of a secretary not a member thereof, or in any other law, that could be construed as empowering said secretary, either of his own volition or at the request or direction of the board, to act for or represent the board in the matter of these inspections or consultations. The duties of a secretary may well be and are broadened in some cases so as to include more than merely clerical duties, and in this case there would seem to be no reason why he might not be assigned the duty of procuring information for the benefit of the board, but an advisory duty delegated presumably because of confidence reposed personally in the delegate is not such a duty as may properly be redelegated.

The secretary, as authority for the practice, refers to an Executive order of many years ago which authorized the commission to make inspections, etc., by "subcommittee." The point hardly needs discussion. The meaning of "subcommittee" is too well understood. The invoking of such an untenable theory by the secretary tends to weaken rather than strengthen the position assumed.

The vouchers upon which the payments now under consideration were made are not accompanied by a copy of or reference to any specific written order or authority under which the travel in question was performed. And while it appears in evidence now before me that the chairman of the board approves of the action of the secretary in performing this travel—and possibly may be regarded as having authorized it in advance—it also appears that no specific orders were issued directing the performance of the travel, and that such orders as there were amounted to nothing more than recognition of a discretion in the secretary. This is indicated by a statement in a letter addressed to the secretary by the chairman, May 16, 1914, as follows:

"I do not believe it will be possible for me to go to St. Louis, and, of course, not to San Francisco. I am writing Mr. Dockweiler, a member of the board residing in California, to see if he will not look after things there, and I hope you will make it a point to see him in Los Angeles, in any event, if you go to California."

It is contended that a certain resolution of the Board of Indian Commissioners, dated February 5, 1914, purporting to authorize the secretary "to arrange and pay for such travel by any member or regular employee of the board as the condition of the board's appropriation will, in his judgment, permit," constitutes sufficient authority for the performance of this travel. I do not see how this resolution could by any reasonable construction be given the effect contended for. Authority to "arrange and pay for travel" is clearly not authority to order and direct it. But even if the language of the resolution had been so plain as to indicate beyond a doubt an intention on the part of the board to confer upon the secretary authority to perform travel whenever in his judgment the condition of the appropriation will permit, it must of necessity be held that the board could not confer such unlimited authority on the secretary, and, if

attempted to be conferred, such authority could not of itself justify allowance of credit for the payments now under consideration.

Other contentions of the secretary are, in my opinion, erroneous and unwarranted. They are in effect that a right is somehow vested in him to travel at Government expense at his own pleasure. And the theory upon which they seem to be based not only imputes to the board powers seemingly not conferred by statute, but ascribes to himself all the prerogatives which the law vests in the members of the board because of their personal qualifications as to intelligence and philanthropy.

I do not care here to discuss the powers of the board, since in this matter I am concerned only with the question of the proper expenditure of public money, but the secretary has to a certain extent raised an issue as to the extent of said powers by assuming unto himself powers coextensive with those of the board and by contending that the expenses here involved were incurred in the proper exercise of said powers. This naturally suggests the question as to whether the supervision of the letting of contracts for Indian supplies is one of the powers of the board and whether it is the duty of the board of its own volition to attend such lettings for the purpose of inspecting samples or consulting with the Commissioner of Indian Affairs.

As set forth in the act of 1882, *supra*, the only powers of the board are (1) "to visit and inspect agencies and other branches of the Indian Service," and (2) "to inspect goods purchased for said service."

It is evident that the secretary's trip to San Francisco was not in connection with either of these purposes, and he does not even contend that it was.

The duty of consultation as to purchases is a duty imposed on the Commissioner of Indian Affairs. But, without being technical and assuming that the presence of the board or of members thereof at lettings was in furtherance of the intention of the law that there should be consultation as to purchases and disregarding any question as to the initiative, it does not appear that there is any duty to consult with the secretary. Neither does it appear that anyone directed his presence at San Francisco at the time of this letting.

Commissioner Dockweiler was there on the 4th of June and remained until the 6th and returned again on the 20th. The secretary was there from the 3d to the 23d. It appears from the statement of the secretary that he rendered some service to the commissioner while there, but it nowhere appears that he was directed to go there for that purpose or that there was any duty imposed on him which required him to be there.

The chairman, by his letter to the secretary at Oklahoma City, informed him that he had written Commissioner Dockweiler "to see if he would not look after things there" (San Francisco) and expressed the hope that he (the secretary) would see Commissioner Dockweiler in Los Angeles in any event if he (the secretary) went to California. Although the opportunity here presented itself to give any necessary orders or directions, the chairman does not direct the secretary to go to San Francisco nor intimate in a single word that it was his duty to be there. On the contrary, he was writing Commissioner Dockweiler to "look after things there" and evidently regarded the secretary as free to go of his own volition or not, as he saw fit. Since there were no orders to go to San Francisco and no duty upon the secretary to consult with anyone or upon anyone to consult with the secretary with reference to purchases there was no proper authority for travel at Government expense.

The secretary cites as a precedent for the payment of such expenses a payment made to his predecessor on account of expenses of a trip made by him. I have had all former accounts of traveling expenses of secretaries who were not members of the board examined. They were for necessary expenses incurred in traveling to attend meetings of the board or for other purpose under proper orders and are unobjectionable. There is no precedent for the allowance of expenses under such circumstances as those now presented.

The appropriation from which these payments were made (38 Stat., 80) is an appropriation subject only to requisition for advancement of funds by the Secretary of the Interior, and it was held in my decision of March 22, 1915 (72 MS. Comp. Dec., 1444), that the accounts of this disbursing officer must receive administrative examination by the Commissioner of Indian Affairs under the statute or by direction of the Secretary of the Interior before transmission to the auditor for settlement. There is nothing on these vouchers indicating their approval for payment by anyone but Mr. Abbott himself, and the letter of the Commissioner of Indian Affairs to the auditor of date August 12, 1914, indicates that these payments are not approved.

Before leaving Oklahoma City for San Francisco, Mr. Abbott received payment of \$51.20 from the United States marshal for the expenses of his travel from Oklahoma City back to Washington. He had this money in his possession when he, as disbursing officer, paid to himself all of his expense for travel back to Washington by way of San Francisco, Chicago, and other points. It was refunded March 27, 1915, after appeal of this case to this office.

The action of the auditor in disallowing credit for the payments in question is affirmed, and a certificate of no difference will issue.

This revision is limited to the items of which revision is requested, and the right of revision as to all other items of the account is reserved.

GEORGE E. DOWNEY, *Comptroller.*

The CHAIRMAN. Is there an unexpended balance in this \$10,000?

Mr. MERITT. There is a small balance of \$795.21.

The CHAIRMAN. And you have a statement there covering expenditures, and all that?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is "For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at nonration agencies, \$200,000." Have you a justification for that amount?

Mr. MERITT. We offer the following justification for this amount, Mr. Chairman:

Pay of Indian police.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$200,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 200,000.00 |
| Amount expended..... | 192,182.41 |
| <hr/> | |
| Unexpended balance..... | 7,817.59 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------|------------|
| Salaries, wages, etc..... | 172,178.36 |
| Subsistence supplies..... | 2,981.85 |
| Dry goods, clothing, etc..... | 12,424.08 |
| Forage..... | 3,689.96 |
| Fuel..... | 144.00 |
| Equipment, material, etc..... | 714.21 |
| Transportation of supplies..... | 50.00 |
| <hr/> | |
| Total..... | 192,182.41 |

This item, as indicated by its title, is to pay the salaries of Indian police, which range from \$20 to \$30 per month, and the salaries of chiefs from \$35 to \$50 per month; to pay for their equipment, uniforms, forage for their mounts (which they must furnish), and other expenses.

The scope of the appropriation has been gradually enlarged without providing any additional funds. Although the analysis of expenditures shows an unexpended balance of nearly \$8,000, this is due to vacancies that have occurred during the course of the year, which brings about this saving.

The police force is an important part of the reservation life; these employees are necessary to assist in maintaining law and order, including the suppression of the liquor traffic among the Indians. However, the Indian is not, as a rule, able to cope with the shrewdness and trickery of the bootlegger and criminal and their success in this particular branch of the work has not been the same as in dealing with the general law and order questions on the reservation and which, as a general rule, involve their own people. They act as truant officers in getting the children to attend the schools, which is an important duty; they must cover their district or territory and do other work

of a police nature which is assigned to them by the superintendent or official in charge.

The State authorities, as a rule, do very little police duty on the reservation, except where they have been thrown open to settlement and are incorporated towns and organized counties. As the Indians' property is, in most instances, exempt from taxation, the office is continually met with the argument that as the Indian does not contribute toward the revenue of the State or county no part of these funds will be expended in his behalf. This makes it difficult in many instances to bring about the apprehension and punishment of offenders, and, therefore, this work falls very largely upon the Indian police who are, as a rule, the only peace officers for the Indian Service. The officers of the service for the suppression of the liquor traffic among the Indians are, as a rule, engaged in work outside of the reservation. Most of the sales of liquor are made off of the reservation and the introductions must, of necessity, originate from without the boundaries, so that these officers can not extend their operations to the internal workings of the reservation. The United States marshals and their deputies, of course, have duties and functions separate and apart from the reservation work and, while they assist when called upon, their duties do not require them to take up this phase of the work.

The CHAIRMAN. I believe Mr. Carter desires to ask some questions about that item and we will pass it for the present. The next item is "For pay of judges of Indian courts where tribal relations now exist, \$10,000." I see that has been raised \$2,000. What justification have you for that?

Mr. MERITT. We offer the following justification for this item:

Pay of judges, Indian courts.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$8, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 8, 000. 00 |
| Amount expended----- | 7, 297. 06 |
| <hr/> | |
| Unexpended balance----- | 702. 94 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|------------|
| Salaries, wages, etc----- | 7, 297. 06 |
|---------------------------|------------|

Several years ago there was appropriated for pay of Indian judges \$12,000. This was reduced to \$10,000, and then again to \$8,000, and restrictions added that these courts are to be maintained only where tribal relations existed.

With each change in the appropriation the scope of the work was limited, it being necessary to reduce the force in each instance to meet the reduction in the appropriation. This has resulted, in a number of instances, in reducing the membership of these tribunals from three to one, and in these cases the punishment of certain Indians has been attributed to personal feeling rather than to the necessities of the case. If the tribunals could consist of three men, as called for by the regulations of the Indian Office and approved by the department, much of this feeling and trouble could be avoided. Furthermore, as the compensation of these employees is but \$7 per month, and in many instances but \$3 per month, it can not be expected that the best men available for the positions can be obtained. These courts are valuable assets in the administration of reservation affairs and have proven great helps to the superintendents. The Indian resents punishment by a white man, but where a person of the same race and band decides that an Indian has offended and should be punished there is not the same feeling of hatred and ill will which might otherwise exist. There are many places in the service where the reservations have been divided into districts with a judge sitting in each, but with the present appropriation it has been impossible to provide a sufficient number of judges and it follows that that minor disputes are not settled at all or they must be carried along for an unnecessary length of time until the judge can reach that particular district.

It is urged that this item be allowed in the sum of \$10,000.

Mr. Chairman, prior to the last two years we had an appropriation of \$10,000 for Indian judges, and we feel that we should have the regular amount that we have received heretofore.

The CHAIRMAN. That was cut from \$10,000 to \$8,000?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Two years ago?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How many of those judges have you?

Mr. MERITT. One hundred and ten Indian judges.

The CHAIRMAN. What compensation do they get per diem, or do they serve by the year?

Mr. MERITT. They get different compensation, but none of them gets compensation in excess of \$84 a year; it is merely nominal. But those Indian judges are usually men of prominence and influence among the tribes and they are very helpful in maintaining order.

The CHAIRMAN. Are their salaries reimbursable?

Mr. MERITT. No, sir; this is a gratuity appropriation.

Mr. NORTON. These judges of Indian courts, Mr. Meritt, are chosen by the Indians themselves, are they not?

Mr. MERITT. They are usually selected by the tribal council or by the superintendent.

The CLERK. How long do they hold office?

Mr. MERITT. For different terms.

The CLERK. They are appointed for a certain length of time?

Mr. MERITT. Yes, sir. Sometimes they serve until their successors are selected. Their terms are not always definite.

The CHAIRMAN. As I understand it, they have jurisdiction over minor offenses?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They do not interfere in any way with the local authorities of the State, county, or United States Government?

Mr. MERITT. No, sir.

The CHAIRMAN. It is merely a kind of Indian tribal regulation.

Mr. MERITT. They are simply there to carry out the regulations of the bureau.

The CHAIRMAN. The next item is:

For pay of special agents, at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed \$3 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$135,000.

That is the same as last year. What is your justification for that?

Mr. MERITT. We offer the following justification for this item:

General expenses, Indian Service.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$135,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 135,000.00 |
| Amount expended | 125,514.33 |
| Unexpended balance | 9,485.67 |

ANALYSIS OF EXPENDITURES.

| | |
|---|---------------|
| Salaries, wages, etc..... | \$80, 825. 30 |
| Traveling expenses..... | 30, 127. 73 |
| Transportation of supplies..... | 313. 53 |
| Heat, light, and power (service)..... | 313. 95 |
| Telegraph and telephone service..... | 795. 41 |
| Printing, binding, and advertising..... | 1, 378. 38 |
| Subsistence supplies..... | 101. 40 |
| Dry goods, clothing, etc..... | 16. 54 |
| Forage..... | 2, 088. 21 |
| Fuel..... | 2, 138. 48 |
| Stationary and office supplies..... | 811. 79 |
| Medical supplies..... | 988. 05 |
| Equipment, material, etc..... | 3, 478. 19 |
| Rent..... | 1, 318. 50 |
| Miscellaneous..... | 818. 87 |
| Total..... | 125, 514. 33 |

This appropriation serves a four-fold purpose, namely, the employment of special agents, the traveling expenses of the Commissioner of Indian Affairs, the Assistant Commissioner, and the employees of the Indian Office, to pay employees of the Indian field service not otherwise provided for, and to provide for the expenses of the Indian Service for which no other appropriation is available.

Special agents are essential in the workings of the office. They are detailed to make investigations, to assume administrative charge of Indian agencies and schools during the interim when changes are made, and duties of that kind.

In order that the commissioner, his assistants, and the clerical force of the office may make certain investigations and visit the various reservations and field operations, in order to get first-hand information of important facts, etc., trips and details to the field are made from time to time and must be paid from this appropriation.

There are several agencies in the service essential and necessary for the welfare of the particular Indians and for which there is no appropriation for maintenance and operation. Such agencies are supported out of funds appropriated under this head.

In order to provide for the varying needs and wants of over 300,000 people, whose welfare is under the jurisdiction of this office, some general appropriation is necessary. There are many things necessary to be done or purchased on their behalf for which no other appropriation is available and under the terms of this item may be provided for. This item provide for the varying needs of the service by reason of its breadth and scope and is absolutely essential in the proper administration of the affairs of the Indians.

As will appear from the analysis of expenditures, the principal items are for salaries, wages, traveling expenses, etc.

This is a very important appropriation, Mr. Chairman, and we would like to have the full amount requested.

The CHAIRMAN. It is the same amount you had last year?

Mr. MERITT. It is the same amount and the same language.

The CHAIRMAN. Will it add any one to the roll?

Mr. MERITT. No, sir.

The CHAIRMAN. It means the same number?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Have you found that number adequate?

Mr. MERITT. We can get along with the amount requested.

Mr. NORTON. This appropriation, Mr. Meritt, has been growing larger, has it not?

Mr. MERITT. It was increased so as to avoid specific appropriations for small items throughout the Indian bill.

Mr. NORTON. How many special agents are provided for under this appropriation?

Mr. MERITT. We have six agents.

Mr. NORTON. What do their salaries amount to?

Mr. MERITT. Those special agents receive salaries of \$2,000 each. That does not include their traveling expenses and the expense of subsistence while on the reservations.

Mr. NORTON. What other employees have you?

Mr. MERITT. We provide for a number of small agency employees out of this appropriation where other funds are not available. The following table shows the exact number of employees, the salaries paid, and where they are employed.

| Name. | Position. | Salary. | Location. |
|--------------------------------|---|---------|----------------------------------|
| Joseph W. Howell | Special supervisor | \$2,500 | Indian Service at large. |
| Caius E. Triplett ¹ | do | 1,200 | Do. |
| Chas. E. Dagenett | Supervisor Indian employment. | 2,000 | Do. |
| Eugene C. Rowley | Special supervisor | 1,800 | Do. |
| Lucien A. Spencer | Special commissioner to negotiate with Indians. | 2,000 | Miami, Fla. |
| Calvin H. Asbury | Special Indian agent | 2,000 | Indian Service at large. |
| Walter W. McConihe | do | 2,000 | Do. |
| Harry T. Brown | do | 2,000 | Do. |
| Lafayette A. Dorrington | do | 2,000 | Do. |
| Thomas K. Adreon | do | 2,000 | Do. |
| Orlando M. McPherson | do | 2,000 | Do. |
| John Pohland | Clerk | 1,200 | Reno, Nev. |
| Mabel Stansell | Financial clerk | 720 | Cherokee Agency, Cherokee, N. C. |
| Romulus S. Buckland | Special agent | 1,100 | Baraga, Mich. |
| Edward Clements | Financial clerk | 900 | Do. |
| Lewis T. Ramsey | Custodian | 720 | Fort Hall, Idaho. |
| Perry T. Brown | Financial clerk | 1,400 | Lapwai, Idaho. |
| A. Alvin Bear | Clerk | 1,200 | Do. |
| Georgia A. Morrison | Lease clerk | 1,000 | Do. |
| Wm. H. P. Habel | Physician | 1,200 | Do. |
| Hans Holee | Laborer | 600 | Do. |
| Lloyd La Motte | Assistant clerk | 780 | Germanatown, Kans. |
| Robert H. Dill | do | 900 | Lac du Flambeau, Wis. |
| Chas. Gauthier | Laborer and acting interpreter. | 600 | Do. |
| Henry J. Key | Assistant clerk | 840 | Ashland, Wis. |
| Charles Swan | Laborer | 480 | Neah Bay, Wasb. |
| Geo. H. Ans ey | Special agent | 1,050 | Salamanca, N. Y. |
| Albert D. Lake | Physician | 600 | Do. |
| Catherine Leech | Financial clerk | 600 | Do. |
| Vacant | Clerk | 1,400 | Macy, Nebr. |
| Wiley L. Harris | Financial clerk | 1,200 | Do. |
| Eunice V. Stabler | Assistant clerk | 660 | Do. |
| Chas. Swanson | Laborer | 720 | Do. |
| Eva Lazelle | Financial clerk | 600 | Mayetta, Kans. |
| Isaac Mulford | Laborer | 600 | Do. |
| Mary Rice | Interpreter | 300 | Do. |
| Paul F. Schwarze | Stenographer | 900 | Bayfield, Wis. |
| Antoine Buffalo, jr | Laborer | 720 | Do. |
| Robert Morrin | Interpreter | 300 | Do. |
| Watson C. Randolph | Clerk | 1,500 | Roseburg, Oreg. |
| Burton A. Martindale | do | 1,400 | Do. |
| Chas. S. Ceimline | do | 1,200 | Do. |
| Lawritz B. Sandblot | do | 1,000 | Do. |
| Benjamin Thompson | Physician | 480 | Toledo, Iowa. |
| Jac son W. Carnes | Lease clerk | 720 | Stroud, Okla. |
| Louis Go' ey | Constable | 540 | Do. |
| Vacant | Assistant clerk | 720 | Do. |
| Ida A. Deaver | Financial clerk | 720 | Wyandotte, Okla. |
| C. O. Lemon | Black smith and wheelwright | 840 | Do. |
| John W. Chandler | Assistant clerk | 780 | Do. |
| Edward M. Cox | Stenographer and typewriter. | 900 | Shawnee, Okla. |
| Fran: J. Woodbury | Physician | 500 | Santa Clara, Utah. |
| Mi e Lynch | Clerk | 1,000 | Wellpinit, Wash. |
| Vacant | Financial clerk | 1,000 | Do. |
| Fran. W. Milburn | Physician | 1,200 | Do. |
| Frank Wil inson | Laborer | 720 | Do. |

¹ Regular office employee temporarily detailed to field work. Entered on duty under temporary assignment Sept. 20, 1915.

| Name. | Position. | Salary. | Location. |
|---------------------------|-----------------------|---------|------------------|
| Lee C. Hardy..... | Financial clerk..... | \$840 | Taholab, Wash. |
| Geo. J. Fanning..... | Physician..... | 1,200 | Do. |
| Karl W. Greene..... | Financial clerk..... | 1,100 | Winnabago, Nebr. |
| C. Mas Rittetts..... | Clerk..... | 900 | Do. |
| Lucy C. Palmer..... | Assistant clerk..... | 900 | Do. |
| Paul W. Land..... | do..... | 720 | Do. |
| Daniel A. Richardson..... | Physician..... | 1,200 | Do. |
| Cias. J. Palmer..... | Farmer..... | 720 | Do. |
| Cinton I. Lennen..... | General mechanic..... | 900 | Do. |
| Frank Dorrity..... | Assistant clerk..... | 600 | Do. |
| Jacob Twill..... | Stableman..... | 480 | Do. |

Mr. NORTON. Now, what is the nature of the service of the other employees, outside of these special agents?

Mr. MERITT. They perform different services. Where there are no other appropriations available we pay certain employees out of this appropriation; in fact, this is a general appropriation that is used where no other appropriations are available. That is the purpose of the appropriation. There are a great many emergencies arising in the Indian Service constantly, and we are called upon to meet conditions that are unforeseen, and it is necessary to have an appropriation like that in a large service like the Indian Service, where we have 6,000 employees and so many reservations and schools.

Mr. NORTON. So this appropriation is for general utility and emergency purposes?

Mr. MERITT. Yes, sir.

Mr. NORTON. What is the business of these six special agents?

Mr. MERITT. They go out and take charge of a school or reservation where the superintendent is suspended, or they make special investigations at schools and agencies.

Mr. NORTON. Who are the six special agents employed under this appropriation now?

Mr. MERITT. Messrs. Walter W. McConihe, Calvin H. Ashbury, Thomas K. Adreon, Harry T. Brown, Orlando M. McPherson, and L. A. Dorrington. Mr. John H. Hinton was employed under this appropriation until very recently.

Mr. NORTON. Where and in what work are they employed at the present time?

Mr. MERITT. Their work—

Mr. NORTON (interposing). Where is each agent employed and where is each agent located at the present time?

Mr. MERITT. The table which we will prepare will show you that detailed information. Of course, they are being transferred from one place to another constantly. For instance, the first man here, Mr. Walter W. McConihe, has been on two or three different assignments within the last two or three months; and the same is true of the other members of the force of special agents. They are jumping about from one place to another to make special investigations.

Mr. NORTON. Have those men been in the service for a long time?

Mr. MERITT. Yes, sir; those men have been in the service for years. Mr. McConihe has been in the service, I guess, for 20 years; Mr. Hinton has been in the service for 25 years, and is now employed as examiner of inheritance; Mr. Asbury has been in the service for probably 15 years; Mr. Adreon has been in the Government service

for a number of years; he was formerly, I think, in the Philippine service; Mr. Brown has been in the Government service a great many years; Mr. McPherson has been in the service for 30 years; and Mr. Dorrington has been in the Government service for a number of years.

The CHAIRMAN. Are they under the civil service?

Mr. MERITT. Yes, sir.

Mr. CARTER. You say they are under the civil service?

Mr. MERITT. The special agents are.

Mr. CARTER. Do not these special agents act as a kind of secret service for the bureau?

Mr. MERITT. The inspectors do that work more than the special agents.

Mr. CARTER. They are the special confidential agents of the commissioner, are they not?

Mr. MERITT. Yes, sir; the inspectors are.

Mr. CARTER. Well, you say they are appointed under the civil service?

Mr. MERITT. The special agents are regular civil-service employees.

Mr. CARTER. But they are not appointed under the civil-service regulations, are they?

Mr. MERITT. Yes, sir; all these men.

Mr. CARTER. Were there not some exemptions from the regular civil-service rules when they were appointed?

Mr. MERITT. Not these special agents, but the inspectors, the six inspectors authorized in the Indian appropriation act. The six inspectors, however, are required to meet certain requirements made by the Civil Service Commission and they must meet the approval of that commission before they can be appointed as inspectors in our service.

The CHAIRMAN. We will return to the item for the payment of Indian police. How many of these Indian policemen are there?

Mr. MERITT. There are 600 Indian policemen.

The CHAIRMAN. Where are they located—on the reservations?

Mr. MERITT. On the reservations throughout the United States.

The CHAIRMAN. Are they white men or Indians?

Mr. MERITT. Indians.

The CHAIRMAN. All of them?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Are the officers Indians also; how are they officered?

Mr. MERITT. We have chiefs. We have the regular policemen and chiefs of police, and they are all Indians.

The CHAIRMAN. Do you have lieutenants among them as officers?

Mr. MERITT. They may call them lieutenants in some places, but they are recognized as chiefs of police.

The CHAIRMAN. Do you have regular squads or companies, as in the Army?

Mr. MERITT. No, sir. In fact, we only have three or four and in some cases five or six on the larger reservations.

The CHAIRMAN. What are their duties?

Mr. MERITT. To maintain order on the reservation and carry out the instructions of the superintendent.

The CHAIRMAN. The superintendent or agent at that place has charge of the Indian police, and they are subject to his orders, are they not?

Mr. MERITT. Yes, sir; all employees on Indian reservations and Indian schools are under the general direction of the superintendent.

The CHAIRMAN. Are the police mounted?

Mr. MERITT. In some cases, where they have a large territory to cover.

The CHAIRMAN. What is their duty relative to the prevention of intoxicating liquor being distributed among the Indians?

Mr. MERITT. That is one of their special duties, to prevent the distribution of liquor and suppress its traffic.

The CHAIRMAN. Have they power to arrest without warrants?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What do they do with the party arrested?

Mr. MERITT. They bring him before the Indian judges or the superintendent.

The CHAIRMAN. These people that we have just provided for here?

Mr. MERITT. Yes, sir; and they are tried and the Indian judges mete out justice to them.

The CHAIRMAN. Do they execute the sentences of those Indian judges?

Mr. MERITT. They are required to have the judgment approved by the superintendent.

The CHAIRMAN. By the superintendent or agent?

Mr. MERITT. By the superintendent. In fact, we have no agents now.

The CHAIRMAN. They have the powers of agents under the old laws?

Mr. MERITT. Yes, sir.

Mr. NORTON. This includes the rations for the Indian policemen, does it not?

Mr. MERITT. Yes, sir; and also supplies and equipment.

The CHAIRMAN. Down at the bottom of page 14, in line 22, you have inserted the word "pay" in lieu of the words "the employment." The item reads:

For pay of 6 Indian Service inspectors, exclusive of 1 chief inspector, at salaries not to exceed \$2,500 per annum and actual traveling expenses, and \$3 per diem in lieu of subsistence when actually employed on duty in the field, \$30,000.

What justification have you for that?

Mr. MERITT. We offer the following justification for the item:

Inspectors, Indian Service.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$30,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 30,000.00 |
| Amount expended..... | 2,666.82 |
| <hr/> | |
| Unexpended balance..... | 27,333.18 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|------------|
| Salaries, wages, etc..... | \$1,633.99 |
| Traveling expenses..... | 1,032.83 |
| Total..... | 2,666.82 |

The necessity for inspection of the various governmental activities in relation to the Indians is apparent. There are altogether 137 bonded officers in charge of schools and agencies, and 31 disbursing officers with functions of varying importance from a special agency in connection with scattered bands of Indians in Utah to large irrigation projects. All these vast and varied interests with thousands of employees must as frequently as practicable be visited by inspecting officers. These five officers are required to supplement the present force of special agents and supervisors.

The CHAIRMAN. I see you have changed the word "employment" to "pay". Do you think that is better language?

Mr. MERITT. We changed that in order to make the bill uniform throughout.

The CHAIRMAN. You have used that word "pay" instead of the word "employment"?

Mr. MERITT. Yes, sir; and you will notice in the item above that we use the language, "For pay of special agents."

The CHAIRMAN. Do you find that these Indian Service inspectors are necessary?

Mr. MERITT. Yes, sir; I feel that they are necessary to the service.

The CHAIRMAN. How long has this been the law?

Mr. MERITT. For two years.

The CHAIRMAN. Is it a satisfactory service?

Mr. MERITT. The commissioner has taken considerable pains to get competent men to fill these positions, and we hope that when they are thoroughly organized we will be able to accomplish a splendid work.

The CHAIRMAN. These are the men whose qualifications have to be passed upon by the civil service board?

Mr. MERITT. Yes, sir.

Mr. CARTER. These are the personal employees of the commissioner?

Mr. MERITT. They are supposed to be the personal representatives of the commissioner in the field.

Mr. CARTER. Who are the present incumbents?

Mr. CARTER. Inspector Sweet, Inspector Traylor, Mr. Slemaker, Mr. Night, and Mr. Coleman.

Mr. CARTER. How long have they been in the service?

Mr. MERITT. Mr. Sweet and Mr. Taylor have been in the service since last spring and these other gentlemen have only been recently appointed.

Mr. CARTER. What are their duties as inspectors?

Mr. MERITT. They go out on the reservations and investigate schools and agencies, and find out if there are any irregularities at these places.

Mr. CARTER. Do they assist you in suppressing the liquor traffic?

Mr. MERITT. That is not their primary duty, but it is the duty of every Indian employee to cooperate in suppressing the liquor traffic.

Mr. CARTER. Is not that one of the special duties of Mr. Sweet?

Mr. MERITT. No, sir.

Mr. NORTON. This is a new item in the Indian appropriation bill, is it not?

Mr. MERITT. Yes, sir.

Mr. NORTON. The first appropriation made for purposes of this kind was made in 1914?

Mr. MERITT. Yes, sir.

Mr. NORTON. Had the men who have been appointed had any experience in Indian work before their appointment?

Mr. MERITT. No, sir; I think not.

Mr. CARTER. The next item is as follows:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest, in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$100,000: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed \$25,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians and examining their wills out of the \$100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter, upon a determination of the heirs to any trust or restricted Indian property, or after approval by the Secretary of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of \$15, which amount shall be accounted for and paid into the Treasury of the United States, and a report shall be made annually to Congress by the Secretary of the Interior, on or before the first Monday of December, of all moneys collected and deposited, as herein provided: *Provided further*, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent.

I notice you have changed the language.

Mr. MERITT. We have made several changes in the wording of this item, and I offer the following justification for the entire item:

Determining the heirs of deceased Indian allottees.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$100,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 100,000.00 |
| Amount expended----- | 81,692.83 |
| Unexpended balance----- | 18,307.17 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc----- | 75,934.21 |
| Traveling expenses----- | 3,931.26 |
| Transportation of supplies----- | 1.45 |
| Telegraph and telephone service----- | 22.24 |
| Printing, binding, and advertising----- | 8.10 |
| Stationery and office supplies----- | 1,409.67 |
| Equipment, material, etc----- | 18.30 |
| Rent----- | 10.00 |
| Miscellaneous----- | 357.60 |
| Total----- | 81,692.83 |

NOTE.—\$19,982.57 of the amount shown for salaries paid to clerks in the Indian Office.

The appropriation of \$100,000 asked for the fiscal year ending June 30, 1917, to be used for the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees in accordance with the provisions of the act of June 25, 1910 (36 Stat. L., 855), is absolutely necessary to enable the department to carry out the provisions of section 1 of said act.

For the fiscal year ended June 30, 1915, \$100,000 was appropriated, and this appropriation continued for the fiscal year ending June 30, 1916, under the joint resolution of March 4, 1915. With these amounts the Indian Office has been able to systematize the Indian probate work by the appointment of examiners of inheritance to 19 of the larger Indian reservations, and also to employ a force of experienced and efficient examiners or clerks here in Washington, the examiners of inheritance being engaged in conducting hearings under the act of June 25, 1910, supra, and the office force being engaged in properly reviewing and preparing the cases for the consideration and action of the Secretary of the Interior.

During the fiscal year ended June 30, 1915, 6,140 estates of deceased Indians who held their allotments under trust patents were finally acted upon by the Secretary of the Interior, and under the provisions of the Act of August 1, 1914 (38 Stat. L., 582-586), which requires the payment of a fee of \$15 for each trust estate determined, the aggregate of fees due for the determination of heirs to the above-mentioned estates was \$92,100, of which \$49,186.11 was actually collected.

In addition to above trust estates finally disposed of, 586 estates of deceased Indians who held their allotments under restricted fee patents, or who were nonallottees who left trust property, were finally acted upon during the year by the Secretary of the Interior, for which cases no fee can be collected under the Act of August 1, 1914.

It is estimated that during the current fiscal year at least 8,000 trust estates will be finally disposed of, aggregating \$120,000 in fees, so it can be seen that this work is wholly self-sustaining and is of vast importance in connection with the Indian administration, and it can not be too urgently recommended for the favorable consideration of Congress.

Twenty-five thousand dollars of the appropriation is asked for the employment of an additional number of clerks in the Indian Office to properly handle the work as it is submitted from the field.

A provision has also been inserted in this item for the partition of allotments of deceased Indians in cases where all the heirs are noncompetent. The present law of June 25, 1910 (36 Stat. L., 855), provides for such partition only when some of the heirs are competent and some noncompetent.

We have made a report to Congress of the expenditure of this appropriation, and it will be found in House Document No. 120, Sixty-fourth Congress, first session.

The CHAIRMAN. That may go in the record.

Mr. MERITT. The document referred to is as follows:

[House Document No. 120. Sixty-fourth Congress, first session.]

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1915.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the act of August 1, 1914 (38 Stat. L., 582, 586), I have the honor to submit herewith a report of all moneys collected and deposited during the fiscal year ended June 30, 1915, under the appropriation "Determining heirs of deceased Indian allottees, 1915."

Respectfully,

FRANKLIN K. LANE.

MONEYS COLLECTED AND DEPOSITED UNDER APPROPRIATION "DETERMINING HEIRS OF DECEASED INDIAN ALLOTTEES."

(Report of all moneys collected and deposited during the fiscal year ended June 30, 1915, under the provisions of the act of Aug. 1, 1914, 38 Stat. L., 582, 586.)

Under the provisions of the above act there was collected and deposited in the United States Treasury the sum of \$49,186.11, as follows:

| | |
|--|-------------|
| Heirship fees collected during the fiscal year ended June 30, 1915 | \$50,071.11 |
| Fees erroneously collected and returned to the payors | 885.00 |
| Net amount collected | 49,186.11 |

During the fiscal year ended June 30, 1915, 6,696 estates of deceased Indians were finally acted upon by the Secretary of the Interior. Of this number fees were collectible in 6,140 cases, leaving 556 cases in which no fee could be charged under the law. Under the provisions of the act of August 1, 1914, supra, the aggregate of fees due for the determination of heirs of the above-mentioned estates was \$92,100, of which, as stated above, \$50,071.11, was actually collected and \$885 was for fees erroneously collected, which amount was returned to the payors, leaving the net amount collected \$49,186.11.

In addition to the above estates finally disposed of, 556 estates of deceased Indians, who held their allotments under restricted fee patents, and estates of deceased nonallottees, who left trust property, were finally acted upon during the year by the Secretary of the Interior, for which cases no fee can be collected under the provisions of the act of August 1, 1914, supra.

The CHAIRMAN. You have stricken out the following language:

Provided further, That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him.

And then you have added this new language:

That hereafter upon the determination of the heirs to any trust or restricted Indian property or after approval by the Secretary of the Interior, any will covering such trust or restricted property, there shall be paid by such heirs or by the beneficiaries under such will, or from the estate of the decedent, etc.

What is the necessity for that change?

Mr. MERITT. Under the original law we did not have specific authority of law to determine the heirs of Indians except in the case of trust property, or what is technically known as trust property, where trust patents have been issued. We have different kinds of patents in the service, and it was for the purpose of broadening this law so as to cover all the different classes of Indian property, outside of the Five Civilized Tribes and the Osage Nation, that this change was made.

The CHAIRMAN. I see that there are several other changes. Are they merely verbal, or are any material changes made there?

Mr. MERITT. It is all for the purpose of broadening the law so as to cover the different classes of Indian property.

The CHAIRMAN. There is a change in the language providing that the sum of \$15 shall cover the cost of determining the heirs to the estate of deceased allottees, "which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior, on or before the first Monday in December, of all moneys collected and deposited, as herein provided." The change occurs in lines 3 and 4 on page 16.

Mr. MERITT. That will broaden the charge that we can make. Under the item, as amended, we can charge for approving wills and approving the heirs to estates, other than in the case of purely trust property.

The CHAIRMAN. Do you find that that is necessary in carrying this law into effect?

Mr. MERITT. Yes, sir.

The CHAIRMAN. It is not to broaden the scope, but it is all for the same purpose.

Mr. MERITT. It is to carry out the intent of the original act of June 25, 1910, and other laws applicable.

The CHAIRMAN. I see that you have stricken out the provision beginning in line 9 down to line 20 and inserted another provision. Now, what is the difference between the provision inserted by you and the one in the original law?

Mr. MERITT. The lines stricken out contain permanent legislation, and it is not necessary to incorporate it in the bill for this year. The new legislation reads as follows:

Provided further, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their share and trust patents to be issued to the incompetent heir for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent.

The changes in the last proviso were found to be necessary for the reason that the act of June 25, 1910 (36 Stat., p. 855), fails to provide for the partition of the allotments of deceased Indians in cases where all the heirs of the decedent are noncompetent, and the item as originally submitted is not sufficiently clear in this regard.

The CHAIRMAN. It is, then, for the purpose of making it more clear and more specific?

Mr. MERITT. Yes, sir; more specific, and to enable us to partition the estate where all of the allottees are considered noncompetent.

The CHAIRMAN. You ask the same amount?

Mr. MERITT. Yes, sir; we are asking for \$100,000, the same amount as formerly.

Mr. CARTER. Is that reimbursable?

Mr. CARTER. Yes, sir.

Mr. CARTER. From the estates?

Mr. MERITT. Yes, sir; and we have determined more than enough estates this year to cover the amount expended, as shown by the report submitted to Congress. You will notice on page 15, in line 8, we ask that the amount for the employment of additional clerks in the Indian Office in connection with this work be increased from \$20,000 to \$25,000. This does not increase the \$100,000 appropriation, but it simply allows us to use \$25,000 instead of \$20,000 for clerk hire in the Indian Office to take care of this particular class of work.

The CHAIRMAN. The appropriation is the same amount?

Mr. MERITT. Yes, sir; but we have found that it will be a more equitable adjustment of the work to have \$25,000 for the work here and \$75,000 for the field work.

Mr. NORTON. Your unexpended balance for last year is something over \$18,000.

Mr. MERITT. Yes, sir.

Mr. NORTON. Do you believe that an appropriation of \$100,000 will be needed next year?

Mr. MERITT. Yes, sir. This is a reimbursable appropriation, and we really ought to have probably two or three additional employees in this work so as to utilize the entire appropriation. There are probably 30,000 undetermined heirship cases, and it is important that this work be closed up as quickly as possible so that the heirs can get definite title to their lands, and so that the surplus lands can be disposed of, if they care to sell them, and the proceeds used to improve their homesteads.

The CHAIRMAN. Is there any objection to it from the Indians?

Mr. MERITT. No, sir; the Indians are very favorably inclined to this work, and are clamoring to have their estates closed up and the heirs determined.

Mr. NORTON. Is there any objection made to the payment of this fee of \$15?

Mr. MERITT. At first some of the Indians thought that the heirship examiners were doing a little grafting, but it was finally explained to them that it was necessary to reimburse the Government for the expense of determining the heirs.

The CHAIRMAN. That is reimbursable out of the estates?

Mr. MERITT. Yes, sir.

Mr. NORTON. What is the highest salary paid to any of the attorneys?

Mr. MERITT. \$2,000 is the highest, and most of the heirship examiners get \$1,800. They are all lawyers and do valuable work.

Mr. NORTON. How many are employed?

Mr. MERITT. I think we have 18 heirship examiners at this time in the field, and probably that many people employed in the office, in addition to stenographers and interpreters in the field.

Mr. NORTON. What was the decision in the Wahehe case?

Mr. MERITT. That has not been definitely determined. It is a very important case and is receiving careful consideration in the Interior Department.

Mr. NORTON. It has been pending for some time?

Mr. MERITT. Yes, sir. It is one of those cases that involves so much property and is of so much importance, with so much depending on it, that they have not reached a conclusion. There are certain cases pending in the courts, and they are waiting for a final decision in those cases before a final decision is rendered by the department.

The CHAIRMAN. The next item is on page 17, beginning at line 4, as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$500,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed \$100,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

What justification have you to offer for that?

MR. MERITT. We offer the following justification for that item:

Industry among Indians.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$600,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 600,000.00 |
| Amount expended----- | 567,852.99 |
| <hr/> | |
| Unexpended balance----- | 32,147.01 |

ANALYSIS OF EXPENDITURES.

| | |
|--|------------|
| Salaries, wages, etc----- | 5,119.99 |
| Traveling expenses----- | 519.98 |
| Transportation of supplies----- | 12,545.61 |
| Subsistence supplies----- | 1,594.94 |
| Forage----- | 6,917.66 |
| Fuel----- | 3.28 |
| Live stock----- | 421,706.87 |
| Implements, machinery, harnesses, etc----- | 67,031.78 |
| Fence material----- | 13,696.28 |
| Building material----- | 8,773.35 |
| Repairs to flour mill----- | 7,131.23 |
| Seed, trees, and plants----- | 22,791.12 |
| Miscellaneous----- | 20.90 |
| <hr/> | |
| Total----- | 567,852.99 |

The reimbursable appropriations made by Congress and at a number of schools tribal funds have been very actively used and with beneficial results in the encouragement of industry and self-support among the Indians. Appropriations for this purpose have been previously made in the following acts in the amounts stated:

| | |
|---|-----------|
| Act of Apr. 30, 1908 (35 Stat. L., 70-83), and Mar. 3, 1909 (35 Stat. L., 781-795), for Fort Belknap, Mont----- | \$25,000 |
| Act of Apr. 4, 1910 (36 Stat. L., 269-277), for Tongue River Reservation----- | 15,000 |
| Act of Mar. 3, 1911 (36 Stat. L., 1058-1062), for general use at all reservations----- | 30,000 |
| Act of June 30, 1913 (38 Stat. L., 77-80), for general use at all reservations----- | 100,000 |
| Act of Aug. 1, 1914 (38 Stat. L., 582-586), for general use at all reservations----- | 600,000 |
| Act of Aug. 1, 1914 (38 Stat. L., 582-594), for cattle for the Tongue River Reservation----- | 25,000 |
| Act of Aug. 1, 1914 (38 Stat. L., 582-595), for cattle for Standing Rock Reservation, advanced from tribal funds in the Treasury----- | 100,000 |
| Joint resolution of Mar. 4, 1915 (38 Stat. L., 1228), for general use at all reservations----- | 600,000 |
| <hr/> | |
| Total----- | 1,495,000 |

Property consisting of work stock, agricultural equipment, and seeds, costing \$29,768.28, were purchased with the money appropriated for the Fort Belknap Reservation, and some of the repayments made by the Indians. At the present time there has been repaid by the Indians and deposited in the Treasury \$12,267.46, and approximately \$7,783.55 is still due from them. The superintendent advised the office some time ago that he intended to collect some of the outstanding accounts this fall when the Indians disposed of their hay, but no late reports are at hand of the amount actually collected. The Indians have all indicated a willingness to pay their accounts as soon as they can realize on crops raised. The proceeds from their crops in past years have been rather small because of unfavorable climatic conditions. The difference between the amounts paid by and due from the Indians and the amount of the appropria-

tion, namely, \$4,948.99, is due from the tribe as a whole for agricultural equipment and incidental expenses incurred for the benefit of the tribe rather than for individuals, and this amount will be reimbursed from funds anticipated from present permits for grazing outside stock on the reservation, so that in the next year or two the status of this fund will show the purchase of property in excess of the amount appropriated due to the use of repayments made by Indians and the repayment into the Treasury of practically every dollar appropriated.

The appropriation made for Tongue River Reservation has been very beneficial to the Indians. During the past fiscal year \$4,632.08 from this appropriation was expended largely for mares so that the Indians may raise their own horses, and some small items of agricultural equipment and seed. This appropriation has been of a tremendous amount of good to the northern Cheyenne Indians for, through the sale of the property and stock furnished to them from the money, they have been enabled to engage in the cattle industry, freight supplies, and farm lands under the irrigation ditch. The following figures will show concisely the status of this fund:

| | |
|---|-------------|
| Original appropriation | \$15,000.00 |
| Repayments made by Indians to June 30, 1915 | 21,031.48 |
| | <hr/> |
| Expended to June 30, 1915 | 36,031.48 |
| | 33,768.84 |
| | <hr/> |
| Unexpended in the Treasury | 2,262.64 |

The following figures will show briefly amounts and purposes for which expenditures were made from the two appropriations made on March 3, 1911, and June 30, 1913:

| | |
|--|-------------|
| Appropriated Mar. 3, 1911 | \$30,000.00 |
| Appropriated June 3, 1913 | 100,000.00 |
| | <hr/> |
| | 130,000.00 |
| Repayments made by Indians up to June 30, 1915 | 18,550.21 |
| | <hr/> |
| Available for expenditure | 148,550.21 |
| Expended to June 30, 1915 | 103,033.50 |
| | <hr/> |
| Balance | 45,516.71 |
| | <hr/> |
| Expended during the fiscal year 1915: | |
| For transportation | 4,456.83 |
| For livestock | 15,789.65 |
| For implements, harness, tools, etc. | 11,111.80 |
| For fencing material | 2,933.29 |
| For seeds, plants, and trees | 6,349.60 |
| Miscellaneous | 902.35 |
| | <hr/> |
| Total | 41,543.52 |

A portion of the "balance" stated above, as will be observed, represents money which has been once expended and repaid by the Indians, the repayments under the law being available for reuse for a term of years, the \$30,000 fund and repayments until June 30, 1918, and the \$100,000 fund and repayments until June 30, 1925. A part of the balance shown will also be used in the near future in the settlement of claims for property authorized and purchased during the past fiscal year upon which final administrative actions has not yet been completed.

The following will show concisely the amounts and purposes for which expenditures were made from the two appropriations made on August 1, 1914, and March 4, 1915:

| | |
|---------------------------|--------------|
| Appropriated Aug. 1, 1914 | \$800,000.00 |
| Expended | 567,852.99 |
| | <hr/> |
| Balance | 32,147.01 |

Expenditures were made for the following purposes during the fiscal year 1915:

| | |
|---|-------------------|
| For live stock..... | \$421,706.87 |
| For implements, machinery, harness, etc..... | 67,031.78 |
| For seeds, plants, trees, etc..... | 22,791.12 |
| For building material for improving homes..... | 15,904.58 |
| For fencing material..... | 13,696.28 |
| For forage for stock..... | 6,917.66 |
| For subsistence for sale to Indians while planting their crops..... | 1,594.94 |
| For transportation of supplies..... | 12,545.61 |
| For traveling expenses..... | 519.98 |
| For salaries and wages..... | 5,119.99 |
| Miscellaneous..... | 24.18 |
| Total..... | 567,852.99 |

The items shown in the statement as salaries represent payments made for irregular labor employed to level allotments, prepare land for cultivation by the Indians, to care for cattle purchased for the Indians, and the erection of a shed to house sawmill machinery purchased for manufacturing building material for Indian homes. No regular employees were paid from this fund. The items for traveling expenses involved payments of small items of indebtedness incurred in connection with the inspection of live stock purchased for the Indians. The apparent available funds under the appropriations referred to above were found inadequate during the past fiscal year to meet the demands of the Indians for assistance. A portion of the balance shown will be utilized in the settlement of claims for property authorized and purchased during the past fiscal year upon which administrative action has not yet been completed. The money appropriated was apportioned among various reservations and it is probable there will be a small saving when the business of the year is entirely closed. To meet the needs of the Indians, heretofore brought to the attention of the office, the sum of \$159,812.30 was expended from the \$600,000 appropriation made in the act of March 4, 1915, which, under the law, became immediately available.

The following statement will show the expenditures made from this appropriation during the fiscal year ended June 30, 1915:

| | |
|--|-------------------|
| For live stock..... | \$136,229.28 |
| For implements, harness, machinery, etc..... | 5,644.83 |
| For seeds, trees, plants, etc..... | 16,178.82 |
| For transportation of supplies..... | 1,414.52 |
| For traveling expenses..... | 131.60 |
| Miscellaneous..... | 213.25 |
| Total..... | 159,812.30 |

The balance of this appropriation, namely, \$440,187.70, will be used during the current fiscal year.

The following statement will show briefly how the two appropriations, one for Tongue River and the other for Standing Rock Reservations, were utilized.

For Tongue River Reservation:

| | |
|---|-----------------|
| Appropriated, act of Aug. 1, 1914..... | \$25,000.00 |
| Expended for 472 heifers (part of purchase price only)..... | 22,525.00 |
| Balance..... | 2,475.00 |

For Standing Rock Reservation:

| | |
|---|---------------|
| Appropriated, act of Aug. 1, 1914..... | 100,000.00 |
| Expended for 1,800 heifers (partly paid from this fund) and 80 bulls..... | 99,783.23 |
| Balance..... | 216.77 |

The heifers purchased for the two reservations named were paid for partly from the appropriations mentioned and partly from the general reimbursable appropriations.

The money appropriated for general use was apportioned among 62 superintendencies in Arizona, California, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming in amounts ranging from \$1,000 to \$75,000. Approximately 4,538 Indians have been given assistance from the appropriations for general use in amounts averaging about \$200. The majority received assistance in small amounts, although there are many cases where Indians were given assistance up to as high as \$600. In addition to the appropriations made, tribal funds have been used in the same manner at approximately 23 reservations, and 3,670 Indians were given assistance from those funds. While some of the number stated perhaps have received assistance from both appropriations and tribal funds, it is safe to say that more than 7,000 individuals have been helped from funds derived from both sources, the remaining number representing Indians who have received help partly from appropriations and partly from tribal funds. All kinds of agricultural equipment, work and breeding stock, seeds, fence, and building material were purchased for the Indians, and in a large number of cases good crop seasons are about all that is necessary to place the Indians in a position from which self-support and independence may result, either through farming or stock raising. At a number of places where it was not considered advisable to turn the cattle over to the Indians at this time, or where the funds were insufficient to buy enough cattle to go around, herds of cattle were established as tribal property to be later distributed among the Indians entitled. The natural increase of these herds will be utilized in making repayments to the Treasury before the cattle are distributed.

The prospects for the return of the appropriations to the Treasury are very good. The showing made with the appropriation advanced for Fort Belknap and Tongue River, set forth in detail above, is indicative of the general attitude of the Indians toward the settlement of their obligations. They will, as a rule, pay the Government the full amount expended in their behalf, and because they have been required to pay for what they got they take better care of their property. So far not a loss has been sustained, although in a great many cases the time for payment has had to be extended, due to unfavorable crop seasons and the lack of employment for the Indians through which they might add to their incomes and accumulation of money needed for their general support and the liquidation of their accounts. In a large number of cases the first payments were not due until this fall and many do not become due until sometime during the month of December, so that it can not be accurately told just what will be accomplished in the way of making collections of large amounts from the Indians this year. The experience in the past has been that the Indians will pay when they get money, and it now remains for the Government to see that a way is provided for them to earn the necessary funds.

The great difficulty in steady industrial advancement of the Indians lies in the lack of sufficient funds, and it is frequently necessary to readjust the amounts apportioned to the various reservations, taking from one reservation funds which, although needed at that jurisdiction, are more urgently needed at other places. The reluctance with which the Indians heretofore participated in the use of reimbursable money is fast disappearing, and it is gratifying to note that those who are worthy and actually in need of assistance now appreciate the purpose of the Government in making this money available, are studying their needs, and are asking for the stock or equipment required to accomplish the end they have in view. It is not the intention to convey the impression by this statement that the Indians will accept unlimited credit without regard to their ability to pay. While it is admitted there are perhaps some Indians whose habits of life are such they might overburden themselves with obligations, an investigation made this past summer on a number of reservations developed the fact that the Indians are quite generally thinking for themselves and limiting the amount of aid they ask for to what they think they will be able to repay. Those Indians who are prone to ask for too much credit are held in check by the Government farmers and the superintendents.

As stated in previous hearings, inquiries made of superintendents in the field a few years ago developed the fact that it would require more than \$8,000,000 to enable the Indians to begin the proper use of their lands and the development of their homes, and now that the interest of the Indians is aroused, it is highly important that the Government continue its aid through additional reimbursable appropriations for industrial purposes. Already superintendents are calling the attention of the office to the necessity of diminishing activity in

their industrial campaigns through the lack of adequate equipment and stock, or the funds to purchase what is needed. A need for additional funds exists at practically all reservations. Students who have been educated in Government schools at public expense are returning to their homes with the knowledge of how to do but no equipment or stock to do with. The Indians to whom allotments of land have been made in previous years are nearing the time when the trust on their lands will expire, and they are really unprepared to assume the obligations which will then fall upon them. Large areas of agricultural and grazing land which can and should be farmed by Indians or grazed by Indian-owned stock are now being leased because the Indians have not the equipment or stock to utilize them, and the avenues to obtain the funds necessary to supply their needs which are usually open to white farmers and stock raisers are closed to the Indians. Large numbers of Indians are living in unsanitary homes, tents, or shacks without means to better their methods of living. Good, comfortable, sanitary homes, good clothing, and properly cooked food are highly essential in the industrial advancement of the Indians, and consequently material for the construction and improvement of homes, sewing machines for the making and mending of clothing, and cooking stoves are urgently needed.

It is appropriate to insert here a few figures showing what the Indians have in the way of land and the use made of it.

| Agricultural land: | Acres. |
|--|--------------|
| Allotted----- | 6, 623, 170 |
| Unallotted----- | 969, 441 |
| Cultivated by Indians-- | |
| Allotted----- | 532, 095 |
| Unallotted----- | 132, 444 |
| Leased-- | |
| Allotted----- | 2, 415, 794 |
| Unallotted----- | 2, 370 |
| Grazing land: | |
| Allotted----- | 13, 088, 784 |
| Unallotted----- | 30, 935, 867 |
| Used by Indians-- | |
| Allotted----- | 8, 702, 245 |
| Unallotted----- | 21, 894, 898 |
| Leased-- | |
| Allotted----- | 1, 868, 779 |
| Unallotted----- | 8, 122, 918 |
| Number of able-bodied, male adult Indians----- | 42, 239 |
| Number of Indians farming and gardening----- | 31, 956 |

The Indians have ample resources to guarantee repayment. Moreover, where cattle are purchased and held as tribal property until paid for, repayment is practically assured through the increase in the herds. Some of the land and timber values are here recited.

| | |
|---|-----------------|
| Value of land exclusive of timber: | |
| Allotted----- | \$368, 030, 944 |
| Unallotted----- | 101, 390, 579 |
| Value of timber: | |
| Allotted----- | 11, 369, 277 |
| Unallotted----- | 74, 863, 615 |
| Tribal funds in the Treasury June 30, 1915----- | 42, 196, 680 |

Wherever the tribal funds and resources are available for use in carrying out the industrial programs formulated they are being utilized to the fullest possible extent. However, the largest part of the tribal funds in the Treasury are not available for expenditure without further action on the part of Congress. Individual Indians had to their credit in bonded banks at the close of the past fiscal year approximately \$12,224,196, and those Indians to whom the money belongs are urged to use it largely for industrial purposes and let their living come from some activity instead of using their money for living expenses while good land either lies idle or is leased. This, of course, applies to those who are able to take part in some industrial activity.

This is a very important item, and it is reimbursable. We have been able to be of very great assistance to the Indians by reason

of this appropriation. Commissioner Sells has taken an unusually active interest in purchasing cattle for the Indians throughout the Indian country. Under the law we are required to submit reports to Congress, and we have two reports here, one contained in House Document No. 178, Sixty-fourth Congress, first session, and the other in House Document No. 151, Sixty-fourth Congress, first session.

The CHAIRMAN. Both of them are short, are they not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They may be inserted in the record at this point.

Mr. MERITT. The documents referred to are as follows:

[House Document No. 151, Sixty-fourth Congress, first session.]

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1915.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the acts of March 3, 1911 (36 Stat. L., 1058-1062), and June 30, 1913 (38 Stat. L., 77-80), I have the honor to transmit herewith a detailed report of expenditures made for the purpose of encouraging industry among Indians at various Indian reservations during the fiscal year ended June 30, 1915.

I am advised by the Commissioner of Indian Affairs that the unexpended balance is not an indication that the money was not needed, but partly represents money which was heretofore authorized to be expended, but not accomplished, or set aside for prospective purchases, which it was later found impracticable to make during the fiscal year. Consequently, the money was returned to the Treasury at the close of the fiscal year, but, under the law, it is available for use during the current fiscal year. A portion of the balance, as will be noted, represents money repaid by Indians, and I am also advised that some of the balance will be used in the settlement of claims for property purchased in the last fiscal year upon which final administrative action has not yet been taken.

Respectfully,

FRANKLIN K. LANE.

Statement of expenditures for the fiscal year 1915 from the appropriation, "Industry among Indians (reimbursable)," act of Mar. 3, 1911 (36 Stat. L., 1058-1062).

| Agency. | State. | Transportation of supplies. | Live stock. | Implements, harness, tools, etc. | Fence material. | Seed, trees, and plants. | Miscellaneous. | Total. |
|-------------------------|---------------------|-----------------------------|-------------|----------------------------------|-----------------|--------------------------|----------------|----------|
| Bishop..... | California..... | | \$50.00 | | | | \$800.00 | \$850.00 |
| Campo..... | do..... | \$1.93 | | | | | | 1.93 |
| Cherokee..... | North Carolina..... | | 100.00 | | | \$185.30 | | 285.30 |
| Cheyenne River..... | South Dakota..... | 238.20 | | | | | | 238.20 |
| Digger..... | California..... | | 80.00 | \$72.59 | | 44.04 | 6.00 | 202.63 |
| Fallon..... | Nevada..... | 4.18 | | 22.50 | | 488.22 | | 514.90 |
| Fort Bidwell..... | California..... | 53.12 | | 135.00 | | | | 188.12 |
| Fort Hall..... | Idaho..... | 557.77 | | 1.33 | | | | 559.10 |
| Fort McDermitt..... | Nevada..... | | | 50.28 | | 210.00 | | 260.28 |
| Fort Yuma..... | California..... | | 775.75 | | | | | 775.75 |
| Hoopa Valley..... | do..... | 221.64 | | 1,101.50 | | | | 1,323.14 |
| Kickapoo..... | Kansas..... | | 150.00 | 62.00 | | | | 212.00 |
| Malki..... | California..... | | | | | 390.27 | | 390.27 |
| Moqui..... | Arizona..... | 4.67 | | | | | | 4.67 |
| Navajo..... | do..... | | 4,199.00 | | | | | 4,199.00 |
| Nevada..... | Nevada..... | | 200.00 | | | | | 200.00 |
| Pima..... | Arizona..... | 624.74 | | 1,315.64 | | | | 1,940.38 |
| Pueblo..... | New Mexico..... | 12.30 | | 14.10 | | | | 26.40 |
| Pueblo Albuquerque..... | do..... | | | 209.48 | | | | 209.48 |
| Pueblo Bonito..... | do..... | | 2,550.00 | | | | | 2,550.00 |
| Round Valley..... | California..... | 265.25 | 1,390.00 | 514.76 | | 1,458.25 | 18.00 | 3,646.26 |
| Salt River..... | Arizona..... | 117.00 | 60.00 | 482.73 | | 158.40 | | 818.13 |

1 Owens River Canal stock.

Statement of expenditures for the fiscal year 1915, etc.—Continued.

| Agency. | State. | Transportation of supplies. | Live stock. | Implements, harness, tools, etc. | Fence material. | Seed, trees, and plants. | Miscellaneous. | Total. |
|-----------------------|-----------------|-----------------------------|-------------|----------------------------------|-----------------|--------------------------|--------------------|------------|
| San Juan..... | New Mexico..... | \$288.58 | | | \$1,872.75 | \$999.97 | | \$3,161.30 |
| Santa Fe..... | do..... | 482.75 | | \$766.12 | 27.66 | | | 1,276.53 |
| San Xavier..... | Arizona..... | 2.32 | | | | | | 2.32 |
| Shawnee..... | Oklahoma..... | | \$967.90 | 304.00 | | | | 1,271.90 |
| Shivwits..... | Utah..... | | | | | 16.75 | | 16.75 |
| Soboba..... | California..... | 116.32 | 1,965.00 | 840.42 | | 821.12 | \$4.00 | 3,746.86 |
| Spokane..... | Washington..... | | | | | 591.13 | | 591.13 |
| Union..... | Oklahoma..... | | | | | 94.07 | | 94.07 |
| Walker River..... | Nevada..... | | 2,127.00 | 642.50 | 392.24 | 892.08 | ¹ 66.55 | 4,120.37 |
| Western Shoshone..... | do..... | 390.30 | | 1,166.60 | | | | 1,556.90 |
| Zuni..... | New Mexico..... | 1,075.76 | 1,175.00 | 3,410.25 | 640.64 | | 7.80 | 6,309.45 |
| Total..... | | 4,456.83 | 15,789.65 | 11,111.80 | 2,933.29 | 6,349.60 | 902.35 | 41,543.52 |

¹ Traveling expenses.

| | |
|---|-------------|
| Original appropriation..... | \$30,000.00 |
| Appropriated, act of June 30, 1913..... | 100,000.00 |
| | <hr/> |
| Repayments to June 30, 1915..... | 130,000.00 |
| | 18,550.21 |
| | <hr/> |
| Expenditures to June 30, 1915..... | 148,550.21 |
| | 103,033.50 |
| | <hr/> |
| Balance..... | 45,516.71 |

[House Document No. 178, Sixty-fourth Congress, first session.]

DEPARTMENT OF THE INTERIOR,
Washington, December 6, 1915.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the act of August 1, 1914 (38 Stat. L., 582-586) and joint resolution of March 4, 1915 (38 Stat. L., 1228), I have the honor to transmit herewith a detailed report of expenditures made for the purpose of encouraging industry among Indians at various Indian reservations during the fiscal year ended June 30, 1915.

I am advised by the Commissioner of Indian Affairs that the use, during the fiscal year 1915, of a portion of the appropriation made in the joint resolution of March 4, 1915, supra, intended principally for the fiscal year 1916, was due to the fact that the appropriation made in the act of August 1, 1914, supra, and previous reimbursable appropriations were authorized to be expended or set aside for specific purposes, and there was not, at the time of the expenditures from the appropriation of March 4, 1915, an apparent available balance of funds in those appropriations to purchase live stock and equipment required for encouraging industry and self-support among the Indians.

I am further advised that while the statement shows an unexpended balance of \$32,147.01 from the appropriation of August 1, 1914, a part of that balance will be utilized in the settlement of claims for property purchased under authorities granted therefrom during the fiscal year 1915 which have not yet received administrative action.

Respectfully,

FRANKLIN K. LANE.

Statement of expenditures for the fiscal year 1915 from the appropriation, "Industry among Indians, 1915," act of Aug. 1, 1914 (38 Stat. L., 586).

| Agency. | State. | Salaries and wages. | Traveling expenses. | Transportation of supplies. | Subsistence. | Forage. | Live stock. |
|----------------|----------------|---------------------|---------------------|-----------------------------|--------------|------------|-------------|
| Blackfeet | Montana | | \$25. 10 | | | | \$74,930.57 |
| Campo | California | | | | | | 750.00 |
| Cherokee | North Carolina | | | | | | 3,168.60 |
| Colorado River | Arizona | \$3,292.87 | 90.30 | \$1,218.73 | | | 3,850.00 |
| Flathead | Montana | | 47.85 | 1,305.00 | | | 19,320.00 |
| Fond du Lac | Minnesota | | | | | | 2,370.00 |
| Fort Belknap | Montana | | | | | | 75,000.00 |
| Fort Bidwell | California | | | 556.69 | | | 1,100.00 |
| Fort Hall | Idaho | | | 1,290.48 | | \$1,032.52 | 21,560.00 |
| Fort Peck | Montana | | | 751.00 | | | 28,762.50 |
| Fort Yuma | California | | | 516.90 | \$884.75 | 730.25 | 19,212.85 |
| Hoopa Valley | do | | | 175.27 | | 189.68 | 1,590.00 |
| Jicarilla | New Mexico | | 55.85 | | 625.91 | 342.48 | 23,969.50 |
| Kalbab | Arizona | | 28.50 | | | | |
| Leech Lake | Minnesota | | | | | | 2,825.00 |
| Luepp | Arizona | | | 232.58 | | | |
| Mescalero | New Mexico | | 36.10 | 187.17 | 84.28 | 299.55 | 67,780.00 |
| Moapa River | Nevada | 286.12 | | 295.45 | | | 75.00 |
| Moqui | Arizona | 25.00 | 121.60 | 1,226.51 | | | 1,700.00 |
| Nevada | Nevada | | | | | | 1,065.00 |
| Pima | Arizona | | | 252.88 | | | |
| Shawnee | Oklahoma | | | | | | 1,775.00 |
| Shoshone | Wyoming | | | 1,863.72 | | | 15,800.00 |
| Sisseton | South Dakota | | | | | | 19,206.00 |
| Sobaba | California | | | | | | 1,610.00 |
| Tongue River | Montana | | 114.68 | 707.43 | | 4,075.43 | 300.00 |
| Walker River | Nevada | | | | | | 2,085.00 |
| Warm Springs | Oregon | 1,516.00 | | 1,955.80 | | 247.75 | 31,901.85 |
| Total | | 5,119.99 | 519.98 | 12,545.61 | 1,594.94 | 6,917.66 | 421,706.87 |

| Agency. | State. | Implements, harness, machinery, etc. | Fence material. | Building material. | Seed, trees, and plants. | Miscellaneous. | Total. |
|----------------|----------------|--------------------------------------|-----------------|--------------------|--------------------------|----------------|-------------|
| Blackfeet | Montana | | | | | | \$74,955.67 |
| Campo | California | \$119.50 | | | | | 869.50 |
| Cherokee | North Carolina | 1,564.55 | | | \$339.35 | | 5,072.50 |
| Colorado River | Arizona | 5,324.73 | \$1,113.90 | \$7,884.21 | 1,147.88 | | 23,922.62 |
| Flathead | Montana | 8,695.73 | 1,196.00 | | 2,541.99 | | 33,106.57 |
| Fond du Lac | Minnesota | 544.10 | | | | | 2,914.10 |
| Fort Belknap | Montana | | | | | | 75,000.00 |
| Fort Bidwell | California | 1,314.82 | 419.93 | | 11.50 | | 3,402.94 |
| Fort Hall | Idaho | 13,297.88 | 3,562.93 | 630.00 | 6,824.11 | | 48,197.92 |
| Fort Peck | Montana | 7,445.16 | 223.44 | | 5,454.20 | | 42,636.30 |
| Fort Yuma | California | 2,557.41 | | 259.14 | 499.72 | | 24,661.02 |
| Hoopa Valley | do | 991.50 | | | | | 2,946.45 |
| Jicarilla | New Mexico | 665.72 | | | | \$24.18 | 25,683.64 |
| Kalbab | Arizona | | | | | | 28.50 |
| Klamath | Oregon | 52.45 | | | | | 52.45 |
| Leech Lake | Minnesota | 488.67 | | | | | 3,313.67 |
| Luepp | Arizona | | | | | | 232.58 |
| Melki | California | | | | 1,750.00 | | 1,750.00 |
| Mescalero | New Mexico | 86.14 | 860.88 | | | | 69,334.12 |
| Moapa River | Nevada | 674.84 | 64.48 | | | | 1,395.89 |
| Moqui | Arizona | 2,286.99 | 545.28 | | | | 5,905.38 |
| Nevada | Nevada | | | | | | 1,065.00 |
| Pala | California | | | | 1,580.16 | | 1,580.16 |
| Pima | Arizona | 2,042.86 | 2,384.50 | | | | 4,680.24 |
| Santee | Nebraska | | | | 656.45 | | 656.45 |
| Shawnee | Oklahoma | 466.50 | | | | | 2,241.50 |
| Shoshone | Wyoming | 8,317.55 | | | | | 25,981.27 |
| Sisseton | South Dakota | | | | | | 19,206.00 |
| Sobaba | California | 50.00 | | | 11.91 | | 1,671.91 |
| Tongue River | Montana | 368.40 | | 7,131.23 | | | 12,697.17 |
| Walker River | Nevada | | | | | | 2,085.00 |
| Warm Springs | Oregon | 9,357.59 | 3,321.94 | | 1,725.50 | | 50,039.43 |
| White Earth | Minnesota | 318.69 | | | 248.35 | | 567.04 |
| Total | | 67,021.78 | 13,696.28 | 15,904.58 | 22,791.12 | 24.18 | 567,852.99 |

Statement of expenditures for the fiscal year 1915 from the appropriation, "Industry among Indians, 1915-16," act of Mar. 4, 1915 (38 Stat. L., 1228).

| Agency. | State. | Traveling expenses. | Transportation of supplies. | Live stock. | Implements, harness, machinery, etc. | Seed, trees, and plants. | Miscellaneous. | Total. |
|-----------------------|-------------------|---------------------|-----------------------------|-------------|--------------------------------------|--------------------------|----------------|-------------|
| Blackfeet..... | Montana..... | \$17.00 | | \$25,594.40 | | | | \$25,611.40 |
| Fort Belknap..... | do..... | 24.80 | | 33,520.00 | | | | 33,544.80 |
| Fort Totten..... | North Dakota..... | | | | | \$7,680.50 | | 7,680.50 |
| Fort Yuma..... | California..... | | | 1,500.00 | \$171.00 | | | 1,671.00 |
| Jicarilla..... | New Mexico..... | 3.80 | | 61,346.00 | 117.03 | | | 61,466.83 |
| Kaibab..... | Arizona..... | | | 1,100.00 | | | | 1,100.00 |
| Keshena..... | Wisconsin..... | | | | | 1,922.03 | | 1,922.03 |
| Moapa River..... | Nevada..... | | | 300.00 | 10.00 | | | 310.00 |
| Moqui..... | Arizona..... | | | | | | \$20.00 | 20.00 |
| Pima..... | do..... | | \$67.91 | | 615.50 | | | 683.41 |
| Pottawatomie..... | Kansas..... | | | 2,525.00 | 1,030.50 | | | 3,555.50 |
| Pueblo..... | New Mexico..... | | | | 552.00 | | | 552.00 |
| Shawnee..... | Oklahoma..... | | | 250.00 | | | | 250.00 |
| Sisseton..... | South Dakota..... | 44.00 | | | | 3,989.08 | | 4,033.08 |
| Tongue River..... | Montana..... | 42.00 | | | | 2,587.15 | 6.95 | 10,744.79 |
| Warm Springs..... | Oregon..... | | 1,346.61 | 4,791.08 | 1,177.80 | | | 1,177.80 |
| Western Shoshone..... | Nevada..... | | | 5,302.80 | | | | 5,302.80 |
| White Earth..... | Minnesota..... | | | | | | \$186.30 | 186.30 |
| Total..... | | 131.60 | 1,414.52 | 136,229.28 | 5,644.83 | 16,178.82 | 213.25 | 159,812.30 |

¹ Wages.

² Fence material.

The CHAIRMAN. I see that the provision beginning in line 14, "That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians," etc., is stricken out. This is the report you have submitted in these documents?

Mr. MERITT. Yes, sir. That is permanent legislation because of the use of the word "hereafter," and therefore it is not necessary to include it any longer in this bill.

The CHAIRMAN. These reports you have submitted are submitted in obedience to that section?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I see that you have made a change in line 18. You provide here that not to exceed \$100,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians instead of \$75,000. Why do you raise that amount?

Mr. MERITT. We feel that we can, to advantage, expend \$100,000 on some reservations in the purchase of tribal horses and cattle. Cattle are very expensive at this time, and we can not buy a very large herd with \$75,000. Therefore, we would like to have the limit increased to \$100,000.

The CHAIRMAN. That is on account of the great advance in the price of stock?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do you purchase horses and other animals under this same act?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Goats, sheep, and anything of that kind?

Mr. MERITT. Yes, sir. This language is broad enough to enable us to purchase horses, cattle, and stock—

The CHAIRMAN (interposing). Necessary for the Indians?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice in the statistical statement on the first page of the justification you report \$421,706 as having been expended for live stock?

Mr. MERITT. Yes, sir.

Mr. CARTER. That was for the fiscal year ending June 30, 1915?

Mr. MERITT. Yes, sir.

Mr. CARTER. Does your report there which you have just submitted show in detail where and on what reservations these expenditures have been made and for what purpose?

Mr. MERITT. The reports we have submitted give that information. You will find that in the reports which have been included in the record.

Mr. CARTER. Now, I notice on page 8 of your justification that you set out that the sum of \$99,783.23 has been expended for 1,800 heifers and 80 bulls on the Standing Rock Indian Reservation.

Mr. MERITT. Yes, sir.

Mr. CARTER. How did you do that when the limitation made was \$75,000 for any one reservation?

Mr. MERITT. There was a specific appropriation for the purchase of \$100,000 worth of stock for the Standing Rock Reservation.

Mr. CARTER. There was such a specific appropriation in the bill last year?

Mr. MERITT. Yes, sir; and it was in compliance with that legislation that we purchased those cattle.

Mr. NORTON. How was it that the amount expended for the purchase of the 1,800 heifers and 80 bulls for the Standing Rock Indian Reservation was taken out of the appropriation provided for under this item for the fiscal year 1915?

Mr. MERITT. Those purchases were not made out of this specific appropriation we have here of \$600,000, but they were made out of a specific appropriation for the Standing Rock Indians. You will notice on page 8 of the justification this statement:

The following statement will show briefly how the two appropriations, one for Tongue River Reservation and one for Standing Rock Reservation, were utilized.

We are simply giving a general résumé of the stock purchased during last year.

Mr. NORTON. What was the unexpended balance of this item for the fiscal year ended June 30, 1915?

Mr. MERITT. It was \$32,147.01.

The CHAIRMAN. Does that revert to the Treasury?

Mr. MERITT. Yes, sir; it reverts to the Treasury. I may add that this is an exceedingly important appropriation. We have allotted thousands of Indians on agricultural lands, and they are without funds to buy farming equipment or to purchase cattle, and if this appropriation is continued for a number of years I believe we can eventually very materially reduce the gratuitous appropriations. We are gradually teaching the Indians that they must rely upon themselves, and that they can not much longer expect gratuities from the Government. This appropriation here will do as much as any

other one thing we are doing for the Indians to bring them up to the point where they will be absolutely self-supporting.

The CHAIRMAN. Last year was the first year that \$600,000 was appropriated under this item?

Mr. MERITT. Two years ago. Prior to that time we had an appropriation of \$100,000.

Mr. NORTON. How has the distribution of live stock been made to the Indians? Has it been made to them to be held as tribal stock or to be held by them as individuals?

Mr. MERITT. We buy the cattle as a tribal herd at first, and gradually develop the Indians up to the point where they will take care of their own stock. That depends on how far advanced the Indians are. On some reservations it would be entirely impracticable to turn the stock over to the Indians as individuals, but on other reservations we hope soon to be able to divide the cattle and give them to the individual Indians.

The CHAIRMAN. You have tribal brands, and when you buy a herd for a reservation you give them a tribal brand?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Suppose you want individual Indians to have this stock separately, would you give the individuals separate brands?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do you have any trouble on account of the Indians eating, destroying, or selling tribal property?

Mr. MERITT. Yes, sir; we have to watch the tribal herds very closely on some reservations.

The CHAIRMAN. What do you do with them when they steal property of that kind?

Mr. MERITT. We punish them by having them prosecuted.

The CHAIRMAN. Under the State laws or Federal laws?

Mr. MERITT. Under both.

The CHAIRMAN. The United States attorney of the district where the reservation is situated would have the prosecution in charge?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Or the State prosecuting officer, if the prosecution were under the State law?

Mr. MERITT. In some States where they are citizen Indians we would have them prosecuted in the State courts, but where they are noncitizen Indians we would have them prosecuted in the Federal courts.

The CHAIRMAN. Do you have any trouble in getting convictions along that line?

Mr. MERITT. No, sir. Of course Indians are not prone to testify against other Indians, but we usually have no trouble in convicting an Indian who persists in stealing cattle.

The CHAIRMAN. Do you think it would be best for the Indians to identify the cattle and to give them a separate brand as fast as possible?

Mr. MERITT. I think that would be desirable where the Indians are competent to take care of the cattle. Some Indians, though, if they had cattle turned over to them, would go off to dances and visits and allow their cattle to die for want of attention; especially in the exceedingly far northern climates, where they must have attention all the time during the winter months.

The CHAIRMAN. What do you find the disposition of the Indian to be relative to taking care of the stock, as a general thing? Do they take care of the stock like a white person?

Mr. MERITT. There has been a wonderful improvement in the last few years along that line. We have some Indians who have grown wealthy in stock raising, and they have acquired this money by their own efforts, and the other Indians are beginning to look upon those Indians as examples, and they can see what can be done if they go about it in the right way.

The CHAIRMAN. The cattle you have put on the reservation belong to the whole tribe of Indians—have been there, some of them, two or three years?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Are they increasing in value and numbers?

Mr. MERITT. Yes, sir; they are making a splendid showing.

The CHAIRMAN. Do you use the Indians as cowboys or herders to take care of the stock?

Mr. MERITT. Yes, sir; in some cases, but we usually have an expert stockman to supervise the work of the Indians.

The CHAIRMAN. He has charge of the men who control the stock; in other words, the cowboys?

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Meritt, I notice you want this money to be immediately available?

Mr. MERITT. Yes, sir; we would like to have it available just as quickly as we can so as to be able to buy some of the cattle in the spring, if the Indian appropriation bill passes by then.

Mr. CARTER. How long have you had these appropriations from which you have been buying stock?

Mr. MERITT. We have had the appropriations for the last two years in the sum of \$600,000.

Mr. CARTER. Did you buy any stock before that time?

Mr. MERITT. We bought stock out of tribal funds and there were some small appropriations made for industrial purposes and we also bought stock on the Tongue River Reservation, I believe.

Mr. CARTER. On how many reservations have you bought stock out of tribal funds?

Mr. MERITT. On quite a number of reservations. It would be necessary for me to get a table from the office to answer that question.

Mr. CARTER. I wish you would put in the record a table showing how many reservations have stock purchased from tribal funds; the amount of stock, and the cost of them.

Mr. MERITT. Covering a period of how long, Mr. Carter?

Mr. CARTER. When did the appropriation begin?

Mr. MERITT. These appropriations began two years ago.

Mr. CARTER. I mean when did you begin using the tribal funds?

Mr. MERITT. For several years, off and on, we have been using the tribal funds.

Mr. CARTER. I would like to know, Mr. Meritt, all the tribal herds you have in existence at the present time.

Mr. MERITT. And out of what appropriations they were purchased?

Mr. CARTER. Yes; as near as you can give it.

Mr. MERITT. The following statement contains the information requested:

Statement of tribal stock and funds from which purchased.

| Tribe. | Stock. | | | | | | | | | | Fund. | |
|---------------------------|---------|--------|------------|-------------|---------|--------------|---------|-------------|---------|--------|-------|---|
| | Mares. | | Stallions. | | Cattle | | Sheep. | | Mules. | | | |
| | Number. | Value. | Number. | Value. | Number. | Value. | Number. | Value. | Number. | Value. | | |
| Blackfeet..... | | | 44 | \$23,131.00 | | | | | | | | Blackfeet Reserva- tion 4 per cent fund. |
| Do..... | | | | | 1,958 | \$116,584.00 | | | | | | Industry among Indians, 1915; in- dustry among Indians, 1915-16; Blackfeet 1 reser- vation 4 per cent fund. |
| Cheyenne River Do..... | | | 8 | 6,550.00 | | | | | | | | Fund unknown. Civilization of the Sioux. |
| Crow..... | | | | | 9,053 | 544,270.00 | | | | | | Proceeds of Crow ceded lands. |
| Fort Apache..... | | | 1,000 | 20,000.00 | | | | | | | | Found on reserva- tion. |
| Fort Belknap..... | | | | | 1,979 | 114,470.00 | | | | | | Industry among Indians, 1915, \$75,000; balance industry among Indians, 1915-16. |
| Fort Hall..... | | | | | 481 | 31,860.00 | | | | | | Fulfilling treaties with Fort Hall Indians, \$20,100; interest on Sho- shone and Ban- nock fund, \$5,200; interest on Sho- shone and Ban- nock fund, \$2,700. |
| Jicarilla..... | | | | | | | 6,796 | \$31,490.00 | | | | Industry among Indians, 1915. |
| Lower Brule..... | | | | | 516 | 30,960.00 | | | | | | Proceeds of Lower Brule Reserva- tion. |
| Mescalero..... | | | 125 | 1,790.00 | 1,263 | 65,130.50 | | | | 2 | \$400 | Industry among Indians, 1915. |
| Pine Ridge..... | | | | | 69 | 6,625.00 | | | | | | Partly from indus- try among In- dians, reimburs- able. |
| Red Lake..... | | | | | 17 | 1,300.00 | 43 | 259.90 | | | | Indian moneys proceeds of labor and Chippewas in Minnesota fund. |
| Rosebud..... | | | 19 | 9,500.00 | 130 | 13,000.00 | | | | | | Proceeds of Rose- bud reservation, S. Dak. |
| San Carlos..... | | | 42 | 12,800.00 | 2,106 | 105,330.00 | | | | | | Indian moneys proceeds of labor. |
| Shoshone..... | | | 14 | 6,230.43 | | | | | | | | Industry among Indians, 1915. |
| Do..... | | | | | 3,561 | 156,330.00 | | | | | | Indian moneys proceeds of labor. |
| Spokane..... | | | 1350 | 3,000.00 | | | | | | | | Unknown. |
| Tongue River..... | | | | | 500 | 30,000.00 | | | | | | Sioux fund Tongue River annuity. |
| Truxton Canon..... | | | 1102 | 6,324.00 | 826 | 31,976.00 | | | | | | Indian moneys proceeds of labor. |
| Ute Mountain..... | | | 22 | 5,500.00 | 1,500 | 90,000.00 | | | | | | Confederated Bands of Utes 4 per cent fund. |
| Walker River..... | | | | | 8 | 600.00 | | | | | | Indian moneys proceeds of labor. |
| Warm Springs..... | | | 3 | 375.00 | 365 | 19,345.00 | | | | | | Industry among Indians, 1915. |
| Total..... | 4 | 2,200 | 1,629 | 95,000.43 | 24,332 | 1,357,780.50 | 6,839 | 31,749.90 | | 2 | 400 | |

Mr. CARTER. I notice a proviso here, as follows:

Provided, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925.

That makes it a reimbursable, revolving appropriation.

Mr. MERITT. Yes, sir.

Mr. CARTER. Has any of that money been turned back into the Treasury?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you know how much?

Mr. MERITT. On the Tongue River Reservation, which was one of the first appropriations, practically the entire appropriation has been returned.

Mr. CARTER. Will you put in a table showing exactly how much has been returned?

Mr. MERITT. The following statement shows the reimbursements of this appropriation:

Use of reimbursable money, Tongue River Reservation, Mont.

| | |
|---|-------------|
| Act Apr. 4, 1910 (36 Stat. L., 269-277)----- | \$15,000.00 |
| Expended to June 30, 1915, for implements, etc. (including original appropriation and money repaid by Indians)----- | 33,768.64 |
| Repaid to June 30, 1915----- | 21,031.48 |
| | <hr/> |
| Act Aug. 1, 1914 (38 Stat. L., 582-594), for part payment for 472 heifers----- | 22,525.00 |
| Act Mar. 4, 1915 (38 Stat. L., 1228), for part payment of 472 heifers above----- | 3,331.16 |
| | <hr/> |
| | 25,856.16 |
| Repayments from last two funds----- | None. |

Mr. CARTER. I notice from your report that you spent \$74,930 for the purchase of stock on the Blackfeet Reservation.

Mr. MERITT. Yes, sir.

Mr. CARTER. How many Blackfeet Indians are interested in that herd?

Mr. MERITT. They all have an interest in it because it is a tribal herd.

Mr. CARTER. All on that reservation?

Mr. MERITT. Yes, sir.

Mr. CARTER. How many are there?

Mr. MERITT. There are 2,700 Indians on the Blackfeet Reservation.

Mr. CARTER. I notice you have expended \$3,168 for the Cherokees in North Carolina. How many Cherokees are there?

Mr. MERITT. There are about 2,100 Cherokees.

Mr. CARTER. How many cattle were purchased for them?

Mr. MERITT. We do not use this appropriation exclusively for cattle.

Mr. CARTER. I understand, but were any cattle purchased for them?

Mr. MERITT. I think a very small number of cattle were purchased for the Cherokees.

Mr. CARTER. Have the Cherokees a reservation in North Carolina?

Mr. MERITT. Yes, sir; they have land known as a reservation. They have a different title to their land, however, from the western

reservations, because they purchased part of their land out of tribal funds.

Mr. CARTER. Then, I notice, on the Colorado River, Ariz., you have expended \$3,850. For what Indians was that amount expended?

Mr. MERITT. We have advanced that money to individual Indians for individual purposes, and require them to reimburse the Government.

Mr. CARTER. What Indians were they—what tribe?

Mr. MERITT. There are two tribes on that reservation—the Mojave and Chemecheuvi.

Mr. CARTER. Those are not tribal herds?

Mr. MERRITT. No, sir.

Mr. CARTER. I notice you have expended \$19,320 for live stock on the Flathead Reservation in Montana. How many of these Indians are there?

Mr. MERITT. There are about 2,200 Indians on the Flathead Reservation. On the Flathead Reservation, I think, we have used that money for some individual Indians, rather than as a tribal matter.

Mr. CARTER. That was not for a tribal herd?

Mr. MERITT. No, sir.

Mr. CARTER. I notice, at Fort Belknap, you have spent \$75,000?

Mr. MERITT. We bought a tribal herd there.

Mr. CARTER. For what Indians?

Mr. MERITT. For the Fort Belknap Indians. There are two tribes—the Assiniboines and the Gros Ventres. The herd was for both tribes.

Mr. CARTER. How many of them are there?

Mr. MERITT. There are about 600 in each tribe.

Mr. CARTER. Will you put in the record, along with each one of these reservations, how many cattle you bought for each place?

Mr. MERITT. Yes, sir.

Mr. CARTER. At Fort Peck, give me the same information.

Mr. MERITT. At the Fort Peck Reservation we have 1,908 Indians.

Mr. CARTER. What tribe?

Mr. MERITT. There is only one tribe of Indians on that reservation, and they are the Fort Peck Sioux. We have used that money very largely for individual Indians, advancing money to them to help them on their allotments.

Mr. CARTER. At Fort Yuma, Cal., you have spent \$28,762.

Mr. MERITT. Yes, sir.

Mr. CARTER. Without running through all these items, Mr. Merritt, may we depend on you to give us the information about each one of them?

Mr. MERITT. The following statement gives the information requested:

POPULATION OF TRIBES.
Use of fund "Industry among Indians, 1915," for live stock.

| Names of school and tribe. | Popu- lation. | Cows and heifers. | | Bulls. | | Burros, horses, mules, and mares. | | Steers. | | Hogs. | | Stallions. | | Sheep and goats. | |
|---|------------------|-------------------|-------------|--------------|------------|--------------------------------------|------------|--------------|----------|--------------|---------|--------------|--------|------------------|--------|
| | | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. |
| Blackfeet: | | | | | | | | | | | | | | | |
| Chippewa..... | 200 | | | | | | | | | | | | | | |
| Piegan..... | 2,524 | 1,798 | \$69,062.33 | 60 | \$5,868.24 | | | | | | | | | | |
| | 2,724 | | | | | | | | | | | | | | |
| Campo: | | | | | | | | | | | | | | | |
| Mission..... | 137 | | | | | | | | | | | | | | |
| Cuyapape..... | 8 | | | | | | | | | | | | | | |
| Laguna..... | 7 | | | | | | | | | | | | | | |
| La Posta..... | 6 | 14 | 700.00 | 1 | 50.00 | | | | | | | | | | |
| Manzanita..... | 70 | | | | | | | | | | | | | | |
| | 228 | | | | | | | | | | | | | | |
| Cherokee, Eastern Cherokee.. | 2,211 | 2 | 100.00 | | | 16 | \$2,358.00 | 15 | \$660.00 | 5 | \$50.00 | | | | |
| Colorado River: | | | | | | | | | | | | | | | |
| Chemehuevi..... | 69 | | | | | | | | | | | | | | |
| Cocopa..... | 1 | | | | | | | | | | | | | | |
| Mojave..... | 402 | | | | | 27 | 3,850.00 | | | | | | | | |
| Mojave Apache..... | 5 | | | | | | | | | | | | | | |
| | 477 | | | | | | | | | | | | | | |
| Flathead, Confederated Flat- head..... | 2,302 | 6 | 450.00 | | | 108 | 18,870.00 | | | | | | | | |
| Fond du Lac, Chippewa..... | 1,020 | | | | | 10 | 2,370.00 | | | | | | | | |
| Fort Belknap: | | | | | | | | | | | | | | | |
| Assiniboin..... | 634 | | | | | | | | | | | | | | |
| Grosventre..... | 571 | 1,800 | 75,000.00 | 160 | | | | | | | | | | | |
| | 1,205 | | | | | | | | | | | | | | |
| Fort Bidwell: | | | | | | | | | | | | | | | |
| Digger..... | 14 | | | | | | | | | | | | | | |
| Patche..... | 260 | | | | | | | | | | | | | | |
| Pic River..... | 501 | | | | | 10 | 1,100.00 | | | | | | | | |
| | 715 | | | | | | | | | | | | | | |

1 Part payment for heifers and full payment for 60 bulls. Balance for heifers paid from "Industry among Indians, 1915-16."

| | | | | | | | | | |
|----------------------------------|-------|-----|-----------|----|----------|----------|--|----|----------|
| Nevada, Paiute..... | 606 | 18 | 895.00 | | 2 | 170.00 | | | |
| Pala, Mission ⁵ | 936 | | | | | | | | |
| Pima: ⁶ | | | | | | | | | |
| Maricopi..... | 279 | | | | | | | | |
| Pima..... | 4,017 | | | | | | | | |
| Gila Band Papago..... | 2,000 | | | | | | | | |
| ..... | 6,296 | | | | | | | | |
| Sanitee: ⁷ | | | | | | | | | |
| Ponca..... | 399 | | | | | | | | |
| Santee Sioux..... | 1,179 | | | | | | | | |
| ..... | 1,508 | | | | | | | | |
| Shawnee: | | | | | | | | | |
| Absentee Shawnee..... | 455 | | | | 11 | 1,775.00 | | | |
| Citizen Potawatomi..... | 1,796 | | | | | | | | |
| Mexican Kickapoo..... | 348 | | | | | | | | |
| ..... | 2,599 | | | | | | | | |
| Shoshone: | | | | | | | | | |
| Arapaho..... | 871 | | | | 70 | 9,800.00 | | 14 | 6,000.00 |
| Shoshone..... | 834 | | | | | | | | |
| Soboba, Mission..... | 1,705 | | | | | | | | |
| Tongue River, Northern | 938 | 31 | 1,285.00 | | 2 | 325.00 | | 2 | 300.00 |
| Cheyenne..... | 1,456 | | | | | | | | |
| Walter River: | | | | | | | | | |
| Paiute..... | 566 | | | | | | | | |
| Paiute(Mason Valley)..... | 141 | | | | 20 | 2,085.00 | | | |
| Warm Springs, Wasco, Te- | 707 | | | | | | | | |
| mino, and Paiute..... | 759 | 533 | 28,249.00 | 29 | 3,552.85 | 100.00 | | | |
| Sisseton, Sisseton and Wah- | | | | | | | | | |
| peton Sioux..... | 2,053 | 323 | 19,206.00 | | | | | | |

⁵ Seeds, \$1,580.16.
⁶ Transportation, implements, and fencing, \$4,680.24.
⁷ Seeds, etc., \$656.45.

¹ Traveling expenses, \$28.50.
² Implements, \$32.45.
³ Transportation, \$232.58.
⁴ Seeds, trees, etc., \$1,750.

POPULATION OF TRIBES—CONTINUED.
Use of fund "Industry among Indians, 1915," for live stock—Continued.

| Names of school and tribe. | Popu- lation. | Cows and heifers. | | Bulls. | | Burros, horses, mules, and mares. | | Steers. | | Hogs. | | Stations. | | Sheep and goats. | |
|--------------------------------|------------------|-------------------|--------------|--------------|-------------|--------------------------------------|--------------|--------------|----------|--------------|----------|--------------|------------|------------------|-------------|
| | | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. | Num- ber. | Value. |
| White Earth: ¹ | | | | | | | | | | | | | | | |
| Chippewa (Miss.) | 2,359 | | | | | | | | | | | | | | |
| Mille Lac (removal) | 1,174 | | | | | | | | | | | | | | |
| Otter Tail Pillager | 811 | | | | | | | | | | | | | | |
| Gull Lake (Miss.) | 440 | | | | | | | | | | | | | | |
| Mille Lac (nonremoval) | 284 | | | | | | | | | | | | | | |
| Pembina Pillager | 415 | | | | | | | | | | | | | | |
| Leech Lake (removal) | 272 | | | | | | | | | | | | | | |
| White Oak Point (re- moval) | 291 | | | | | | | | | | | | | | |
| Fond du Lac (removal) | 110 | | | | | | | | | | | | | | |
| Cass and Winnibigoshish | 61 | | | | | | | | | | | | | | |
| | 6,217 | | | | | | | | | | | | | | |
| Total | | 5,896 | \$362,727.33 | 230 | \$16,761.09 | 724 | \$108,685.10 | 15 | \$660.00 | 25 | \$367.85 | 23 | \$7,950.00 | 4,029 | \$23,555.50 |

¹ Implements and seeds, \$567.04.

Grand total, \$421,706.87.

Mr. NORTON. Outside of the items you have just gone over, there was purchased last year for the Tongue River Reservation 472 heifers at a cost of \$22,525, and 1,800 heifers on the Standing Rock Indian Reservation at a cost of \$99,783.23.

Mr. MERITT. Yes, sir.

Mr. NORTON. They were purchased out of special appropriations?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

That not to exceed \$200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$20,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

I take it that the words "other employees," would cover everybody and would apply to any place where you could use motor propelled or horse drawn vehicles.

Mr. MERITT. Yes, sir.

The CHAIRMAN. That is an omnibus provision, then?

Mr. MERITT. Yes. I offer the following justification for this item:

Congress, in the legislative, executive, and judicial act for the fiscal year ending June 30, 1915, provided that after the close of the fiscal year 1915 there shall not be expended any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles, unless same is specifically authorized by law.

As shown by Senate Document 461, Sixty-third Congress, second session, the Indian Service has 118 automobiles, at a total cost of \$113,978.71, and at an average cost of \$965.92. We also have 739 horse-drawn passenger-carrying vehicles at a total cost of \$77,638.18, and at an average cost of \$126.44. These passenger-carrying vehicles include hacks, spring wagons, buggies, wagons, surreys, road carts, wagonettes, and the like.

This item does not increase the appropriation for the Indian Service but, if allowed, merely permits the expenditure of \$200,000 out of the total appropriation for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, the latter items including, according to the Comptroller of the Treasury, the purchase of gasoline or repair parts for the automobiles, forage for the horses, repairs to the buggies and harness, etc. Many of these vehicles are old and practically worthless and, in view of the condition of the roads on the reservations and the long distances which must be traveled, many of them must be replaced in order to permit the employees (doctors, field matrons, superintendents, farmers, and others) to visit the Indians, ascertain their condition and needs.

No new automobiles or passenger-carrying vehicles have been purchased during 1915 or 1916 because of this legislation, and many of the machines on hand were purchased as early as 1909 and 1910. These machines were of the heavy type, and the cost of repairs and operation is greater than in the smaller and lighter cars, and where they have been run from 30,000 to 50,000 miles it becomes an expensive proposition to operate and continue to use them. It is far more economical to purchase the lighter cars at a low price, where the repair bills are small and the mileage is much greater. In instances, superintendents can not cover their territories for the reason that the machines on hand are worthless and the office does not consider it good business to expend large amounts for repair and overhauling where that sum would purchase a new machine. Likewise, at some places superintendents do not have machines at all, and where the distances are great much time and money is saved by providing these officials with a cheap and quick mode of transportation.

The CHAIRMAN. What do you mean by the term "applicable appropriations"? What appropriations are applicable for this item?

Mr. MERITT. The support items for the agencies and schools would be available for the purchase of necessary vehicles for carrying on the business of the agency or school were it not for the legislation enacted in the act of June 30, 1915, contained in the legislative, executive, and judicial act, which prohibited the expenditure of any fund for passenger-carrying vehicles without specific authority of law.

Mr. CARTER. Mr. Meritt, please read that provision for the record.

Mr. MERITT. This law is found in 38 Statutes at Large, page 508, section 5, as follows:

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments or any branch of the Government service unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law; and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

The CHAIRMAN. Then that is the necessity for this additional legislation?

Mr. MERITT. Yes, sir. That act was approved July 16, 1915.

The CHAIRMAN. Can you give us a statement showing the number and the different kinds of vehicles now in the service?

Mr. MERITT. We submitted such a report to Congress which is found in Senate Document 461, Sixty-third Congress, second session. You will note, Mr. Chairman, we are not asking for a specific appropriation for this purpose but simply that we might use money out of other available appropriations not to exceed \$200,000 for this purpose.

The CHAIRMAN. Then this will not increase the amount of the bill?

Mr. MERITT. No, sir. On these large reservations, some of them covering an area as large as some of the New England States, it is absolutely important that we have conveyances to get over the reservation if the superintendent and other employees are to do their work properly.

Mr. CARTER. Mr. Meritt, you had a somewhat similar provision to this in the Indian appropriation bill which failed last year, did you not?

Mr. MERITT. Yes, sir.

Mr. CARTER. How have you managed to get along since that time without the purchase of these vehicles?

Mr. MERITT. We have been compelled to get along with the old vehicles we had, and we have some automobiles the upkeep of which in a few years would pay for a new machine. We are very much handicapped.

Mr. CARTER. How many vehicles do you propose to buy with this \$200,000?

Mr. MERITT. Not to exceed \$15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$20,000 may be used for the purchase of motor-propelled passenger-carrying vehicles, and such vehicles must be used for official service. We will be limited by the appropriation, and it will be our purpose and our intent to purchase only the low-priced machine.

Mr. CARTER. That would allow you only \$35,000 for the purchase of machines?

Mr. MERITT. Yes, sir; \$20,000 for the purchase of machines and \$15,000 for the purchase of other vehicles.

Mr. CARTER. \$35,000 altogether for the purchase of vehicles.

Mr. MERITT. Yes, sir.

Mr. CARTER. What do you propose to do with the other \$165,000?

Mr. MERITT. Maintain the machines and the horses and repair the equipment we have.

Mr. CARTER. How have you maintained those machines during the present fiscal year?

Mr. MERITT. Out of general appropriations.

The CHAIRMAN. Out of what appropriation?

Mr. MERITT. Out of the general appropriations applicable.

Mr. CARTER. Then you can maintain these machines without a specific appropriation?

Mr. MERITT. No, sir. If this legislation is enacted, we will require specific authority to do that, under the law I have just read.

Mr. CARTER. But that law has already been enacted and you have been operating under it for the last 12 months.

Mr. MERITT. Yes, sir.

Mr. CARTER. And under that law you did use certain funds for the maintenance, repair, and operation of vehicles?

Mr. MERITT. Yes, sir; but the joint resolution that extended the old appropriation also provided for the maintenance of passenger-carrying vehicles.

The CHAIRMAN. You did that under that clause of the joint resolution?

Mr. MERITT. Yes, sir.

Mr. CARTER. That is the bill we have before us now and the one you operated under last year?

Mr. MERITT. Yes, sir; as extended by the joint resolution.

Mr. CARTER. Did the joint resolution specifically set out that these vehicles might be maintained?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

That so much of section four of the act of May eleventh, eighteen hundred and eighty (Twenty-first Statutes at Large, page one hundred and thirty-two), as prohibits granting permission in writing or otherwise to any Indian or Indians on any Indian reservation to go into the State of Texas, under any pretext whatever, be, and the same is hereby, repealed.

Mr. MERITT. We offer the following justification for this legislation, Mr. Chairman:

[Repeal in part of sec. 4, act of May 11, 1880 (21 Stat. L., 132), permitting Indians to go into the State of Texas.]

That portion of the act of May 11, 1880, which prohibits the granting of permission, in writing or otherwise, to any Indian or Indians on any Indian reservation to go into the State of Texas has long since outlived its usefulness and should

be repealed. There is no reason at the present time why the Indians should be restricted from going into that State.

The CHAIRMAN. The next item is as follows:

That section two of the act approved March second, nineteen hundred and seven (Thirty-fourth Statutes at Large, page twelve hundred and twenty-one), entitled "An act providing for the allotment and distribution of Indian tribal funds," be, and the same is hereby, amended so as to read as follows:

"That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe."

Mr. MERITT. We offer the following justification for this proposed legislation, Mr. Chairman:

Amending section 2 of the act approved March 2, 1907 (34 Stats. L., 1221), to read as follows:

"Sec. 2. That the pro rata share of any Indian who is mentally, physically, or otherwise incapable of managing his or her own affairs may be withdrawn from the Treasury, in the discretion of the Secretary of the Interior, and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe."

The present act reads in full as follows:

"That the Secretary of the Interior is hereby authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor.

* * *

"Sec. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members under such rules, regulations, and conditions as he may prescribe."

The question of amending the above section 2 was presented last year with the following justification, which covers the situation at the present time unaltered from that of the past.

The large majority of Indians belonging to tribes who have tribal funds in the Treasury susceptible of division pro rata among the members of said tribes do not come within the requirements of section 1 or section 2 of the act of March 2, 1907, *supra*.

Under the present law an Indian to be entitled to receive his or her trust funds under the above act, section 1, must be competent, or under section 2 of the act the applicant must be either blind, crippled, decrepit, or helpless from old age, disease, or accident. Hence the only Indians who can receive trust funds must be capable of managing their own affairs or unable to contribute to their own support.

In order to show the application of the present law, we will take three hypothetical cases. First, take Indian "A," who has a pro rata share of trust funds in the Treasury. He is a capable man, intelligent, and self-supporting, for the reason that he knows how to apply his talents and has manifested his competency by the wise use of all privileges extended to him. There can be no doubt as to the advisability of withdrawing his share of the tribal funds under section 1 of the act and turning it over to him for his unrestricted use. Second, take Indian "B," who has a pro rata share of trust funds in the Treasury. He is 65 years of age, decrepit, and unable to contribute to his support on account of his physical as well as mental condition. There is no question as to the advisability or justness of withdrawing his share of the funds

under section 2 and depositing it to his credit for expenditure for his benefit under the supervision of the superintendent. Now, take Indian "C," who also has a pro rata share of trust funds in the Treasury (ranging in value from \$100 to \$1,100). He is a robust man, 35 years of age, in the prime of life, but who has not acquired the necessary mental training to enable him to make himself an opportunity to become self-supporting and does not know the value of money. He has an allotment of 160 acres of valuable farming or grazing land. This, with the exception of his share of tribal funds in the Treasury, comprises his only asset. He has no house on his land or equipment with which to cultivate same, and no funds with which to purchase stock to give him a start in self-support. He is therefore forced to remain idle, though he is willing and for the most part eager to work if opportunity presents, but, generally speaking, there is no available work on an Indian reservation; hence, in the absence of an opportunity, the Government is probably compelled to issue rations to him to prevent suffering.

Under the existing law the Indian Office is powerless to provide a means of permitting this class of Indians to avail themselves of the use of their trust funds. If, however, the law is amended as set out above, shares could be withdrawn from the Treasury and expended under supervision in procuring the necessary implements and stock with which the Indian could improve his allotment and also erect dwelling houses, barns, etc.; in other words, will permit the use of the man's cash capital in the development of his plant resources to the point where production is reached and self-support attained.

This is an important item of legislation, because under the existing law there is a certain class of able-bodied but noncompetent Indians who can not withdraw their share of the tribal funds from the Treasury, and this is to enable those Indians who are able-bodied but noncompetent to get their share of the funds so they can use those funds for industrial betterment. The legislation is important, and we very much desire it, and it will be very helpful to the Indians.

Mr. NORTON. It occurs to me that is a very good provision and one that should be enacted into law.

Mr. MERITT. We have asked for that legislation for two or three years now.

Mr. CARTER. You have that legislation for the Five Civilized Tribes now, have you not?

Mr. MERITT. No, sir; we can not pay out tribal funds of the Five Civilized Tribes without specific appropriation by Congress.

The CHAIRMAN. I introduced a bill last year to this effect.

Mr. MERITT. Yes, sir. It is exceedingly desirable legislation.

(The committee thereupon adjourned until Tuesday, December 21, 1915, at 11 o'clock a. m.)

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Tuesday, December 21, 1915.

The subcommittee met at 11 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were also present Mr. Carter, Mr. Campbell, and Mr. Norton.

STATEMENT OF MR. E. B. MERITT—Resumed.

The CHAIRMAN. The next item is as follows:

That section five of the act approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-seven), be, and the same is hereby, amended so as to read:

That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, lease, or other instrument touching land held under a trust or other patent containing restrictions on alienation, or to procure the

execution by any Indian of any such instrument, or to be a party with any Indian to any such contract, deed, mortgage, lease, or other instrument, or to offer any such contract, deed, mortgage, lease, or other instrument as aforesaid for record; and any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding \$500, or imprisonment not exceeding one year, or by both such fine and imprisonment in the discretion of the court: *Provided*, That this section shall not apply to any contract, deed, mortgage, lease, or other instrument authorized by law to be made. Any Indian or his heirs in the possession of any live stock, their increase, or any other personal property issued by the United States or purchased with trust funds and held in trust by the United States, may lawfully sell, transfer, mortgage, or otherwise dispose of such property only with the consent in writing of the United States Indian agent or superintendent having jurisdiction over such property and not otherwise. Any person who shall induce any Indian to sell, transfer, mortgage, or otherwise dispose of, or shall procure the sale, transfer, mortgage, or other disposal by any Indian, or shall be a party with any Indian to the sale, transfer, mortgage, or other disposal of any such personal property in violation of the foregoing provision, or who shall knowingly offer for record any instrument evidencing any prohibited or unlawful sale, transfer, mortgage, or other disposal of any such personal property, or who shall knowingly take or receive possession of any such personal property in pursuance to any such prohibited or unlawful sale, transfer, mortgage, or other transaction, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding \$500, or imprisoned not exceeding one year, or by both such fine and imprisonment. Any sale, transfer, mortgage, or other disposal in violation of this provision, of any property so issued and held shall be absolutely void, and title to the property involved in such void transaction shall revert to the United States, and the property may be taken possession of by the United States Indian agent or superintendent having jurisdiction over the property. Any Indian or other person having tribal rights who shall induce any person to enter into any such contract, deed, mortgage, lease, sale, transfer, or other agreement or transaction prohibited and declared to be unlawful by the above provisions, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding \$500, or imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided further*, That any United States Indian agent, superintendent, or employee that shall in any manner connive or conspire to secure, or assist in securing, the making of such prohibited contract shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$1,000, or shall be imprisoned not exceeding one year, or by both such fine and imprisonment.

Have you any justification for this item?

Mr. MERITT. Mr. Chairman, we offer the following justification for this item:

The law as it now stands makes it unlawful for any person to induce an Indian to execute any contract purporting to convey any land or interest therein held in trust by the United States, or to offer such contract for record, and imposes a penalty for violation of the law

This law should be broadened so as to include personal property issued to Indians by the United States, or property purchased with trust funds, and the penalty of the law should fall upon the Indian as well as the other party.

Cases are of record in which an Indian allottee, or the heirs of an allottee, have induced ignorant persons to part with money or other property of value in exchange for a mortgage or deed on an allotment held in trust when the allottee or the heirs, as the case might be, knew at the time that the instrument was of no value, and that nothing could be recovered under it. The Indians as a rule are sufficiently advanced to know that they should not engage in such fraudulent transactions, and they should be made to pay the penalty when they knowingly defraud others by their misrepresentations with respect to property held in trust.

There is also need for a law regulating the disposal of stock and other personal property issued to Indians by the United States, or purchased for them with trust funds. Large sums of money are annually spent by the Government in the education of Indians and in equipping them with goods,

supplies, and live stock that they may engage in agricultural pursuits and eventually attain self-support, but the Government has found it impracticable to prevent the Indians from disposing of this property among themselves.

Very often unscrupulous white men will purchase personal property of this class from an Indian for an insufficient sum, or will loan money and take a chattel mortgage on the property, and then take the property in possession for failure on the part of the Indian to pay the mortgage when due. This necessitates action by the Department of Justice to recover the property, and its efforts have not always been successful, as the mortgagees have at times disposed of the property and they themselves are financially irresponsible.

Experience indicates that some persons make a practice of acquiring this class of property from Indians, probably realizing sufficient from the transactions which are not discovered by the Government officials to more than offset the cases which are discovered and in which the property is reclaimed. If it were a misdemeanor for both the Indian and white man to engage in transactions of this kind, and an example were made in a few cases of the guilty person, the time would soon come when these fraudulent dealings would cease almost entirely.

To be exact I will read the section of the law, section 5 of the act of June 25, 1910, found in 36 Statutes, page 857, which reads as follows:

That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land—

The CHAIRMAN (interposing). I notice here that the word "lease" is inserted.

Mr. MERITT. Yes, sir. [Continuing:]

Or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding \$500, or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section shall not apply to any lease or other contract authorized by law to be made.

The CHAIRMAN. Is that all you wish to offer for the record at this point?

Mr. MERITT. I will say in addition we deem this exceedingly important legislation and is very much needed by the bureau to adequately protect the property of Indians, especially in view of the fact we are now issuing to Indians property from reimbursable funds, known as trust property; and under existing law we are not able to prevent, in certain cases, Indians from being defrauded of their property. It is very important that we procure the enactment of this legislation at this session of Congress.

The CHAIRMAN. Can you state succinctly the difference between the law as it now stands, which you read from the Statutes there, and the law you propose by this amendment? What is the distinct difference?

Mr. MERITT. As the law now stands, section 5 of the act of June 25, 1910, applies only to real estate.

The CHAIRMAN. And you make this apply to personalty?

Mr. MERITT. We hope to broaden the act so it will apply not only to land but to personal property as well. The law as it now stands on the statute books does not punish Indians for disposing of trust property, and some shrewd Indians take advantage of the law and impose upon the department and also upon white people and dispose

of this trust property and get and spend the proceeds, and after they have expended the proceeds they ask the Indian Bureau to bring a suit to recover the property that they have disposed of unjustly, and it is for the purpose of not only protecting the property in the hands of the Indians but to punish those who are guilty of this practice.

Mr. NORTON. Is there not in existence a law for the punishment of wards of the Government selling property held by them in trust?

Mr. MERITT. There is no Federal statute on the subject.

Mr. NORTON. So the only punishment that could be brought upon them under existing law and regulations of the Interior Department is simply such as might be brought against them under the police regulations of the agency?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

That the Commissioner of Indian Affairs is hereby authorized to investigate claims and negotiate agreements with any tribes or bands of Indians for the final adjudication and settlement of all claims and demands of such tribes or bands against the United States, arising under any law, treaty, or agreement, and which have not heretofore been adjudicated; and the Secretary of the Interior shall report the result of such negotiations to Congress for its approval at the earliest practicable date, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 for all expenses in connection with this work, including pay of necessary additional employees.

What justification have you for this item?

Mr. MERITT. Mr. Chairman, we offer the following justification:

Many of the tribes or bands of Indians assert claims against the United States for alleged failure to comply with treaty stipulations and for alleged misappropriation of their funds. These claims are being constantly brought to the attention of the department, both by the Indians interested and by requests for reports on bills providing for the submission of the claim of some particular tribe or band to the Court of Claims for adjudication. Many bills having in view the settlement of the claim of a particular band or tribe are introduced in the Congress year after year but few have passed.

Some of the claims of these Indian bands or tribes appear to possess merit. One great difficulty experienced in connection with these matters is that many of the claims are rather vague, and the tribes or bands have but few members who are sufficiently qualified to prepare and present the claims in an intelligent manner. The department is constantly receiving applications from attorneys to negotiate contracts with Indian tribes to prosecute the claims.

If the Indians believe that they have valid claims against the Government, it would be no more than just that the claims be heard and adjudicated. The constant agitation of these matters is a hindrance to the proper administration and final settlement of Indian Affairs and an obstacle to the maintenance of the cordial relations which should exist between the Government and the Indians and which are so necessary to obtain the greatest good from the expenditure of moneys for their benefit which are appropriated from year to year.

These Indian tribes should not be required to expend their moneys in the payment of attorneys to formulate and prosecute claims against the Government. The most equitable arrangement would seem for the Government to establish a commission to investigate these various matters, prepare reports setting forth the claims in an intelligent manner, and present for the consideration of the Congress facts on which an adjudication could be made and the matters disposed of for all time.

The CHAIRMAN. What suggestions have you to offer in addition to those contained in your justification with reference to this item?

Mr. MERITT. If this legislation is enacted it is the purpose of the office to have experienced men who have extensive knowledge of Indian matters to look into the claims of the Indians and submit

a full report so that the office and the Congress may be advised, and then Congress can take whatever action it may deem proper on the claims of these tribes.

Mr. CAMPBELL. Briefly, what is the foundation generally for these claims?

Mr. MERITT. Some of the Indian tribes claim that in the past the Government has entered into treaties with them and those treaties have not been carried out; for example, some claim that they are entitled to compensation for land ceded to the Government.

The CHAIRMAN. Let me suggest that we are paying out \$10,000 to a commission without any specific things for them to do. Suppose we turn over this work to the Board of Indian Commissioners and add it to the duties they already have, and let them report to you as indicated here. That would not cost anything additional because we have those men already, and why not give them something practical to do. What would you say about that suggestion?

Mr. MERITT. We would be glad to have reports on these claims so that we could take proper action.

The CHAIRMAN. I believe you stated yesterday that that commission was needed and that they are men who are competent to perform duties such as this one, and as the commission has already been established by law we could add this as an additional duty without appointing or establishing another bureau. I do not think it is advisable to create new bureaus in any of the departments.

Mr. MERITT. It is not our intention to create a new bureau. This is simply for the purpose of utilizing the services of men now employed. For example, if this item should be enacted into law I am quite sure one of the men on this commission would be Maj. McLaughlin.

The CHAIRMAN. But you ask for \$25,000 additional for this specific purpose.

Mr. MERITT. Yes, sir; that is for the purpose of employing additional clerical hire and for traveling expenses.

The CHAIRMAN. Why not save this \$25,000 and let the men who already have an appropriation of \$10,000 take charge of this work?

Mr. CAMPBELL. Would not this item be subject to a point of order?

Mr. MERITT. I think probably it would.

Mr. CAMPBELL. A point of order would undoubtedly be made and I do not think there is any reason for spending time on it. It is very properly a matter to go into an omnibus bill.

The CHAIRMAN. But we would like to have Mr. Meritt's statement as a part of the record to show that the committee investigated the matter and that these suggestions have been made.

Mr. CAMPBELL. Yes; we want information on all of these matters, of course.

The CHAIRMAN. The next item begins with line 18, page 21, as follows:

That so much of the Indian appropriation act of June 21, 1906 (34 Stat. L., p. 326), as authorizes the President to extend the restrictive period against alienation in any trust or other patent issued to any Indian allottee be, and the same is, hereby amended so as to read:

"That prior to the expiration of the trust or other restrictive period against alienation on the lands allotted under any law or treaty to any Indian the President may continue such trust or other restrictions against alienation for such further period as he may deem best: *Provided, however,* That this shall

not apply to any lands of the Five Civilized Tribes or the Osage Nation, Oklahoma."

What justification have you for that?

Mr. MERITT. We offer the following justification:

The act of June 21, 1906 (34 Stats. L., p. 326), authorizes the President to extend the trust period, or other period during which alienation is prohibited, in any patent issued to Indian allottees, but this act specifically provides that it shall not apply to any lands "in the Indian Territory."

No doubt it was intended at the time this act was passed to except from its provisions the Five Civilized Tribes in Oklahoma, rather than all of the lands within the former Indian Territory. At the Quapaw Agency, under the Seneca Indian School, Oklahoma, which formed a part of the former "Indian Territory," we have eight tribes or bands of Indians who have been allotted as follows: Eastern Shawnee, Modoc, Peoria, Seneca, Miami, Ottawa, Quapaw, Wyandotte.

Some of the members of these band were allotted under the general allotment act of February 8, 1887 (24 Stat., 388), as amended, while others were allotted under special acts providing for the issuance of patents in fee with restriction against alienation for a definite period. The restrictive period against alienation on two of the bands so allotted—the Peorias and Miamis—expired in April, 1915, and in view of the proviso in the act of June 21, 1906 (*supra*), excepting lands in Indian Territory, there was no authority under existing law for extending the restrictive period. By that expiration a number of noncompetent allottees of these two tribes have been put in jeopardy of losing their homes.

All the Indians at this agency are not sufficiently advanced to be deemed capable of protecting their own interests, and it is very essential, therefore, that the power to dispose of their lands without supervision from the Government be limited for a further period. Other cases may arise where it will be advisable to extend the trust period on lands allotted to the Indians at the Quapaw Agency, and the suggested amendment to the act of June 21, 1906, is simply designed to accomplish what it was believed to be the original intention of that act, except from its provisions only the Indians of the Five Civilized Tribes.

For a definition of "Indian Territory," see section 1, 26 Statutes at Large, 81. A tabulated statement of allottees of the Quapaw Agency is attached.

Expiration of restrictions on allotments (Quapaw), Seneca School, Oklahoma.

[Period of restriction, 25 years.]

| Reservation or tribe. | Acts under which allotted. | No. of allotment. | Date of patents. | Kind of patents. | Restriction will expire— |
|-----------------------|---|-------------------|------------------|------------------|--------------------------|
| Eastern Shawnee. | Feb. 8, 1887 (24 Stat., 388)..... | 72 | Mar. 5, 1891 | Trust... | Mar. 4, 1916 |
| Do..... | Feb. 8, 1887 (24 Stat., 388); amended by act Feb. 28, 1891 (26 Stat., 791). | 12 | Dec. 30, 1892 | ...do.... | Dec. 29, 1917 |
| Do..... | May 27, 1902 (32 Stat., 2'5) | 33 | Oct. 30, 1907 | ...do.... | Oct. 29, 1932 |
| Miami (western) 1. | Mar. 2, 1889 (25 Stat., 1013)..... | 65 | Apr. 12, 1890 | Restriction fee. | Apr. 11, 1915 |
| Modoc..... | Feb. 8, 1887 (24 Stat., 388); amended by act Feb. 28, 1891 (26 Stat., 791). | 68 | Oct. 10, 1891 | Trust... | Oct. 9, 1916 |
| Ottawa..... | do..... | 157 | Apr. 25, 1892 | ...do.... | Apr. 24, 1917 |
| Peoria 1..... | Mar. 2, 1889 (25 Stat., 1013)..... | 153 | Apr. 8, 1890 | Restriction fee. | Apr. 7, 1915 |
| Quapaw..... | Mar. 2, 1895 (28 Stat., 907)..... | 234 | Sept. 26, 1896 | ...do.... | Sept. 25, 1921 |
| Do..... | do..... | 236 | Oct. 19, 1896 | ...do.... | Oct. 18, 1921 |
| Seneca..... | Feb. 8, 1887 (24 Stat., 388); amended by act Feb. 28, 1891 (26 Stat., 791). | 301 | Dec. 30, 1892 | Trust... | Dec. 29, 1917 |
| Do..... | May 27, 1902 (32 Stat., 2'5) | 134 | May 23, 1905 | ...do.... | May 22, 1930 |
| Wyandotte..... | Feb. 8, 1887 (24 Stat., 388)..... | 238 | Apr. 19, 1892 | ...do.... | Apr. 18, 1917 |

1 Time of restrictions expired.

The existing law reads as follows:

"That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions on alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions or alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the Indian Territory."

In addition to the justification submitted, I will say that this proposed legislation would broaden the scope of the provision in the Indian appropriation act of June 21, 1906, so as to extend it to property other than that held under trust. We have property held by trust patents, and then there is other property held by deeds with restrictions on alienation, and this is simply for the purpose of broadening the scope of the act in question so as to make it apply to both classes of property.

The CHAIRMAN. So that the President, if he saw fit, could extend the time that these restrictions would end on the property—that is the object of the language?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

For payment to the heirs of Farmer John, an Indian, for land purchased by the Government for a boathouse site on Pelican Lake, Minnesota, \$20.

What justification have you for that?

Mr. MERITT. We offer the following justification for that item:

Under date of May 18, 1910, Farmer John and his wife (Chippewa Indians) transferred to the United States a boathouse and site on Pelican Lake which was for the purpose of providing a place of storage for the supplies under the jurisdiction of the Nett Lake Agency.

The General Land Office approved this deed of sale under date of March 6, 1912, but before payment was made Farmer John died. The heirs were determined by the Secretary of the Interior and a claim submitted by them covering the value of this land. The Comptroller of the Treasury ruled, however, that there was no authority for the payment of this amount because there was no applicable fund available. The Government is using this tract of land and the heirs should be reimbursed for same.

This item was in the bill last year, the justification appearing on page 93 of the House hearings but owing to the adoption of the same appropriation for the benefit of the Indians as was available the previous year, this item was not included.

The CHAIRMAN. Did this pass the Senate?

Mr. MERITT. I think so.

The CHAIRMAN. It is subject to a point of order, of course?

Mr. MERITT. This is an appropriation and is not subject to a point of order.

The CHAIRMAN. Why?

Mr. MERITT. It is simply an appropriation to reimburse an Indian for land that the Government is now using.

The CHAIRMAN. And for that reason you do not think it is subject to a point of order?

Mr. CAMPBELL. This is an appropriation bill, and this is a clean-cut appropriation that we are authorized to make under the law.

The CHAIRMAN. The next item is:

For reimbursing Indians for live stock which has been heretofore or which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, \$100,000, said amount to be immediately available and to remain available until expended.

What justification have you to offer for that item?

Mr. MERITT. This is a very important item in connection with our work, and I would like to read the justification:

For several years the Bureau of Animal Industry has cooperated with the Indian Service in the matter of controlling communicable diseases among live

stock on the various Indian reservations by detailing veterinary inspectors employed by that bureau to make inspections of such animals from time to time and reporting those infected so that they may be destroyed. The action of the representatives of the Bureau of Animal Industry is based on the provisions of the act of May 29, 1884 (23 Stats. L., 31), the act of July 14, 1890 (26 Stats. L., 287), and the act of March 22, 1898 (30 Stats. L., 338), providing for the establishment of the Bureau of Animal Industry and the expenditure of funds appropriated to prevent the spread of contagious and infectious diseases among animals. The act of February 23, 1914, provides funds for the use of the Bureau of Animal Industry in its efforts to eradicate the disease of dourine from among horses and in the reimbursement of persons having horses condemned and destroyed. This fund is used to pay the salaries of the veterinarians engaged in this work including those detailed for duty on Indian reservations, also the expenses of conducting this work in white communities and reimbursing white persons to the amount of one-half the value of the animals killed as the result of such activities. The different States also make appropriations to combat the spread of such diseases and make settlement with white persons for their losses. The amount white persons receive from the State as reimbursement for their losses is one-half the value of the animal, and they are therefore reimbursed for the full appraised value of the animals killed.

The Secretary of Agriculture reports that the amounts appropriated are insufficient to carry the work on properly in white communities, and it is therefore impracticable to pay the expenses of such work on Indian reservations or reimburse the Indians even in part for their losses from such funds. The Indian Service has therefore been forced to use funds belonging to the Indians in accordance with the provisions of their treaties or other tribal funds to meet these expenses and reimburse the Indians for their losses, as the Indians are opposed to having their animals slaughtered without compensation and would secret them or drive them from the reservation were reimbursement not made. This would result in the spread of the disease to the stock of white persons in the vicinity of the reservation and render the work of eradication more difficult.

Owing to the demand for horses all over the country, animals from these reservations are being purchased and distributed throughout the United States and the failure to take proper steps to thoroughly eradicate such diseases will result in their spread to the stock of homesteaders in the vicinity of the reservations and to other parts of the country where the animals are shipped.

The following table gives the various expenditures of the funds made for this purpose and the reservations affected thereby:

| Reservation. | General expenses. | Reimbursements. | Fund used. |
|----------------------|-------------------|-----------------|---|
| Cheyenne River..... | \$11,928.78 | \$23,140.00 | Indian moneys, proceeds of labor Cheyenne Reservation Indians, Cheyenne River 3 per cent fund. |
| Crow..... | 2.00 | 200.00 | Indian moneys, proceeds of labor Crow Indians. |
| Crow Creek..... | | 925.00 | Indian moneys, proceeds of labor Crow Creek Indians. |
| Fort Belknap..... | 1,920.00 | 16,000.00 | Indian moneys, proceeds of labor Fort Belknap Indians. |
| Fort Berthold..... | 1,100.00 | 1,060.00 | Indian moneys, proceeds of labor Fort Berthold Indians. |
| Fort Peck..... | 1,042.00 | 17,285.00 | Indian moneys, proceeds of labor Fort Peck Indians. |
| Lower Brule..... | | 505.00 | Indian moneys, proceeds of labor Lower Brule Indians. |
| Navajo..... | 6,000.00 | 11,988.50 | Superintendent of Indians, Arizona and New Mexico. |
| Pine Ridge..... | | 170.00 | Indian moneys, proceeds of labor Pine Ridge Indians. |
| Ponca..... | | 1700.00 | |
| Rosebud..... | | 5,194.50 | Indian moneys, proceeds of labor Rosebud Indians; Proceeds Rosebud Reservation 3 per cent fund. |
| Shoshone..... | | 1,257.00 | Superintendent Northern Cheyenne and Arapahoe fund. |
| Standing Rock..... | 20,600.89 | 43,160.00 | Standing Rock Reservation 3 per cent fund. |
| Tongue River..... | 64.00 | 1790.00 | Indian moneys, proceeds of labor Tongue River Indians. |
| Turtle Mountain..... | | 1700.00 | |
| Walker River..... | 30.00 | 1,032.50 | |
| Total..... | 42,685.67 | 104,107.50 | |

¹ Representing unpaid amounts due Indians for animals killed for which funds are not available to make reimbursement. Total, about \$8,000.

It will thus be seen that the expenditures made on Indian reservations for this purpose are entirely from Indian funds which are urgently needed for other purposes, whereas the funds for such work in white communities are provided entirely from appropriations from the general funds of the Federal and State governments.

There are still other reservations which have no funds whatever available which can be used to reimburse Indians for their losses. The unsettled claims for reimbursement for horses killed and for which no funds are available now amount to about \$8,000. Work has just been commenced on the Navajo Reservation, and it is estimated that \$35,000 will be needed to carry on the work of dourine eradication and make reimbursement for animals killed. Preliminary examinations indicate the presence of dourine among the horses of Moqui and Western Navajo Reservations, but the extent of the infection has not been sufficiently determined to estimate what funds are needed for such work at those reservations. None of the last three reservations referred to have funds available for this work. The work of the veterinary inspectors shows that the prevalence among the horses in Montana, North and South Dakota, and other near-by States is much more widespread than was at first supposed. The destruction of diseased horses on Indian reservations is for the protection of the public in general, and Indians suffering thereby should be recompensed for their loss. It is therefore evident that the amount requested is not only needed to eradicate this disease from the Indian reservations and reimburse the Indians for their losses, but should be provided for use in conjunction with the work in white communities to effectually eradicate these diseases and properly protect the live-stock interests of the country in general.

Mr. CAMPBELL. Is there much of this disease on the reservations?

Mr. MERITT. We are finding considerable dourine among the horses of the Indians, and the Department of Agriculture has been very busy among the homesteaders around the reservations. The stock is being cleaned up, but we have not the funds available to do this work on the Indian reservations.

Mr. CAMPBELL. Have you a report as to the number of animals infected on any reservation or any number of reservations?

Mr. MERITT. We have not any specific figures here, but we have found that there is a good deal of dourine in the Sioux country and also in the Southwest.

Mr. CAMPBELL. What do you mean by the Southwest?

Mr. MERITT. Down in Arizona.

Mr. NORTON. So far as the Dakotas and Montana are concerned this disease exists. In North Dakota and South Dakota dourine has been found to be most prevalent on the Indian reservations. In fact, it was thought by the State veterinarians that the origin of it in those States was on the Standing Rock and Fort Berthold Reservations.

Mr. CAMPBELL. What is dourine?

Mr. NORTON. Well, dourine is analogous to syphilis in man.

The CHAIRMAN. How have you been paying the Indians for stock destroyed heretofore in those States?

Mr. NORTON. I do not know.

Mr. MERITT. We have been paying them out of tribal funds, and paying them not what the horses were really worth.

The CHAIRMAN. Would not that be the proper thing to do? This is for the protection of Indian property.

Mr. MERITT. The tribal funds are practically exhausted in a number of cases, and a number of tribes also object to the use of tribal funds for this purpose.

Mr. CAMPBELL. This is not a contagious disease, is it?

Mr. MERITT. It is a communicable disease.

Mr. CAMPBELL. Is there any outward evidence of its existence?

Mr. NORTON. Yes, sir. In the advanced stages of it the symptoms are very discernible. It is transmitted by stallions to mares that breed, and it is also transmitted by flies from one animal to another. It is akin to the sleeping sickness disease in Africa, which attacks men, horses, and cattle. The only way that this disease can be discovered in its early stages is by a blood analysis or blood test, and that test is only made in the department at Washington.

Mr. CAMPBELL. Is it a new disease?

Mr. NORTON. It is a new disease so far as this country is concerned. It has been common in France for a century or more. It was first found in this country in 1885. Down in Iowa and Kansas there were some isolated cases that were wiped out.

Mr. MERITT. Unless we can get an appropriation of this character, the work of the Agricultural Department around these reservations will be of no avail, because the diseased horses on the reservations will gradually spread the disease to the white communities around the reservations, and it is very important that we cooperate with the Department of Agriculture in the suppression of this disease.

Mr. NORTON. I think the record of an examination made on the Standing Rock Indian Reservation, adjacent to Fort Yates, two years ago, will show that over 25 per cent of the horses belonging to the Indians that were examined were found to be infected.

Mr. CAMPBELL. Do the horses and stallions run at large?

Mr. NORTON. Yes. The first method of eradication is to examine the stallions and destroy those affected with dourine.

The CHAIRMAN. Will it make any difference as to whether or not the Agricultural Department takes charge of this matter on the Indian reservations? Of course, if an appropriation is made the United States Government will have to pay it.

Mr. MERITT. We are in close cooperation with the Agricultural Department in the suppression of this disease.

Mr. CAMPBELL. Have you any surgeons or veterinarians in the Indian Service treating this disease?

Mr. MERITT. We are utilizing the services of representatives of the Department of Agriculture on our reservations, but we have no funds available to pay the Indians for the stock destroyed.

Mr. CAMPBELL. Does the pay of the men representing the Department of Agriculture in this work cease in the Department of Agriculture and begin with the Indian Service?

Mr. MERITT. No, sir. The Department of Agriculture pays their salaries even though they may be detailed on Indian reservations.

Mr. CAMPBELL. Then, what is the purpose of this appropriation if they are paid by the Department of Agriculture?

Mr. MERITT. The purpose of this appropriation is to have employees to round up the horses to be examined by the experts of the Department of Agriculture, and also to pay the Indians for the stock destroyed.

The CHAIRMAN. Would not this provision need some kind of amendment in order to be carried into effect in connection with the work done by the Department of Agriculture?

Mr. MERITT. We can do that without legislative authority. We have authority to cooperate with the Department of Agriculture, and no further legislative authority is necessary.

Mr. NORTON. You have that authority already?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item begins with line 17 on page 22, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to lease for grazing, agricultural, or mining purposes, unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities and upon such terms and conditions and under such regulations as he may prescribe.

What justification have you to offer?

Mr. MERITT. We offer the following justification.

Section 3 of the act of February 28, 1891 (26 Stat. L., 795), authorizes the leasing of unallotted lands on Indian reservations "occupied by Indians who have bought and paid for the same," for grazing and mining purposes. In an opinion rendered January 11, 1892, the Assistant Attorney General for the Interior Department, held that "Congress was legislating with reference to those Indians who have, under treaty or otherwise, become possessors and owners of certain specific tracts or bodies of lands by purchase or exchange or surrender of other property, in contra-distinction to those Indians who are occupying reservations created by Executive order or legislature enactment." The department concurred in this opinion.

It is believed that on account of the lack of authority to lease unallotted lands on Indian reservations created by Executive order or legislative enactment, some portions of the Indian country are being retarded by nondevelopment, and the Indians are being deprived of an income which they could otherwise receive.

In other words, we can not at this time lease for mining purposes lands within the Executive order reservations or reservations created by act of Congress. Only on those reservations created by treaty have we the authority to issue leases for mineral purposes.

The CHAIRMAN. Would it be beneficial, in your judgment, for the Indians to have mines operated on the reservations? In other words, would it tend to enlarge the amount of money that they would receive from their lands?

Mr. MERITT. It would give the Indians additional income, and would also provide them with opportunities for employment, and it would also develop the country.

Mr. CAMPBELL. What particular reservations have you in mind and what is the mineral to be mined?

Mr. MERITT. For example, we have mineral on the Colorado River Reservation, in Arizona. There is supposed to be gold on that reservation, as on the lands immediately adjoining that reservation.

Mr. CAMPBELL. That land was withdrawn by proclamation of the President?

Mr. MERITT. Yes, sir; by Executive order. We have coal on the Navajo Reservation, but have no authority to permit the mining of that coal. There is supposed to be minerals of different kinds on a number of Executive order reservations, but we have no authority to permit the development of those reservations in that respect.

Mr. CAMPBELL. What was the purpose of the Executive order in the case of the Navajo Reservation?

Mr. MERITT. That was simply to set aside lands for the benefit and use of the Navajo Indians. They were gathered together from other parts of the southwest and confined to this particular territory.

Mr. CAMPBELL. Would not another Executive order permit the leasing of those mines?

Mr. MERITT. No, sir.

Mr. CAMPBELL. An Executive order setting aside the former Executive order?

Mr. MERITT. An Executive order setting aside the former Executive order would mean that the Indians would be deprived of the use of the lands. We want the Indians to have the use of the lands. They own the lands, but we also want authority to develop the mines so that the Indians can get the full use of the lands set aside for their benefit.

Mr. CAMPBELL. Whose land was it when it was set aside by Executive order?

Mr. MERITT. It was public domain property.

Mr. CAMPBELL. How does the Committee on Indian Affairs have jurisdiction over it?

Mr. MERITT. Because it is in the Indian country.

Mr. CAMPBELL. Because it is an Indian reservation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. It was an extension of the Indian reservation, as I understand it.

Mr. CAMPBELL. If it were set aside or withdrawn by an Executive order because it was a part of the public domain, it was not Indian lands.

Mr. MERITT. It was not at the time it was withdrawn.

Mr. CAMPBELL. When was this land covered into the Indian reservation?

Mr. MERITT. Some of these Executive-order reservations have been Indian reservations for 50 years.

Mr. CAMPBELL. Don't you think, Mr. Meritt, that it would be a good plan to make this specific and not general—that is, make it to cover specific reservations?

Mr. MERITT. If the committee wishes the reservations specified, I will be glad to do it.

Mr. CAMPBELL. I think it would be better to have it in the omnibus bill. This is important legislation.

Mr. MERITT. It is important legislation and very desirable legislation from the Indian standpoint.

Mr. CAMPBELL. And I think it is legislation that would stand on its own merits and would not have to be in an appropriation bill.

Mr. MERITT. We will be glad to include this in the omnibus bill.

Mr. CAMPBELL. I think that would be well, and it would also be well to specify the reservations in which the Executive orders should be modified.

The CHAIRMAN. I think that suggestion is a good one. I might call attention to the fact that we should also include the Mescalero Reservation in New Mexico. There is mining going on by white persons on the public domain around that reservation, and the veins have been traced through to this reservation. I made an effort to withdraw those lands for mining purposes. There is another reservation on the north side of the old Navajo Reservation. The Navajo Reservation that you mentioned did not touch the Little Colorado River, but when the President extended the boundaries of the old Navajo Reservation it touched this river at points opposite the northwest and northeast corners. It included all of the intervening land between the canyon and the old reservation. In this section

there were several mines in operation, but the men were driven out from this land. They had claims pending against the Government, and it seems to me that they were very just. I took quite an interest in the matter, but have never been able to get any relief for them. They went in on the public domain in good faith and located these claims and went to work on them. In the meantime the President withdrew these lands and added them to the Indian reservation.

Mr. MERITT. Lack of legislation on this subject has worked an injustice not only to the Indians but to others.

Mr. NORTON. Under the existing law has the Secretary of the Interior the right to lease lands for mining purposes on treaty reservations?

Mr. MERITT. Yes, sir.

Mr. NORTON. Such as the Standing Rock Reservation?

Mr. MERITT. Yes, sir; on all treaty reservations, but not on Executive order reservations or reservations created by act of Congress.

The CHAIRMAN. Was not the old Navajo Reservation a treaty reservation?

Mr. MERITT. A part of it is, but a majority of the reservation was created by Executive order.

The CHAIRMAN. The next item is as follows:

The property known as the Grand Junction School, granted to the State of Colorado by act of April 4, 1910 (36 Stat. L., p. 273), may be held and used by said State for maintenance of an institution for the insane or for charitable purposes, provided Indians shall always be admitted to such institution free of charge and upon an equality with white persons, and the grant heretofore made by act cited is hereby enlarged so far as to include the uses and purposes named.

What justification have you for that?

Mr. MERITT. We offer the following justification:

On May 31, 1911, the governor of Colorado accepted the property known as the Grand Junction School, in accordance with the provisions of the act of April 4, 1910 (36 Stat. L., 269, 273). Under the provisions of the act the lands, buildings, and fixtures comprising the Grand Junction School are to be held and maintained by the State of Colorado as an institution of learning, and Indian pupils are to be at all times admitted to such school free of charge for tuition and on terms of equality with white pupils.

The Secretary of State of Colorado has transmitted a resolution setting out that the State of Colorado has now five separate institutions of learning in active operation in different parts of the State, whereas it has only one asylum for the insane, which is greatly overcrowded, and the cost of transportation of patients west of the continental divide thereto is excessive. It is requested that the grant heretofore made be extended so as to provide that the former Grand Junction School property may be used as an asylum for the insane.

This appears to be a desirable use of the property, provided Indians are admitted to the institution on equal terms with white patients. While the grant may well be enlarged to permit the use of the property for charitable and reformatory as well as educational purposes, its use should be restricted to such purposes, in order that the Indians of the State of Colorado may be afforded some benefit from this property.

The CHAIRMAN. What additional statement do you wish to make in regard to that item?

Mr. MERITT. This was formerly an Indian school, but by act of Congress it was turned over to the State of Colorado.

Mr. CAMPBELL. How long has it been the property of the State—five or six years?

Mr. MERITT. About four or five years.

The CHAIRMAN. Has the State accepted the grant?

Mr. MERITT. The State has accepted the grant, but so far has not made any beneficial use of the property.

Mr. CAMPBELL. Who has been paying the maintenance expense since the act granting it to the State of Colorado?

Mr. MERITT. The State has been paying such maintenance charges as were incurred.

Mr. CAMPBELL. Is the property being used for anything now?

Mr. MERITT. It is my impression that it is not being used at this time.

Mr. CAMPBELL. And has not been since the act ceding it to the State of Colorado was passed?

Mr. MERITT. I think that is correct.

The CHAIRMAN. Has there been any request recently from the State to your department concerning any beneficial use that they desired to put it to?

Mr. MERITT. A separate bill has been introduced in the House by Representative Taylor, I believe.

Mr. CAMPBELL. To make an asylum out of it?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Don't you think that would be a pretty good thing, also, to put in the omnibus bill?

Mr. MERITT. We will be glad to include that in the omnibus bill.

Mr. NORTON. Why was this school transferred to the State in the first place?

Mr. MERITT. For educational purposes—for an educational institution. They find that they can make better use of it as an insane asylum.

The CHAIRMAN. As I understand you, there were four or five educational institutions already, and they did not need this school for that purpose?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And they decided to change it for the purposes of an insane asylum?

Mr. MERITT. Yes, sir. We should now oppose very much the transfer of any of the Indian schools to the States, for the simple reason that we need all of them to afford educational facilities to the Indian children.

The CHAIRMAN. The next item is:

That the Secretary of the Interior is hereby authorized to cause to be sold, under such rules and regulations as he may prescribe, any tract or part of a tract of land purchased by the United States for day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the net proceeds therefrom in all cases, except where the purchase price was paid from tribal funds, to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased.

What justification have you for this item?

Mr. MERITT. The following justification is offered for the record, Mr. Chairman:

It has been held that neither sections 2122 and 2123 of the Revised Statutes, nor the act of April 21, 1904 (33 Stat. L., 189, 211), authorizes the sale of lands purchased for Indians for administrative purposes unless buildings have been erected thereon and are no longer needed for such purposes. These are the only

general authorities for the disposition of lands devoted to Indian educational or administrative uses. Under these acts the proceeds of sale may not be deposited to the credit of the tribe from whose funds the original purchase price was paid.

There are at this time small tracts of land purchased for school and administrative use which are not the sites of buildings, but which are not needed for the purposes for which purchased. These are as follows:

Five acres from the allotment of Chief Mower; purchased in 1910 for a day school site for Cheyenne and Arapaho pupils. The Indian grantor is willing to purchase the land at the price he received for it.

One acre of land at Flandreau, S. Dak.; purchased in July, 1876, for use in Indian educational work at that point. The land is no longer needed by the Government. It is well situated and will attract bidders.

A tract of less than half an acre purchased in 1911 as a warehouse site for the Nett Lake Reservation, Minn. Before buildings were erected conditions so changed as to render the tract unusable. The grantor wishes to repurchase the tract.

Similar conditions are likely to occur at any time, especially in neighborhoods where the Indian day schools are being replaced by public schools.

In addition to the justification, I will say that we are now without authority of law to dispose of small tracts of land that have heretofore been acquired for governmental purposes, but no longer needed, and we should like to have this legislation in order to dispose of this property, and the proceeds from the lands will go back into the Treasury of the United States.

The CHAIRMAN. The next item is:

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians in Arizona and New Mexico, including pay of employees, \$330,000.

What justification have you for this item?

Mr. MERITT. The following justification is offered for the record:

Support of Indians in Arizona and New Mexico.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$330,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 330,000.00 |
| Amount expended..... | 315,701.98 |
| <hr/> | |
| Unexpended balance..... | 14,298.02 |

ANALYSIS OF EXPENDITURES.

| | |
|---|------------|
| Salaries, wages, etc..... | 153,230.89 |
| Traveling expenses..... | 4,716.83 |
| Transportation of supplies..... | 16,140.57 |
| Heat, light, and power service..... | 70.00 |
| Telegraph and telephone service..... | 496.61 |
| Printing, binding, and advertising..... | 279.18 |
| Subsistence supplies..... | 27,687.27 |
| Dry goods, clothing, etc..... | 1,257.96 |
| Forage..... | 19,967.16 |
| Fuel..... | 7,387.84 |
| Stationery and office supplies..... | 1,191.29 |
| Medical supplies..... | 7,669.87 |
| Equipment, material, etc..... | 66,642.93 |
| Construction of buildings at State fair, Arizona..... | 435.93 |
| Rent..... | 55.70 |
| Sheep dip..... | 5,877.00 |
| Miscellaneous..... | 2,594.95 |
| <hr/> | |
| Total..... | 315,701.98 |

The amount asked for is the same as that granted in previous years.

There are 21 superintendencies in these two States which share in this fund, with a total land area of approximately 21,806,827 acres and a total Indian population estimated at 66,658, divided as follows:

| Superintendency. | Area. | Popula- tion. | Superintendency. | Area. | Popula- tion. |
|----------------------------|---------------|------------------|---------------------|---------------|------------------|
| | <i>Acres.</i> | | | <i>Acres.</i> | |
| Camp Verde..... | | 421 | Salt River..... | 71,691 | 1,208 |
| Colorado River..... | 240,699 | 1,099 | San Carlos..... | 1,834,240 | 2,608 |
| Fort Apache..... | 1,681,920 | 2,364 | San Xavier..... | 155,954 | 4,990 |
| Fort Mojave..... | 31,328 | 763 | Truxton Canyon..... | 730,880 | 474 |
| Havasupai..... | 518 | 170 | Zuni..... | 215,040 | 1,603 |
| Jicarilla..... | 761,112 | 642 | Leupp..... | | 1,700 |
| Kaibab..... | 138,240 | 98 | Navajo..... | 11,861,034 | 11,707 |
| Mescalero..... | 474,240 | 626 | Pueblo Bonito..... | | 2,725 |
| Mojavi..... | 2,472,320 | 4,193 | San Juan..... | | 8,000 |
| Pima..... | 367,351 | 6,296 | Western Navajo..... | | 6,550 |
| Pueblos of New Mexico..... | 770,260 | 8,421 | | | |

These Indians are scattered over a wide expanse of territory and are largely engaged in stock raising. Though some reside in villages or on allotments and till the soil, a large number are nomadic and travel over the country where pasturage may best be found for their flocks. Some of the great needs of these Indians are the improvement of the grade of their stock by the introduction of high-bred rams, bulls, and stallions, and instructing and training in more scientific handling of their herds and the products thereof; the introduction of improved implements and methods of farming; continuing fencing of some of the reservations to keep out trespassing stock, for the protection and control of their grazing lands.

A considerable part of the salaries paid from the appropriation is paid to Indians in various positions which they are capable of filling in connection with their industries. Approximately \$35,000 is paid to physicians and hospital assistants in an effort to improve the physical condition of these Indians and lessen or stamp out the ravages of disease. Some of the amount paid in salaries to white employees is used in the administrative work among the tribes, and a considerable amount thereof is used in the employment of carpenters, blacksmiths, wheelwrights, sawyers, millers, and other tradesmen, in teaching and performing work for approximately 66,000 Indians of the 21 jurisdictions involved in this appropriation.

While no increase in this appropriation is asked for, it is necessary each year to pare the requests severely in order to bring the total within the amount annually appropriated.

The CHAIRMAN. Have you any additional statement to make for the record?

Mr. MERITT. This is the same amount that we have been asking for heretofore and it provides for Indian administration in the States of Arizona and New Mexico. We have 21 agencies in those two States and we need every dollar of this appropriation.

Mr. CAMPBELL. You have an unexpended balance of about \$14,250?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How many Indians are there in those States?

Mr. MERITT. There are 41,916 Indians in Arizona and there are 21,995 Indians in New Mexico. The 41,000 Indians in Arizona are practically all full-blood Indians, Mr. Chairman.

Mr. CAMPBELL. That is the same amount as the appropriation last year?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How long has the appropriation been running in this shape?

Mr. MERITT. For a number of years.

Mr. CARTER. Do you find it better to have a lot of agencies scattered about over the district than to have them consolidated?

Mr. MERITT. We find it better to have a lump sum for the agencies, and then we can apportion the money so as to meet the needs of the agencies.

Mr. CARTER. I was not speaking of a lump sum, but do you find it better to have the agencies scattered—you said that you had 21 agencies here?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you find it better to have the agencies scattered or to have them consolidated?

Mr. MERITT. We have an entirely different condition in those States because, in the large areas, there are no Indians at all. The Indians there are on the reservations and the reservations may be several hundred miles apart and it is necessary to have a superintendent for each agency.

Mr. CARTER. In these States you find it better to have them scattered about?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, Arizona, and for pay of superintendent, \$35,100; for general repairs and improvements, \$3,800; for construction of a steel tank and tower, \$4,000; in all, \$42,900.

What justification have you to offer for this item?

Mr. MERITT. We submit the following justification for that item, Mr. Chairman:

Indian school, Fort Mojave, Ariz.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$35,100.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 35,100.00 |
| Amount expended..... | 33,525.13 |
| <hr/> | |
| Total..... | 1,574.87 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 13,712.36 |
| Traveling expenses..... | 304.68 |
| Transportation of supplies..... | 1,494.91 |
| Telegraph and telephone service..... | 34.80 |
| Subsistence supplies..... | 5,263.31 |
| Dry goods, clothing, etc..... | 3,182.76 |
| Forage..... | 1,169.90 |
| Fuel..... | 5,729.97 |
| Stationery and office supplies..... | 169.21 |
| Educational supplies..... | 274.39 |
| Medical supplies..... | 323.78 |
| Equipment, material, etc..... | 1,775.75 |
| Seed..... | 89.31 |

Total..... 33,525.13

There was also expended \$457.88 from "Miscellaneous receipts, Class IV."

Indian school, Fort Mojave, Ariz., repairs and improvements.

| | |
|---|--------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$3, 800. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 3, 800. 00 |
| Amount expended | 2, 624. 98 |
| Unexpended balance | 1, 175. 02 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------|------------|
| Repairs to plant | 2, 624. 98 |
|------------------|------------|

Statistical statement for year ending June 30, 1915.

| | |
|---|------------------------|
| Value of school plant—real property | \$83, 494 |
| Number of buildings | 29 |
| Number of employees | 19 |
| Average attendance of pupils | 197 |
| Enrollment | 200 |
| Capacity | 200 |
| Cost per capita based on enrollment | ¹ \$176. 25 |
| Cost per capita based on average attendance | ¹ \$179. 00 |
| Area of school land (acres) | 47 |
| Area of school land (acres cultivated) | 17 |
| Value of products of school | \$4, 681. 27 |

Superintendent's estimate of absolute needs for 1917:

| | |
|--------------------------|---------|
| Support | 35, 100 |
| Repairs and improvements | 3, 800 |
| New buildings | 4, 000 |
| Total | 42, 900 |

Requested in the present bill:

| | |
|--|---------|
| Support and education of 200 Indian pupils at the Fort Mojave Indian School, and superintendent's salary | 35, 100 |
| Repairs and improvements | 3, 800 |
| New buildings | 4, 000 |
| Total | 42, 900 |

Indian school, Fort Mojave, Ariz.

[Payable from "Indian School, Fort Mojave, Ariz., 1916."]

| | Salaries. | | Salaries. |
|------------------|-----------|-------------------------------------|----------------|
| Superintendent | \$1, 600 | Laundress | \$540 |
| Principal | 1, 000 | Cook | 600 |
| Financial clerk | 840 | Farmer | 720 |
| Disciplinarian | 960 | Carpenter | 840 |
| Teacher | 720 | Engineer | 1, 000 |
| Do | 720 | Outing matron, six months, at \$800 | 400 |
| Do | 720 | Assistant | 300 |
| Matron | 720 | Laborer | 300 |
| Assistant matron | 540 | | |
| Nurse | 720 | | |
| Seamstress | 600 | | |
| | | Total | 13, 840 |

¹This also includes \$230.35 used in the transportation of pupils and \$1,494.91 used in the transportation of goods and supplies.

FORT MOJAVE SCHOOL, 1917.

This school is located on a reservation containing 31,328 acres, none of which is allotted. The population is 785.

Except the \$4,000 requested for a new water tank, the total is the same as that apportioned for each of the past three years.

The school plant is in a fair state of repair, except the water tank, which must be repaired if the school is to be maintained. The brickwork on one of the steam boilers is becoming badly corroded and must be reset in another year. The gas mains have been in the service for nine years and are becoming badly corroded. They will have to be replaced in another year. The usual amount of lumber, paints, oils, glass, plaster, machine repairs, and pipe will be required to keep the plant in good repair. The item of \$4,000 for a water tank is the only item exceeding the allowance of last year. The 29 buildings and improvements are valued at \$81,896, and the amount requested for repairs is 4.6 per cent of their value.

It is practically the same amount as the appropriation made last year, with the addition of an item of \$4,000 which we are asking for the construction of a steel tank and tower.

Mr. CAMPBELL. Four thousand dollars for the construction of a steel tank, that is the only difference?

Mr. MERITT. Yes, sir; that is the only difference.

The CHAIRMAN. Is that not quite a good price for a steel tank and tower?

Mr. MERITT. That is the estimated cost of the tank and tower which will be needed for the school.

The CHAIRMAN. What is the number of pupils there?

Mr. MERITT. We have an enrollment of 200 pupils at that school.

The CHAIRMAN. What is the per capita cost?

Mr. MERITT. One hundred and seventy-nine dollars.

The CHAIRMAN. What unexpended balance have you?

Mr. MERITT. We have a small unexpended balance of \$1,574.87.

The CHAIRMAN. The next item is:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, \$119,400; for general repairs and improvements, \$12,500.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Indian school, Phoenix, Ariz.

| | |
|--|-------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$119, 400. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 119, 400. 00 |
| Amount expended | 115, 124. 04 |
| Unexpended balance | <u>4, 275. 96</u> |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|-------------|
| Salaries, wages, etc..... | 49, 919. 23 |
| Traveling expenses | 102. 65 |
| Transportation of supplies | 1, 431. 37 |
| Heat, light, and power (service)..... | 1, 996. 91 |
| Telegraph and telephone service..... | 305. 98 |
| Subsistence supplies | 28, 196. 29 |
| Dry goods, clothing, etc | 15, 228. 63 |
| Forage..... | 2, 589. 97 |
| Fuel..... | 4, 410. 88 |

| | |
|-------------------------------------|---------------------|
| Stationery and office supplies..... | \$207. 40 |
| Educational supplies..... | 648. 20 |
| Medical supplies..... | 1, 054. 24 |
| Equipment, material, etc..... | 7, 958. 24 |
| Rent..... | 240. 00 |
| Miscellaneous..... | 839. 05 |
| Total | 115, 124. 04 |

There was also expended \$3,712.14 from "Miscellaneous receipts, Class IV."

Indian School, Phoenix, Ariz., repairs and improvements.

| | |
|--|----------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$7, 500. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 7, 500. 00 |
| Amount expended..... | 6, 912. 43 |
| Total | 587. 57 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|------------|
| Repairs (to plant)..... | 6, 912. 43 |
|-------------------------|------------|

NOTE.—\$23,487.01 was expended during the year from "Indian School, Phoenix, Ariz., sewer system, 1915," and \$14,911.70 from "Indian School, Phoenix, Ariz., buildings."

Statistical statement for year ending June 30, 1915.

| | |
|---|------------------------|
| Value of school plant—real property..... | \$454, 089 |
| Number of buildings..... | 90 |
| Number of employees..... | 63 |
| Average attendance of pupils..... | 658 |
| Enrollment..... | 794 |
| Capacity..... | 700 |
| Cost per capita based on enrollment..... | ¹ \$163. 48 |
| Cost per capita based on average attendance..... | ¹ \$185. 43 |
| Area of school land (acres)..... | 240½ |
| Area of school land (acres cultivated)..... | 137 |
| Value of products of school..... | \$7,967.92 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support..... | \$119, 400 |
| Repairs and improvements..... | 12, 500 |
| New buildings..... | 25, 000 |
| Total | 156, 900 |

Requested in proposed bill:

| | |
|---|-----------------|
| Support and education of 700 Indian pupils at the Phoenix Indian School, and superintendent's salary..... | 119, 400 |
| Repairs and improvements..... | 12, 500 |
| Total | 131, 900 |

| | Salaries. | Teacher | Salaries. |
|---|---------------------|--------------|-----------|
| Superintendent..... | \$2, 250 | Teacher..... | \$900 |
| Assistant superintendent and physician..... | 2, 000 | Do..... | 780 |
| Clerk..... | ² 1, 300 | Do..... | 780 |
| Do..... | 900 | Do..... | 750 |
| Assistant clerk..... | 780 | Do..... | 720 |
| Do..... | 900 | Do..... | 690 |
| Physician..... | 1, 600 | Do..... | 690 |
| Disciplinarian..... | 1, 350 | Do..... | 660 |
| Assistant disciplinarian..... | 660 | Do..... | 660 |
| Principal teacher..... | 1, 200 | Do..... | 660 |

¹This also includes \$3,794.81 used in the transportation of pupils and \$10,884.87 in the transportation of goods and supplies.

²One-half payable from "Relieving distress and prevention of disease among Indians, 1916."

| | Salaries. | | Salaries. |
|---|-----------|------------------------------------|-----------|
| Matron | \$840 | Farmer | \$1, 200 |
| Assistant matron | 780 | Do | 750 |
| Do | 660 | Dairyman | 750 |
| Do | 600 | Gardener | 1, 000 |
| Do | 600 | Do | 720 |
| Housekeeper | 600 | Superintendent of industries | 1, 000 |
| Do | 600 | Carpenter | 1, 060 |
| Nurse | 720 | Printer | 1, 000 |
| Seamstress | 660 | Painter | 780 |
| Assistant seamstress | 300 | Blacksmith | 780 |
| Tailor | 720 | Tinner | 840 |
| Laundress | 600 | Engineer | 1, 200 |
| Assistant laundress | 300 | Assistant engineer | 900 |
| Baker | 540 | Band instructor | 780 |
| Cook | 660 | Laborer | 600 |
| Sewing teacher | 720 | Do | 600 |
| Domestic science teacher, \$72 per month | 720 | Do | 600 |
| Hospital cook | 600 | Assistant | 300 |
| | | Total | 47, 060 |

PHOENIX SCHOOL, SUPPORT, 1917.

With its capacity for 700 pupils this is one of the largest nonreservation schools, and the total amount requested is the same as that appropriated for the fiscal year 1916.

REPAIRS AND IMPROVEMENTS, 1917.

It is proposed to install hot-water heating boilers in the buildings already provided with radiators where the "forced-circulation" system is proving a total failure. Stoves are now set up all over the premises and are so poorly provided with flues that they are very dangerous. During six months of the year heat is desirable, and this year it was needed until May 1. There are four large buildings and two cottages needing this improvement.

The fund for repairs and improvements is and has been entirely inadequate, in consequence of which buildings are in a bad state of repair, needing many new floors and porches, especially the latter, which should be of concrete. For building and improvements worth \$301,864 a repair fund of \$12,500, or less than 4 per cent, would still be small.

You will note that there is a reduction in this item.

The CHAIRMAN. That reduction comes about by the elimination of the item for connecting the sewer system with the sewer system of the city of Phoenix. Has that been completed?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I see that was \$32,000.

Mr. MERITT. Yes, sir.

The CHAIRMAN. You have increased the estimate for general repairs and improvements to \$12,500.

Mr. MERITT. We have increased the estimate for general repairs and improvements from \$7,500 to \$12,500.

The CHAIRMAN. What justification have you for that—is that included in the justification?

Mr. MERITT. Yes, sir; that is provided for in the justification. We have 90 buildings at this school and the appropriation for repairs and improvements has been the same for a number of years, and we find that the buildings are badly in need of additional repairs and that we really need a larger appropriation for repairs and improvements at such a large school as that at Phoenix.

The CHAIRMAN. I believe that a good many of the buildings there are wooden buildings?

¹ One-half payable from "Relieving distress and prevention of disease among Indians, 1916."

Mr. MERITT. Yes, sir.

The CHAIRMAN. How old are those wooden buildings?

Mr. MERITT. Probably more than 20 years old. You will note that we have an enrollment there of about 700, and the school is filled to its capacity this year.

The CHAIRMAN. What is the per capita cost?

Mr. MERITT. One hundred and eighty-five dollars.

The CHAIRMAN. What unexpended balance have you?

Mr. MERITT. \$4,275.96.

The CHAIRMAN. In view of that condition, can not you reduce this \$131,900?

Mr. MERITT. It is a pretty close margin. This is a very large school, and we would not like to see a cut in this appropriation, especially in view of the fact that we are getting additional pupils there. We have a larger enrollment this year than heretofore.

The CHAIRMAN. You have good facilities there for taking care of the Indians that have tuberculosis and such troubles—you have a hospital there in connection with this school?

Mr. MERITT. Yes, sir. Phoenix could be developed into really one of the best Indian schools in the United States.

The CHAIRMAN. I think the facilities are good there, especially for health?

Mr. MERITT. Yes, sir. It is located right in the Indian country, and the full-blood Indians are getting the benefit of this school.

The CHAIRMAN. The next item is:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, \$18,200; for general repairs and improvements, \$3,000; in all, \$21,200.

What justification have you for this item?

Mr. MERITT. We offer the following justification, Mr. Chairman:

Indian school, Truxton Canyon, Ariz.

| | |
|---|---------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$18, 200. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 18, 200. 00 |
| Amount expended | 15, 835. 65 |
| Unexpended balance | 2, 364. 35 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------|--------------|
| Salaries, wages, etc | \$8, 946. 43 |
| Traveling expenses | 61. 15 |
| Transportation of supplies | 3. 52 |
| Telegraph and telephone service | 5. 02 |
| Subsistence supplies | 2, 461. 12 |
| Dry goods, clothing, etc | 1, 580. 35 |
| Forage | 678. 35 |
| Fuel | 988. 33 |
| Stationery and office supplies | 29. 25 |
| Educational supplies | 102. 51 |
| Medical supplies | 111. 21 |
| Equipment, material, etc | 803. 46 |
| Miscellaneous | 64. 95 |
| Total | 15, 835. 65 |

There was also expended \$121.20 from "Miscellaneous receipts, Class IV."

Indian school, Truxton Canyon, Ariz., repairs and improvements.

| | |
|---|------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$3,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 3,000.00 |
| Amount expended | 2,569.17 |
| Unexpended balance | 430.83 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------|------------|
| Repairs (to plant) | \$2,569.17 |
|--------------------|------------|

Statistical statement for year ending June 30, 1915.

| | |
|---|------------|
| Value of school plant—real property | \$96,885 |
| Number of buildings | 28 |
| Number of employees | 15 |
| Average attendance of pupils | 91 |
| Enrollment | 97 |
| Capacity | 140 |
| Cost per capita based on enrollment | \$164.43 |
| Cost per capita based on average attendance | \$175.27 |
| Area of school land (acres) | 800 |
| Area of school land (acres cultivated) | 15 |
| Value of products of school | \$3,281.87 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support | \$19,450 |
| Repairs and improvements | 1,250 |
| Total | 20,700 |

Requested in the present bill:

| | |
|--|--------|
| Support and education of 100 Indian pupils at the Truxton Canon Indian School and superintendent's salary | 18,200 |
| Repairs and improvements | 3,000 |
| Total | 21,200 |

| | |
|------------------|-----------|
| | Salaries. |
| Superintendent | \$1,500 |
| Financial clerk | 720 |
| Teacher | 720 |
| Kindergartner | 630 |
| Matron | 600 |
| Assistant matron | 300 |
| Seamstress | 600 |
| Laundress | 600 |
| Cook | 600 |
| General mechanic | 900 |
| Engineer | 1,000 |
| Assistant | 300 |
| Do | 300 |
| Do | 300 |
| Do | 300 |
| Total | 9,340 |

The total amount requested for the support of the 100 students, the superintendent's salary, and general repairs and improvements remains the same as the appropriation for the past three years.

The school is for the children of the Walapai Indians who number 474. Generally they are very poor, with tuberculosis prevalent. Many of the children are thus incapacitated for attendance. These conditions will necessitate the continuance of the school indefinitely.

With buildings and improvements valued at \$94,600, the \$3,000 requested for repairs and improvements represents but 3½ per cent of the value.

¹ This also includes \$113.85 used in the transportation of pupils.

You will note that this is the same amount that has been appropriated for the last two years.

The CHAIRMAN. What about this school, is it in good condition?

Mr. MERITT. The school is in fairly good condition.

The CHAIRMAN. How many pupils have you there?

Mr. MERITT. We have an enrollment there of 91 pupils.

The CHAIRMAN. What is the per capita cost?

Mr. MERITT. \$175.

The CHAIRMAN. What unexpended balance have you?

Mr. MERITT. \$2,364.35.

The CHAIRMAN. The next item is:

For continuing the work of constructing the irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, within the limit of cost fixed by the act of March third, nineteen hundred and five, \$20,000; and for maintenance and operation of the pumping plants and canal systems, \$10,000; in all, \$30,000, reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two), and to remain available until expended.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item:

Maintenance, irrigation system Pima Indian lands, Arizona (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$10,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 10,000.00 |
| Amount expended----- | 8,177.76 |
| <hr/> | |
| Unexpended balance----- | 1,822.24 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|----------|
| Salaries, wages, etc----- | 6,859.40 |
| Traveling expenses----- | 16.80 |
| Transportation of supplies----- | 47.03 |
| Heat, light, and power (service)----- | 273.02 |
| Forage----- | 109.68 |
| Fuel----- | 3.60 |
| Equipment, material, etc----- | 831.89 |
| Miscellaneous----- | 36.34 |
| <hr/> | |
| Total----- | 8,177.76 |

This project will eventually cover 10,000 acres of fine land on the north side of the Gila River opposite Sacaton. The water supply is drawn from the Gila River when this is flowing and from nine wells pumped by electrically driven pumps when the river is dry. The Indians are industriously cultivating their lands, but although 800 Indians have each been allotted 10 acres, the project will not supply this whole area, and many of the Indians are thus prevented from farming. The amount requested will operate the canal system and pumping plants and install four additional units, increasing the irrigable area more than 1,000 acres.

Fine crops of cotton, corn, grain, and alfalfa are raised by the Indians upon this project and any additional area made available will be the means of increasing the number of Indians who are properly self-supporting.

Indian tribes: Pima.

| | |
|---|--------------|
| Number of Indians----- | 1,000 |
| Area of reservation, acres----- | 360,000 |
| Area irrigable from constructed works, acres----- | 4,000 |
| Area actually irrigated, acres----- | 3,900 |
| Area farmed by Indians, acres----- | 3,900 |
| Area of whole project, acres----- | 10,000 |
| Cost of irrigation construction----- | \$425,144.64 |
| Cost of irrigation operation, maintenance, and miscellaneous----- | \$16,765.14 |
| Estimated additional cost to complete----- | \$200,000 |
| Estimated total cost of irrigation per acre----- | \$63 |
| Average value of irrigated lands per acre----- | \$150 |
| Average annual precipitation, inches----- | 10 |

Source of water supply: Wells and Gila River.

Market for products: Local and general (excellent).

Distance from railroad: Eight to fifteen miles.

The CHAIRMAN. Is there any additional statement which you desire to make?

Mr. MERITT. We have with us Mr. Reed and Mr. Conner, who are connected with our irrigation service, and I shall be glad if you will permit Mr. Reed and Mr. Conner to answer any questions which you may desire to ask.

The CHAIRMAN. We should like to hear from you, Mr. Reed, on the necessity of this \$30,000.

Mr. REED. Part of that fund is for continuing the pumping plant at Sacaton, under which all the agency farm is operated, and also the experimental station for testing plants that will grow in that country. The other fund, for the extension of the canal system, is to reach more of the allotments that have been tentatively allotted during the last two years, and to enable those Indians to utilize the waters of Gila whenever they come. During the last year or two, as the ditch lines have been extended, they have been making very good use of the water and are now clamoring for extensions in order that they may still further use the waters of the Gila.

The CHAIRMAN. The flood waters of the river?

Mr. REED. Yes, sir. They claim that they have in the past been deprived of what was their right, and they should have every right to recover as much of their lost water as possible, and this plan carries out that idea of reaching as much of their property as is possible.

Mr. CAMPBELL. How much land is involved?

Mr. REED. The land that can be reached ultimately, if the whole scheme is carried out, would be between 30,000 and 40,000 acres, but we will reach it only as we can. There are only a few thousand acres now within reach, less than 20,000.

The CHAIRMAN. Just the low valleys along the river?

Mr. REED. Yes, sir.

The CHAIRMAN. And not the second valleys or the mesa?

Mr. REED. No, sir. The system at Casa Blanca is really a combination of the two. An ancient canal that is now called the Little Gila undoubtedly was a canal built, perhaps, in prehistoric times and was used for years and years, and this is simply an extension so that they can utilize that to the fullest possible extent.

The CHAIRMAN. The old ancient canal which you speak of is the one that runs between the farm that belongs to the Indians and the town?

Mr. REED. It runs right through the edge of the agency, you might say.

The CHAIRMAN. Is that where you are developing the new system of raising cotton, sea-island cotton?

Mr. REED. To make sure of the cotton crop, which requires water all the time and not part of the time, as this would be under the canal system, the development of the high-quality cotton is under the pumping system, so that they can utilize the flood water when available and in times of drought can get water from the pumping system. That is done on both sides of the river.

The CHAIRMAN. How much land can you develop under this old ancient ditch in addition to that already in cultivation?

Mr. REED. The amount could be made almost unlimited, but it is intended only to cover so much as seems feasible for the Indians. I suppose we will reach, perhaps, 25,000 acres.

The CHAIRMAN. I see you have another item "for maintenance and operation of pumping plants and canal systems, \$10,000." Is that the pumping plant that is on the road to Phoenix?

Mr. REED. That is across the river.

The CHAIRMAN. How many plants have you?

Mr. REED. Ten plants and eight working.

The CHAIRMAN. What has become of the old canal system which you had and which was wrecked several years ago by a cloudburst?

Mr. REED. The one originally constructed by the Reclamation Service?

The CHAIRMAN. Yes, sir.

Mr. REED. That canal has not been operated for two or three years.

The CHAIRMAN. Do you propose operating it in the future?

Mr. REED. Not under any of this fund.

The CHAIRMAN. When that is put into operation it will not be necessary to use this pumping plant any further?

Mr. REED. Yes, sir. Unless there was storage it would always be necessary to use the pumping plant for cotton, that needs continuous irrigation during the whole season. That would only divert the flood waters when the river was in flood.

The CHAIRMAN. Why was it that the Government spent so much money in building this large ditch—quite a lot of money was spent for that purpose?

Mr. REED. Yes, sir; quite a large amount of money; but I do not know that I could give you all the reasons. I was not connected with the service when it was done.

The CHAIRMAN. The Reclamation Service had charge of that work?

Mr. REED. Yes, sir. I suppose that this was only a portion of a much larger and greater development that must have been contemplated, because when alone and independent of anything else it is not and can not be a success, but as a part, a unit of a larger system it might have been a success. I presume that the building of this was considered only a unit of a system of much greater magnitude.

The CHAIRMAN. How much irrigation water can be supplied to the Indians by the wells which you are now operating?

Mr. REED. Do you mean the land on the north side of the river?

The CHAIRMAN. Yes, sir.

Mr. REED. Ten thousand acres, it is contemplated.

The CHAIRMAN. How much is being operated successfully at the present time by the Indians?

Mr. CONNER. Three thousand nine hundred and sixty acres.

The CHAIRMAN. How many families on those lands, Indian families, are using this water at the present time?

Mr. REED. They are allotted in 10-acre tracts.

The CHAIRMAN. Then quite a number of Indians are using the water from the wells?

Mr. REED. Yes, sir; and quite successfully.

The CHAIRMAN. I desire to ask you this question: Is that water as good for irrigation purposes as the water from the river?

Mr. REED. Probably not quite. It requires a different treatment of the soil and of the system than would the water of the river. However, the water of the river has its drawbacks, and so it is a question of whether one is not as economical in the long run as the other. The water from these wells is not charged nearly as heavily with mineral salts as is the water of a great many other districts throughout the Southwest, especially in New Mexico and western Texas.

The CHAIRMAN. Does the flood water fertilize the land more than the well water and leave it in better condition after the flood?

Mr. REED. The flood water brings a silt with a portion of which is a fertilizer. The other portion is a sand, which is not a fertilizer and is a detriment in so far as it has to be removed from the canals and ditches and structures. However, it is generally conceded that the silt from the Gila River is beneficial to the land.

The CHAIRMAN. Is it not a fact that when you have a flood coming down the river that the water is more heavily charged with matter that would be beneficial to crops than the natural flow of the river when it is clear?

Mr. REED. Yes, sir; at high floods the salt content is less in the water and the silt sometimes is greater. So you have an advantage in one and have a disadvantage of the other partially removed.

The CHAIRMAN. It is your idea that the whole \$30,000 can be used beneficially for the Indians, as indicated by the amendment?

Mr. REED. I have no doubt. I do not know of any place where funds can be applied to better advantage.

The CHAIRMAN. Is this land equal to the land around Phoenix?

Mr. REED. It is fully as good.

The CHAIRMAN. What is the land around Phoenix that is under ditch selling at?

Mr. REED. The last time I made inquiry it was running up into the hundreds of dollars per acre—two or three hundred dollars.

The CHAIRMAN. That is under ditch?

Mr. REED. Yes, sir.

The CHAIRMAN. And this Indian land is as valuable?

Mr. REED. It is fully as valuable. The Egyptian cotton grown on this Indian land is considered the best anywhere, beating Egypt itself in the production of that high-quality cotton.

Mr. CARTER. What is the necessity of changing this language?

Mr. CONNER. Part of that is on account of some additional construction provided for this year, whereas last year's appropriation was simply for maintenance and the purchase of electricity.

Mr. CARTER. You must have same additional construction?

Mr. CONNER. Yes, sir; to complete the remaining pumping plants and to bring into cultivation and direct irrigation 1,000 acres of additional land.

Mr. CARTER. Did I understand you to say that this irrigation system was all by wells or by wells and flood water, too?

Mr. CONNER. This is a combination project.

The CHAIRMAN. How many new pumping plants do you propose to install with this appropriation?

Mr. CONNER. This provides for the completion of two which are now in operation and two new ones, I think, and two that are partly completed.

The CHAIRMAN. How many are in operation now?

Mr. CONNER. Eight of them, I think.

Mr. REED. There are eight in operation.

The CHAIRMAN. What do they cost each?

Mr. CONNER. The \$20,000 estimated for construction is proposed to be expended as follows:

| | |
|--|---------|
| Four miles transmission line, at \$1,500----- | \$6,000 |
| Equipping two wells dug by the United States Reclamation Service with machinery, pumps, motors, housing, etc., at \$2,000----- | 4,000 |
| Digging two new wells and equipping same as above, at \$3,000----- | 6,000 |
| Lateral ditches and necessary structures, such as drops, checks, measuring gates, etc., for 1,000 acres of new land----- | 4,000 |
| Total----- | 20,000 |

The CHAIRMAN. You divide it so as to provide \$20,000 for these new wells, and for maintenance and operation of the pumping plants and canal systems, \$10,000, making in all \$30,000?

Mr. REED. That is for the operation of the old ones and the completion of some new ones.

The CHAIRMAN. The \$20,000 is for the completion of the new ones?

Mr. CONNER. Yes, sir.

The CHAIRMAN. So you have it separated in that way?

Mr. CONNER. Yes, sir.

The CHAIRMAN. How deep do you have to go for this water?

Mr. CONNER. In some places over 200 feet.

Mr. REED. They run from 180 feet up to 280 feet.

Mr. CARTER. What do you spend the \$5,000 for?

Mr. REED. In the construction, you mean?

Mr. CARTER. Yes.

Mr. REED. Some of these wells were partially constructed by the Reclamation Service; the well itself was dug and the caisson was sunk, and this is for the completion of those wells.

Mr. CARTER. It would not cost \$5,000 to dig a well?

Mr. REED. That means putting in the caisson, the pump, and the electrical appliances. You see, they are all pumped by electricity developed at the Roosevelt Dam; and it is also for extending the power line to them, and then the ditches in connection with them. It is for completing the system.

Mr. CARTER. It is not only for the digging of the wells but for running the ditches, etc.?

Mr. REED. Everything in connection with the wells and for the delivery of water from underground to the land.

Mr. NORTON. How much land will each well irrigate?

Mr. REED. It was originally figured by the reclamation service that each well would irrigate 1,000 acres; they, perhaps, will average that. Some of them are stronger than others and furnish considerably more water. There is a variation, we find there, of over 50 per cent.

Mr. NORTON. How many wells have you now?

Mr. REED. Eight.

Mr. NORTON. And for the maintenance of those eight wells you estimate \$10,000 a year?

Mr. REED. Yes, sir.

Mr. NORTON. Are there eight in operation?

Mr. REED. Yes; and that includes, of course, the purchase of power and everything in connection with their maintenance, upkeep, and operation.

Mr. NORTON. How much land is actually under irrigation now and being improved?

Mr. CONNER. Three thousand nine hundred and sixty acres actually irrigated at this time.

Mr. NORTON. And cultivated?

Mr. CONNER. Yes, sir.

Mr. MERITT. I might add that the Pima Indians are making splendid progress under the direction of Supt. Thackery, and we are anxious to afford these Indians who are hard workers every opportunity to develop their allotments.

The CHAIRMAN. On what agency is Supt. Thackery?

Mr. MERITT. He is superintendent of the Pima Indians.

The CHAIRMAN. Where are his headquarters?

Mr. MERITT. At Sacaton, Ariz.

The CHAIRMAN. Is there anything else you desire to add to what we have in the record here, any documents or anything else?

Mr. MERITT. No, sir.

Thereupon, a recess was taken until 2 o'clock p. m.

AFTER RECESS.

The CHAIRMAN. The next item is:

For the construction and repair of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Arizona, as provided in the act of April fourth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page two hundred and seventy-three), for the purpose of securing an appropriation of water for the irrigation of approximately one hundred and fifty thousand acres of land and for maintaining and operating the pumping plant, \$25,000, reimbursable as provided in said act, and to remain available until expended: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to expend not exceeding \$50,000 from the proceeds from the sale of town lots on the Colorado River Reservation, arising under the act of April thirtieth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page seventy-seven), for continuing construction of said pumping plant, together with the necessary canals and laterals for the utilization of water in connection therewith.

What is your justification for that item?

MR. MERITT. We offer the following justification for this item:

Irrigation, Colorado River Reservation, Ariz. (reimbursable).

| | |
|---|-------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$15,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years | 1,402.86 |
| Amount appropriated | 15,000.00 |
| | <hr/> |
| | 16,402.86 |
| Amount expended | 14,552.78 |
| | <hr/> |
| Unexpended balance | 1,850.08 |

ANALYSIS OF EXPENDITURES.

| | |
|----------------------------|-------------|
| Salaries, wages, etc | \$11,646.21 |
| Traveling expenses | 201.71 |
| Transportation of supplies | 695.85 |
| Forage | 293.88 |
| Fuel | 491.02 |
| Equipment, material, etc | 1,165.61 |
| Miscellaneous | 58.50 |
| | <hr/> |
| | 14,552.78 |

Indian Tribes: Mojave and Chemihuevi.

| | |
|--|--------------|
| Number of Indians | 1,300 |
| Area of reservation, acres | 240,640 |
| Area irrigable from constructed works, acres | 3,500 |
| Area actually irrigated, acres | 1,017 |
| Area farmed by Indians, acres | 907 |
| Area farmed by lessees, acres | 110 |
| Area of whole projects, acres | 11,000 |
| Cost of irrigation construction | \$123,819.82 |
| Cost of irrigation operation, maintenance, and miscellaneous | \$8,648.54 |
| Estimated additional cost to complete project | \$110,000.00 |
| Estimated total cost of irrigation, per acre | \$23.00 |
| Average value of irrigated lands, per acre | \$150.00 |
| Average annual precipitation, inches | 4 |

Source of water supply: Colorado River.

Market for products: Local and general (good).

Distance from railroad: 1 to 10 miles.

This reservation embraces lands lying along the Colorado River in the vicinity of Parker, Ariz., and is the home of about 1,200 Mojaves and a small number of Chemihuevis.

The present pumping plant, taking water from the Colorado River, was constructed in 1911-12. Since that time the plant has been operated and such extensions made to the canal system as were required for the lands put under cultivation.

The pumping plant consists of the most modern pumping machinery, housed in a substantial concrete building. It is capable of delivering 50 second-feet of water continuous flow, sufficient to irrigate 6,000 acres of land under a duty of water of 4 acre-feet per acre.

Land in allotments of 10 acres each were given the Indians in 1912, and many of them have made considerable progress in clearing and farming their allotments. All the lands under the present ditch system has been allotted, and as the Indians living along the Colorado River and its tributaries, now without allotments, are entitled to allotment on this reservation, it is necessary to irrigate more land to satisfy their needs.

It was to meet these requirements that the ditches have been extended from time to time. The operation and maintenance cost of the power plant, and the maintenance of the canal system, comprising some 15 miles of laterals and ditches, is included in this amount. The maintenance cost of the ditches is

comparatively large, owing to the great amount of silt suspended in the Colorado River water. Much of the heavier silt is precipitated in the settling basin, which is a part of the pumping plant, and is sluiced back into the river, but considerable quantities are carried through and deposited in the ditches, so they must frequently be cleaned out.

The remaining \$17,000 of the \$25,000 requested is needed to extend the present canal system to irrigate a large number of allotments not now supplied with irrigation facilities.

In addition to the present machinery, it is proposed to install a new engine and pumping unit with a portion of the \$50,000 funds derived from the sale of town lots, which this act will make available. The reinforced concrete engine house, pump pit, and forebay will require no enlargement, and the balance of the funds will be used to extend and enlarge the canal system to reach the allotments which are being made to these Indians. There are several hundred individuals still to be allotted, and little progress can be made toward this until the irrigation system is extended so that the Indians may go upon the land and make their homes and a living thereon.

The CHAIRMAN. About how many Indians are on this reservation?

Mr. MERITT. About 1,200 at this time, but there are other Indians along the Colorado River who are entitled to allotments on that reservation.

The CHAIRMAN. How many allotments have been made on this reservation?

Mr. MERITT. Practically all of the Indians on the reservation have been allotted.

The CHAIRMAN. Are there any surplus lands after they have been allotted?

Mr. MERITT. Yes, sir; there are more than 100,000 acres of surplus lands after the allotments have been made.

The CHAIRMAN. Does the water come from the main Colorado River?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The supply is practically unlimited, is it not?

Mr. MERITT. We have ample water. Of course, it is necessary to have a pumping plant and laterals to distribute the water.

The CHAIRMAN. If the water comes from the river, is it necessary to construct a dam at the pumping plant in order to raise the water or does it have to come from the main flow of the river?

Mr. MERITT. No, sir; it is not necessary to construct a dam to complete the project that we have planned.

The CHAIRMAN. Is there not a project for putting in a dam there which would make it a gravity system, or is the water sufficiently high to make that unnecessary? Has not the department contemplated putting in a dam at that place, and have not plans and specifications been drawn for that purpose; is not that so?

Mr. REED. No; not entirely. The Reclamation Service some years ago made a preliminary survey at a point above the reservation called Headgate Rock. However, nothing but tentative plans were ever made; they were not completed.

The CHAIRMAN. That is what I had in mind.

Mr. REED. This project was not for the purpose of irrigating the Indians' land alone but to make it a combined project to irrigate both for the white men and the Indians. After that, after the Reclamation Service had passed this over, the State of Arizona wanted to take it up and had some legislation passed permitting a Carey Act project to go in there; they had a certain time in which to

interest capital, but trouble came on in irrigation securities and they could not raise the money, and the thing lays right there.

The CHAIRMAN. So it has all been abandoned and there will be no chance for the United States Government to go ahead with it?

Mr. REED. Possibly at some future date. But these Indians, depending upon a project of that kind, would not be able to have water for some time. It would take from 5 to 10 years even if the project were initiated to-day.

The CHAIRMAN. Suppose it did take them 5 or 10 years to get this project in such shape as to furnish the water by gravity in connection with the irrigation service, would it not be better to wait than it would be to spend so much money to lift the water from the river by a pumping plant and supplying the Indians?

Mr. REED. I think not. The Indians are profiting by this, and they are able to make a living. If at the end of 5 or 10 years a gravity plant should be put in that would absorb the present project, there would be salvage, to a certain extent, from the pumping plant itself, but the distributing system would be the same and the loss would be minimum and not nearly so much as the gain to the Indians in using that water for the 5 or 10 years, both in producing their food supply and in educating them in agriculture.

The CHAIRMAN. What have you to say as to the pumping plant being a more expensive proposition and being a perpetual charge on the Indians? Would it not be better to wait and get a gravity system and put in a large plant for the whites and Indians together?

Mr. REED. I think not.

The CHAIRMAN. Mr. Meritt, has the department ever had that under consideration; that is, as to which would be the better of the two systems?

Mr. MERITT. You mean the systems on this particular reservation?

The CHAIRMAN. Yes, sir; whether it is better to follow up the plan you have adopted of pumping the water from the river or waiting until the irrigation service has put in a large dam, and in that way supply water to the Indians by gravity.

Mr. MERITT. It was necessary for us to get the water on the allotments immediately so as to get those Indians started to making a living; therefore, we were not able to wait until this large irrigation project might be constructed by the Reclamation Service.

The CHAIRMAN. Then this is an emergency proposition at present, is it not?

Mr. MERITT. It is more or less of an emergency, because we want to get the Indians on the allotments so that they can go ahead and make a living.

The CHAIRMAN. Are any of them making use of the water at the present time?

Mr. MERITT. Some of them are beginning to make beneficial use of the water.

The CHAIRMAN. About what percentage of them are making beneficial use of the water?

Mr. MERITT. There are 907 acres of irrigated land cultivated at this time.

The CHAIRMAN. How much do you give each Indian family?

Mr. MERITT. Ten acres is the allotment.

The CHAIRMAN. To a family or to an Indian separately?

Mr. MERITT. To each Indian; 10 acres to each Indian. And in addition it is necessary for us to go ahead and make use of the water so as to preserve the water rights of the Indians.

The CHAIRMAN. Can you not do that without extending the system as you now contemplate? Will not the pumping plant that you now have in existence preserve the rights of the Indians without adding to it?

Mr. MERITT. The existing pumping plant will only provide water for a limited acreage and we want to extend the acreage to be irrigated.

The CHAIRMAN. With a limited acreage and the use of the water on that acreage, would not that be sufficient to preserve the Indians' rights?

Mr. MERITT. That would only preserve the water that is used on that particular land.

The CHAIRMAN. Do I understand you to say that you have to put water on all of the Indians' lands in order to preserve their rights?

Mr. MERITT. We find it very much to the advantage of the Indians to get the lands under cultivation at the earliest possible date, so that there can be no question about the water rights.

The CHAIRMAN. Well, the point I am making is this: Even if only a part of the Indians, or a small percentage of them, are using the water of the river for the tribe does not that preserve the water of the river to the tribe?

Mr. MERITT. No, sir.

The CHAIRMAN. Or does it only preserve it to the Indians who are actually using it?

Mr. MERITT. Under a strict interpretation it only preserves it to the Indians who actually use water. However, we contend, under the Winter's decision, that certain water rights of the Indians can not be taken away from them; but that, of course, is in dispute.

The CHAIRMAN. Now, how much is it proposed to expend in the new project?

Mr. MERITT. \$50,000 in the new project.

The CHAIRMAN. What town lots are those that you have been selling—in what town?

Mr. MERITT. In the town of Parker.

The CHAIRMAN. Is that on the river about this irrigation plant?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Now, the dam which it is proposed to build would still be above this town of Parker, would it not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And if that dam and irrigation plant are carried out as designed by the State and by the Reclamation Service, you would furnish water to the people who are buying lots in the town of Parker and you would furnish water to the whites on either side of the river, on the California side and on the Arizona side, would you not?

Mr. MERITT. Well, I am not familiar with the extent to which that would apply.

The CHAIRMAN. You could do that on one side of the river as well as on the other, if the dam was above?

Mr. MERITT. I think so.

The CHAIRMAN. Looking to the future, would it not be better for the Indians to be supplied from this large plant than to temporarily extend the works, as you are now contemplating?

Mr. MERITT. That would probably be so if we had any assurance that this project would be carried out in the near future, but the reclamation fund, as I understand it, is short in the southwest, and it will be years before this project is constructed.

The CHAIRMAN. Are you aware of the fact that we have been selling bonds for the construction of these irrigation works?

Mr. MERITT. Yes, sir. But, as I say, I understand the fund is somewhat short.

Mr. REED. I might say, in regard to the water supply, that the Reclamation Service in one of its former reports stated that it was doubtful whether there was a sufficient water supply for the large project that was at first contemplated and that was contemplated by the State. They are not certain yet in their minds that there is water for this gigantic project, without storage at its headwaters. On the other hand, the Indians undoubtedly have a right to the water in sufficient quantities to irrigate their holdings.

The CHAIRMAN. Do you mean as a tribe, or as individuals, as Mr. Meritt has suggested?

Mr. REED. Well, as a tribe, probably; but the title perfected by the individuals. They initiated it as a tribe some years ago. As far back as the early sixties there was an old ditch, known as the Grant ditch, dug there, beginning from this Headgate Rock, at the same point the other people have contemplated building a dam, and some water was used. But they had trouble, the tunnel caved in, and it was gradually allowed to fall into disuse. A few years ago Congress appropriated a certain sum of money for the purpose of rehabilitating this water right, and under the laws of the States of Arizona, and, in fact, nearly all of the arid States, the title is perfected by beneficial use only. And in the work that we have done there we have tried to advance each year, in order to show that we are making new advancements, and in that way hold and perpetuate any right as against others who might come in in the meantime.

The CHAIRMAN. If the Indians have used this water for all these years would they not have a prior right?

Mr. REED. A right, however, can be abandoned under the laws of all of the irrigation States, and they have undoubtedly abandoned.

The CHAIRMAN. As against the United States?

Mr. REED. Probably not.

The CHAIRMAN. These Indians being wards of the United States, would not the same rule obtain and the Indians not barred?

Mr. REED. I am afraid not. The Winter's decision takes a position in regard to certain treaty reservations, but this is not a treaty reservation.

The CHAIRMAN. But the Indians hold it in common as a reservation, and have common use.

Mr. REED. The Indians have lived along that river from prehistoric times, possibly, but it is probable that the Indian did not do much irrigating himself; it is more probable that the soldiers, under whom the Indians were then held, did whatever irrigation was done for the purpose of supplying forage for their stock and food for

themselves. And I am afraid if we set up the claim of very large irrigation by the Indians at that time we might fail.

The CHAIRMAN. What appropriation did you have last year?

Mr. MERITT. An appropriation of \$15,000.

The CHAIRMAN. I see that in the bill for 1916, which I have before me, it is \$15,000, and the estimates now makes it \$25,000, and in addition to that you have added this new item of \$50,000 from the proceeds of the sale of town lots. Now, how much money has been obtained from the sale of these town lots in the town of Parker? Have you any statement showing that?

Mr. MERITT. The following statment is submitted with reference to this matter:

Proceeds of town sites, Colorado River Reservation, Ariz.

[Act Apr. 30, 1908 (35 Stats. L., 70-77).]

| | |
|---|---------------|
| Total receipts to Sept. 30, 1915..... | \$62, 103. 00 |
| Amount reimbursed to the United States on account of expenditures from reimbursable appropriations for survey, etc..... | 7, 089. 08 |
| Balance in Treasury Dec. 22, 1915..... | 55, 013: 92 |

The CHAIRMAN. Now, if the Indian Bureau has the right to sell these town lots, take the money and use it for some other purpose, where does the United States have any check upon it? You know we have been objecting to that right along.

Mr. CAMPBELL. Of course, this item would go out on a point of order.

The CHAIRMAN. Well, I wanted to get the whole thing in the record. There has been no report made to the Treasury Department as to the amount of money derived from the sale of these town lots in the town of Parker, and if that is so, how can we appropriate without knowing how much money has been received?

Mr. MERITT. There is more than \$50,000 in the Treasury as the proceeds of the sale of these lots, and we could report to Congress, if the committee deemed it desirable, the exact amount of money we expend and also exactly the amount of money derived from the sale of lots.

Mr. CAMPBELL. Points of order are made all the time on matters of this sort when contained in appropriation bills, and I am sure a point of order would be made on this item and, of course, it would be sustained.

The CHAIRMAN. I will state that the object was, while we had these gentlemen before us, to get full information about the matter and have it in the record. This will be a permanent record and will have this whole matter in it, and it can be referred to later if it should come up in some shape. We will pass to the next item:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development and distribution of a supply of water and for maintenance and operation of constructed works, for Papago Indian villages in southern Arizona, \$20,000.

What justification have you for that?

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Water supply, Papago Indian villages, Arizona.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$20,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 20,000.00 |
| Amount expended----- | 18,416.08 |
| Unexpended balance----- | 1,583.92 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------|------------|
| Salaries, wages, etc----- | \$5,705.11 |
| Traveling expenses----- | 219.41 |
| Fuel----- | 82.21 |
| Equipment material, etc----- | 12,339.85 |
| Miscellaneous----- | 69.50 |
| Total----- | 18,416.08 |

Indian tribes, Papago.

Number of Indians, 4,000.

Area of territory occupied, approximately, 8,000 square miles.

Estimated number cattle owned by Indians, 40,000.

Number of villages benefited, 8.

Number additional villages requiring water supply, 15.

Expenditures for this work, \$20,000.

The principal requirement of the Papago Indians is a supply of water for domestic and stock purposes. Water should be developed in wells wherever it is possible to do so, for this source is both more dependable and more sanitary than the ponds now in use, as practically every one of these dry up each year. A heavy financial loss is suffered each year by the Indians by reason of the drying up of the ponds. The cattle are driven to the mountain wells and many of them starve, due to the lack of feed in the mountains.

The health of the various communities is also endangered by the use of polluted pond water. These ponds simply catch surface drainage, and are sufficient at most for drinking and cooking.

The Indians can make no progress toward proper self-support until they are protected from danger of water famine. Without wells and pumping plants their very existence is continually in jeopardy.

The Papago Indians, as you know, occupy a very large part of the territory of southern Arizona, which is a country in which it is difficult for a white man to make a living. The greatest need of that country is an adequate water supply. Those Papago Indians are exceedingly deserving Indians. They have been self-supporting all these years and are making a brave struggle for existence against unusual conditions, and we would like very much to have this appropriation so that we can provide those Indians with an additional water supply.

The CHAIRMAN. I understand those are nomadic Indians, who live by driving their herds of sheep and goats from place to place; is that true?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And they also have some cattle?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And they may be here one month and at some other place some other time. They have no settled home; is that true?

Mr. MERITT. They move back and forth in well-defined locations.

The CHAIRMAN. If we could settle them on some small reservation and allot land to them, where we furnish this water, would it not be a better system to locate them by communities than it would be to let them have all this vast country to roam over?

Mr. MERITT. They have been living in this country, Mr. Chairman, and have been accustomed to the unusual conditions there, and have made such wonderful progress that I think it would be inadvisable to remove those Indians to a reservation and place them on land where they would have to live under different conditions from what they have been accustomed to.

The CHAIRMAN. Is it not a fact, Mr. Meritt, that they roam over an area of more than 100 miles square?

Mr. MERITT. They do roam over a very large area.

The CHAIRMAN. About how many of these pumping plants do you have scattered over this area?

Mr. MERITT. We have constructed only a very few wells for them.

The CHAIRMAN. I notice you have stricken out the word "eight" in the language "for eight Papago Indian villages in southern Arizona." Why do you strike that out?

Mr. MERITT. We want to supply them for all the Papago villages in that country, and we do not want it to be limited to eight Papago villages.

The CHAIRMAN. If necessary, you want to supply more than eight villages?

Mr. MERITT. Yes, sir; they occupy a territory about 90 by 100 miles square.

The CHAIRMAN. Is it not a fact that this is all public land and they have no title to any of the land?

Mr. MERITT. The Indians have title to some of the land, but other parts of the territory is public domain at this time.

The CHAIRMAN. There is no way then to prevent settlers of the United States, under United States laws, from homesteading this land?

Mr. MERITT. The character of the land is such that it will not be taken up as homesteads.

The CHAIRMAN. What do you mean by that? Is it grazing land entirely with no farm land?

Mr. MERITT. Practically no farming land, and it is not very valuable for grazing purposes.

The CHAIRMAN. Is this the territory south and west of Tucson?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And extends to the line of Mexico, does it not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Into that arid, desert region?

Mr. MERITT. Yes, sir. You understand we have title to all the land on which we drill wells. We have it set aside for the benefit of the Indians.

The CHAIRMAN. Do you get that done by an order of the department?

Mr. MERITT. Yes, sir; through the General Land Office.

The CHAIRMAN. The next item is as follows:

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June first, eighteen hundred and sixty-eight, between the United States and the Navajo Nation or Tribe of Indians, pro-

claimed August twelfth, eighteen hundred and sixty-eight, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, \$100,000: *Provided*, That the said Secretary may expend said funds, in his discretion, in establishing or enlarging day or industrial schools.

Mr. MERITT. Mr. Chairman, I offer the following justification:

Fulfilling treaties with Navajoes: Schools, Arizona.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$100,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 100,000.00 |
| Amount expended..... | 53,700.64 |
| Unexpended balance..... | ¹ 46,299.36 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Traveling expenses..... | \$33.65 |
| Transportation of supplies..... | 1,144.01 |
| Printing, binding, and advertising..... | 145.33 |
| Subsistence supplies..... | 22.26 |
| Dry goods, clothing, etc..... | 18.33 |
| Equipment, material, etc..... | 135.50 |
| Construction..... | 45,610.25 |
| Repairs (to plant)..... | 6,591.31 |
| Total..... | 53,700.64 |

The \$100,000 appropriation for 1915 was used for increasing school facilities for Navajo children on the following reservations: Navajo, Western Navajo, Pueblo Bonito, and San Juan.

Apportionment for the following projects was made:

Navajo jurisdiction, construction of a school building at the Chin Lee Boarding School, completing a capacity at this school for 200 pupils, \$20,000.

Repair of the old dining hall at the Fort Defiance Boarding School, costing \$4,000, and converting it into a girls' dormitory. The expenditure has provided an increase in school facilities for 40 pupils.

Western Navajo jurisdiction, an addition to the dormitory at the boarding school, costing \$25,300.

Repairs to an employee's cottage at the boarding school, costing \$924.80. The expenditure has increased the school facilities by 60 pupils.

Pueblo Bonito jurisdiction, two dormitories and one employees' building, each costing \$10,000, and a shop building costing \$1,100. The increase in school facilities has been 40 pupils.

San Juan jurisdiction, two dormitories at Toadlena, costing \$18,000.

Repairing an old building and constructing a new one at Aneth (the increase has been for 120 pupils), \$7,000.

The total expenditures of this appropriation plus the outstanding obligations amount to \$99,034.97, leaving of the \$100,000 an unused balance of \$965.03. These expenditures have added a capacity of 260 pupils, making the present capacity of the Navajo schools 1,500 pupils in a country where it is estimated there are yet 5,000 children eligible for school for whom facilities have not yet been provided.

The chief occupation of this country is grazing. The rather arid region necessitates frequent moving of their herds and flocks over long distances to find sufficient pasture. Thus fixed and substantial homes are few. Portable houses are more advantageous. A complete and accurate census has not been taken, and figures as to population are largely estimates. Continued and undiminished Government aid will be required indefinitely to fulfill our obligations to these people.

Mr. NORTON. The approximate population of the tribe is what?

Mr. MERITT. There are between 25,000 and 30,000 Navajo Indians, and it is estimated there are 5,000 Navajo Indian children without school facilities. The Government is under treaty to provide the

¹This is not a final balance. The appropriation is used almost wholly for construction and obligations are now outstanding as shown infra.

Navajos with school facilities, and we have just begun within the last three years to carry out that treaty provision which has been on the statute books since 1868.

The CHAIRMAN. They are also nomadic Indians that travel around, are they not?

Mr. MERITT. A large number of the Navajo Indians are nomadic and go from place to place.

The CHAIRMAN. The next item is as follows:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$25,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

What justification have you to offer for that?

Mr. MERITT. We offer the following justification for that, Mr. Chairman:

Water supply, Navajo Indians, Arizona (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$25,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 25,000.00 |
| Amount expended----- | 23,922.81 |
| <hr/> | |
| Unexpended balance----- | 1,077.19 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------|-----------|
| Salaries, wages, etc----- | 18,258.60 |
| Traveling expenses----- | 122.80 |
| Transportation of supplies----- | 781.52 |
| Fuel----- | 114.45 |
| Equipment, material, etc----- | 4,621.44 |
| Rent----- | 24.00 |
| <hr/> | |
| Total----- | 23,922.81 |

Indian tribes: Navajo and Hopi.

| | |
|---------------------------------|-------------|
| Number of Indians----- | 27,711 |
| Area of reservation, acres----- | 11,976,983 |
| Number of wells drilled----- | 135 |
| Total expenditures----- | \$74,800.02 |

One deep well, on which drilling is still being continued at 1,000 feet depth, it is hoped will yield enough water to be available for irrigation. This well is artesian and is now flowing a few gallons per minute and when completed may be of sufficient capacity for irrigation. Otherwise, none of the wells drilled produces enough water for more than stock and domestic purposes, and some others, either from insufficient or impure water supply, are not of any use.

This is the fund from which the well-drilling rigs are operated on the Navajo Reservation, and the necessary pumps, windmills, tanks, etc., bought and installed. The operation and maintenance of the wells must also be met from this fund.

This work is considered the most valuable in the district. The Navajo and Hopi Reservations are in one of the most arid regions of the United States, and the Indians depend almost entirely upon their flocks of sheep and goats for their subsistence, with slight help from their few cattle, and by the cultivation during exceptional years of little tracts of land where available.

It is necessary to give these wells attention at regular intervals to keep them in good working order. One outfit is kept busy on this work. One hundred and thirty-five wells have been drilled or dug since the beginning of this work and their usefulness can hardly be overestimated. Water for the stock means the utilization of miles of pasture which could not otherwise be used.

The Indians benefited by this work number 27,711, and have more than 2,000,000 head of stock, including sheep, goats, horses, and cattle. A great increase in this stock has been made possible since this water development was initiated, but large areas are yet almost useless for grazing purposes, due to the lack of water supply, for which the funds here requested will make partial provision.

The CHAIRMAN. This is the same amount that you had last year?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Are these Indians self-supporting?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the grazing land and stock, sheep, and goats, which they have make them self-supporting?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Would it be practicable or possible to put them on a small reservation and open the rest of the reservation to white settlers?

Mr. MERITT. No, sir; because a large number of the Navajo Indians have found it necessary to move off the Navajo Reservation and locate on the public domain in the State of Arizona and New Mexico. There are probably 10,000 Navajo Indians off the reservation.

The CHAIRMAN. What authority have they for going off the reservation onto the public domain? Is that by permission of the Government?

Mr. MERITT. By permission of the Government and under section 4 of the general allotment act of February 8, 1887. Indians can go on the public domain and take up a homestead.

The CHAIRMAN. Is it not a fact that there has been considerable friction between the cattlemen surrounding this reservation who have cattle out on the range and the Indians who have stock which infringes upon the public domain?

Mr. MERITT. There was considerable friction until two years ago when we incorporated in the Indian bill the following proviso:

That hereafter no part of said sum shall be used for the survey, resurvey, classification, and allotment of land in severalty on the public domain to any Indian, whether of the Navajo or other tribes within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

That proviso is in connection with the appropriation for allotment work.

The CHAIRMAN. And that has prevented trouble with the stock raisers around this reservation?

Mr. MERITT. Yes, sir; the situation has eased off a little bit since the enactment of that legislation.

The CHAIRMAN. The next item is as follows:

That so much of the provision in the Indian appropriation act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page eighty-five), as requires reimbursement for the construction of two bridges on the San Carlos Indian Reservation, in Arizona, be, and the same is hereby, repealed.

What justification have you for this item?

Mr. MERITT. I offer the following justification, Mr. Chairman.

The construction of bridges across the Gila and San Carlos Rivers on the San Carlos Indian Reservation benefit less than 25 per cent of the Indians belonging to that reservation. These bridges are located on the main road run-

ning between Globe and Bowie and on the proposed national highway. The greatest benefit from their use will be enjoyed by the traveling public.

There are approximately 2,350 Indians on the San Carlos Reservation, and to charge the entire cost of the bridges (\$65,000) to them would make a per capita charge of approximately \$27, which is very high, particularly when it is considered that only about 500 of the Indians will be benefited.

When legislation to authorize the construction of these bridges was first introduced in Congress the bills provided for gratuity appropriations. The Indians on the reservation are bitterly opposed to having the cost of the construction of the bridges charged against their tribal funds, and their attitude in this respect appears to be justified.

The CHAIRMAN. Was this recommended by the department as a reimbursable item when we passed the bridge bills?

Mr. MERITT. No, sir; the reimbursable feature was added to the item on the floor of the House, and it was clearly an injustice to the Indians to require them to pay the cost of construction of those two bridges.

The CHAIRMAN. How far is the San Carlos Reservation or any Indian reservation from either one of these bridges?

Mr. MERITT. The bridges are on the San Carlos Reservation, but they are on the main transcontinental automobile road and they benefit very few of the Indians on the San Carlos Reservation.

The CHAIRMAN. Would it not be a benefit to them to have a bridge crossing the streams and connecting different parts of the reservation?

Mr. MERITT. It is undoubtedly a benefit to a few of the Indians, probably 20 per cent of the Indians on the reservation.

The CHAIRMAN. Looking to the future, would it not make the land more valuable?

Mr. MERITT. The benefit accrues more largely to the traveling public than to the Indians, and the appropriations should not, therefore, be reimbursable and chargeable to the Indians.

The CHAIRMAN. The next item is as follows:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation, in Arizona, in accordance with the plans and specifications submitted by the chief engineer of the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$70,000, to remain available until expended: *Provided*, That the cost of said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

What justification have you for this item?

Mr. MERITT. I offer the following justification, Mr. Chairman:

Papago Reservation (San Xavier) irrigation project.

| | |
|--|-------------|
| Indian tribes: Papago. | |
| Number of Indians..... | 700 |
| Area of reservation, acres..... | 69,200 |
| Area irrigable from constructed works, acres, if water is available..... | 1,250 |
| Area actually irrigated, acres..... | 1,250 |
| Area farmed by Indians, acres..... | 1,250 |
| Area of whole project, acres..... | 3,000 |
| Cost of irrigation construction..... | \$29,188.61 |
| Cost of operation, maintenance, and miscellaneous..... | \$5,383.42 |
| Estimated additional cost to complete project..... | \$150,000 |
| Estimated total irrigation cost per acre..... | \$60 |
| Average value of irrigated lands per acre..... | \$150 |
| Average annual precipitation, inches..... | 12 |

Source of water supply: Wells and Santa Cruz River.

Market for products: Local (excellent).

Distance from railroad: 1 to 4 miles.

The need of an irrigation system for this reservation is very urgent. The floods of 1914-15 so widened and deepened the channel of the Santa Cruz that it is no longer possible to divert water by means of a dam. A levee, for the control of floods, has been built, thus rendering the lands safe from flood damages.

It will be necessary to develop water for this reservation by means of wells, and about 3,500 acres will be required to provide a 5-acre allotment for each Indian.

These Indians at present depend almost entirely on wood cutting for a living. The wood is cut in the Santa Cruz bottom lands on the reservation and sold in Tucson. The returns for the labor expended are very small, and if present conditions continue to exist, it can not be expected that these people will make any advancement whatever. That they are inclined to be good farmers when they have the opportunity is shown by the fact that in a corn-growing contest in 1914, in which contestants from the entire State of Arizona participated, a Papago boy from this reservation won first prize, while another boy from the same reservation was winner of the second prize. In 1914 they had a limited supply of gravity water from the Santa Cruz, but the floods of 1914-15 made it impossible to obtain this water at a reasonable cost. Were they given an ample supply of water that would be available when required, there is every reason to believe that they would equal the Pimas as an agricultural people.

The following copies of telegrams received from the superintendent of the San Xavier School, Papago Reservation, indicate the gravity of the situation on the Papago Reservation.

[Telegram.]

TUCSON, October 27, 1915.

INDIAN OFFICE, Washington, D. C.:

Scores Indian cattle dying Papago country lack of water. Summer rains didn't come to fill charcos and majority Indians lost summer crops. Urgently recommend that well drilling be started in Papago country for stock and new day schools. More wells absolutely needed on reservation. Work should be continued now. Well drilling in spring will interfere with operation. See previous correspondence. Please wire Superintendent Olberg authority.

McQuigg.

TUCSON, ARIZ., November 8, 1915.

INDIAN OFFICE, Washington, D. C.:

Engineer here stopping operation of pumping plants at night for inability of Indian pump men to care for them. Indians asleep and careless and engine equipment broken. Th's order renders it absolutely impossible for Indians to raise winter crops. If pumps run day and night will have about as much water as past three years, but when pumps are stopped half time lowers production more than half. Know by experience that when ditches this soil run dry each day it takes much additional water soak them up again. If irrigation system run this manner will cut acreage down to third what has been irrigated in past. Indians are cultivating fields depending on pumps, but many will lose seed if allowed to plant under this arrangement. Indians depend on winter crops; some in debt for seed and provisions, and this system will work actual hardship and hunger to them. Indians think with pumps running continuously not sufficient water for crops, but floods render old system developing water by Indians themselves impossible. See my letter dated November fifth and copy letter to Superintendent Oldberg November fifth and prior letter sent your office. If more irrigation work not done here reservation Papagos will have depend on cactus and firewood lots for sustenance. Water rights will be in litigation here before long. More wells and electrical equipment absolutely necessary. Electric transformers and equipment purchased and on the ground and crews camped here. Believe work needed here more than at other reservations now. Urgently request work be continued without delay.

McQuigg.

TUCSON, ARIZ., November 11, 1915.

INDIAN OFFICE, Washington, D. C.:

Indians give up hope obtaining water by pumping; are determined make dam; say only thing can stop them is incarceration in jail. They have no other resources and unless water to raise crops is obtained their families will

starve. Construction dam hazardous now they know and last resort, but Indians are maddened for water; have advised against dam, but Indians thoroughly earnest and determined; say if it washes out same night they will replace it. Indians intend to work day and night on it. Construction dam will take at least four weeks complete, then very late for crops. Urgently request development work be continued.

McQuigg.

The office on November 12, 1915, wired Superintendent McQuigg as follows: "Your wire eleventh. Authority granted superintendent of irrigation yesterday for installation machinery and maintenance of pumps in connection with water supply for Indians Papago Reservation. Office appreciates necessity for supplying Indians your reservation with ample water supply. Legislation is being requested to that end. Every possible action will be taken to protect interests Papago Indians."

These Indians are very anxious to have a water supply so they can begin farming their small allotments.

The CHAIRMAN. About how many of these Indians are to be benefited?

Mr. MERITT. There are about 700 Indians on this reservation.

The CHAIRMAN. Have they settlements or towns of their own?

Mr. MERITT. They live near the city of Tucson on a reservation set aside for them.

The CHAIRMAN. Are these works designed to cover this reservation only or are they designed to help the whites to some extent?

Mr. MERITT. This appropriation will be used for the benefit of the Indians only. We have a reservation covering an area of 69,000 acres.

The CHAIRMAN. You speak here of enlarging the irrigation system for the irrigation of Indian lands. What kind of irrigation is that?

Mr. MERITT. It is a pumping plant.

The CHAIRMAN. How many plants of that kind have you?

Mr. REED. Four working now.

The CHAIRMAN. What is the depth of the wells?

Mr. REED. From 100 feet to 200 feet. No water is obtained above 100 feet in sufficient quantity to install a pumping plant.

The CHAIRMAN. How much land is being used and cultivated under this system?

Mr. REED. Some of those wells, the two best ones, really were completed since the last irrigation season. The other two wells were in operation and every drop of water was used beneficially. The area is 1,250 acres.

The CHAIRMAN. About how many acres does that supply land for agricultural purposes?

Mr. REED. They have not yet segregated these old allotments into smaller allotments. The Indian is ultimately to have 10 acres individually, but at the present time it is in larger bodies and in irregular bodies.

The CHAIRMAN. How is it controlled so as to prevent the Indians having trouble among themselves as to the land they shall cultivate?

Mr. REED. Up to the present time the agent has been able to keep down any trouble of that kind. There has been no trouble among the Indians about the use of the land or the water.

The CHAIRMAN. Mr. Meritt, why is it they have not heretofore divided that land among the Indians? Do you know of any reason

why it could not be done like it has been done on the Colorado River and other reservations in southern California?

Mr. MERITT. Prior to the establishment of this irrigation plan we did make allotments to some of the Indians in larger areas than we otherwise would allot, but under this irrigation plan it is our purpose to allot about 10 acres each to the Indians so they will share equally in the property of the tribe.

The CHAIRMAN. Do you not think it would tend to keep peace among the Indians and be better all around for them to have their lands allotted before this water is furnished to them in order to prevent trouble like you have had out in southern California, which has been pending for a long while?

Mr. MERITT. Yes, sir; I think it would be well to arrange the allotments as early as practicable. Of course, a 10-acre allotment without an adequate water supply is of practically no value; but if we can get a water supply for 10 acres it is ample in that country for an Indian to make a living on.

Mr. REED. May I explain the necessity for immediate action?

The CHAIRMAN. Certainly.

Mr. REED. There has been a great development in the vicinity of Tucson in the underground waters. The same company that has developed the water there has now gone above on the same river and in the same watershed and is starting in on other pumping projects.

The CHAIRMAN. On the public domain?

Mr. REED. Yes. Of course, they are taking it up under the public land act. Now, the lower one, undoubtedly, had no effect on us because it was on the lower side, but the one they are starting now, and have already begun, is going to draw from the same source of water that the Indians need water from. Formerly these Indians had that water, or a portion of it, because it was forced out and the bank not washed away, and they were able to get gravity water and did years ago to some extent. But this country, like all the pasture countries, has been stocked, and the water comes in floods and has torn the old channel all to pieces and the water has sunk. They can not get it any more, and it must be brought up in wells. The white man has taken advantage of this condition and has his wells, and the new wells that he is about to develop above us will undoubtedly take from this supply, and in a very little while, within a short time, comparatively speaking, the water will probably be so low that you can not reach it within economic limits.

The CHAIRMAN. Does not the same rule apply with reference to the underground flow as applies to the waters above ground?

Mr. REED. No.

The CHAIRMAN (continuing). With reference to prior rights and use of water?

Mr. REED. They have been rowing in California over that point for the last 30 years, and if there is anything fairly settled about it I do not know it.

The CHAIRMAN. Is it their contention that if a man goes above, on the same watershed, he can take all the underground flow and cut the man below out of everything?

Mr. REED. That is not equity, and I do not know that it is law; but there is a connection that is hard to make. We set up the claim that they have taken our water and they set up the claim that they

have not. It is pretty hard to trace that water for 10 or 15 miles underground, although it is in the same watershed.

The CHAIRMAN. Would it be of any benefit to them for us to spend this money if the people above them can use all the water that we might expect to reach them?

Mr. REED. That is true unless we can make the other rule apply. And I think there would be no doubt of that because at the same time we are getting in here we might affect the fellow below us, and they are all the same people.

The CHAIRMAN. It would be a sort of question of robbery and the strong would take all the water from the weaker ones; is that it?

Mr. REED. No; there could be a settlement made there and perhaps a decree entered which would adjudicate everything.

The CHAIRMAN. Is there no opportunity there for building a surface dam so as to hold water sufficient to benefit these Indians instead of taking it from wells as you propose?

Mr. REED. No; the Santa Cruz is a broad, flat valley completely, so far as experiments have shown, underlaid with gravel without any solid foundation within economical limits. There has been exploration over a great many miles, but no place has been found where it is feasible to construct a surface reservoir.

The CHAIRMAN. I know that at the head of the river it is a flowing stream.

Mr. REED. And that flowing stream is undoubtedly part of the source of water we are pumping.

Mr. MERITT. Mr. Chairman, the important point in connection with this appropriation is that if we do not get appropriations this year those Indians may lose their opportunity to irrigate that land because the water may be taken by this development company.

Mr. NORTON. Mr. Meritt, why would it not be taken by the development company next year or the following year even if the wells you have planned here were sunk for the Indians?

Mr. MERITT. If we should sink these wells and get the water on the Indian allotments we could go into court and enjoin that company from taking the water we are using.

Mr. NORTON. Could you enjoin the company from sinking wells above you at a higher point?

Mr. MERITT. We could, if it deprived the Indian of the water he was already using from wells sunk. We will be in a very much better position to protect the water rights of the Indians with the wells in operation.

The CHAIRMAN. Would not this item come within the provisions of the irrigation law we passed a few years ago which prohibited the undertaking of any of these projects without first submitting the matter to Congress and getting its approval.

Mr. MERITT. We have already submitted the plans to Congress as required by law.

THE CHAIRMAN. Then this falls within the law?

Mr. MERITT. Yes, sir.

THE CHAIRMAN. The next item is as follows:

For the construction of a dam with bridge superstructure and necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in para-

graph two hundred and seventeen of its report to the Secretary of War of February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), \$200,000, to remain available until expended, reimbursable as Congress may hereafter provide.

What justification have you for that?

Mr. MERITT. I offer the following justification, Mr. Chairman:

Gila River Reservation diversion dam and bridge.

| | |
|---|----------------|
| Indian tribes: Maricopa, Pima, | |
| Number of Indians----- | 3, 800 |
| Area of reservation, acres----- | 361, 000 |
| Area irrigable from constructed works, acres----- | 20, 000 |
| Area actually irrigated, acres----- | 16, 000 |
| Area farmed by Indians, acres----- | 16, 000 |
| Area of whole project, acres----- | 50, 000 |
| Cost of irrigation construction----- | \$669, 185. 67 |
| Cost of operation, maintenance, and miscellaneous----- | \$28, 694. 65 |
| Estimated additional cost to complete project: Not completed. | |
| Estimated total cost of irrigation per acre (probably)----- | \$80 |
| Average value of irrigated lands, per acre----- | \$150 |
| Average annual precipitation, inches----- | 9 |

Source of water supply: Wells and Gila River.

Market for products: Local and general (excellent).

Distance from railroad: 8 to 16 miles.

Both a bridge and some form of diversion are badly needed at this point, and by combining the two in a single structure the cost can be greatly reduced.

The wier is required to divert water for Indian lands on both sides of the river. On the north side practically \$200,000 has been expended by the Reclamation Service in the construction of canals and canal structures for the irrigation of 15,000 acres of land, but without some means of diversion this system can not be used to distribute river water, since no water can be taken into the main canal at present. This wier will divert water on the south side of the Gila River to supply eventually about 30,000 acres of which at present about 5,000 acres are being farmed.

The usefulness of this wier is entirely independent of the San Carlos reservoir, yet it is designed to work in conjunction with it and is a very necessary part of the San Carlos system. This wier will serve the purpose of diverting water directly from the river. This would mean that whenever there is any flow, no matter how small or how large, in the river the Indians could divert water for their crops.

At present, by the expenditure of much time and labor the construction of a long line of brush dams after every flood in the river, they are enabled to divert some water into the old Santan Canal, which waters about 3,300 acres of land. As with all the other headings of this character in the Gila, a very small flood is sufficient to entirely destroy the dam, and by the time the Indians have rebuilt it most of the flow has gone by and sometimes but a few days' use of the dam is all the return they get for the hard labor expended in its construction.

The amount of water that could be diverted from the river during the flood periods by means of a permanent diversion would be several times greater than the amount now diverted by the temporary heading.

The effect that this increased supply of water would have on this Indian community in the way of stimulating interest in farming would be very beneficial, since the uncertain water supply that they now have tends to discourage efforts along these lines.

The bridge is very necessary for the reason that the character of the river throughout the reservation is such that a very little water renders the crossing very difficult for teams and impossible for automobiles. When the river is dry the sand is so deep that vehicles find difficulty in crossing.

At present the nearest bridge is at Florence, 23 miles above the site of the proposed bridge and wier. During the past year the river was impassable for teams for over four months, and for automobiles for about nine months, and

during this time all traffic between the north and south sides necessarily had to cross at Florence.

Whenever the river can not be forded that part of the reservation lying on the opposite side of the river from the agency is in effect removed 46 miles farther from the office of the superintendent, and this 46 miles is over roads that are often nearly impassable for weeks at a time. About 1,500 Indians live on the north side of the river and 2,300 on the south side.

By combining the bridge and wier the wier together with its apron and cut-off walls acts as the foundation for the bridge, and a large saving in the cost of construction is effected.

The CHAIRMAN. What further statement do you desire to make?

Mr. MERITT. Mr. Reed has recently visited this part of Arizona, and can give any additional information the committee may desire.

The CHAIRMAN. You may proceed, Mr. Reed.

Mr. REED. The old canal constructed by the Reclamation Service, which you mentioned this morning, has been of very little use on account of the inability to divert water into its head. This dam is designed for the purpose of diverting water into the head of that canal. On the opposite side of the river it is proposed to build another heading which would connect with the Little Gila, before mentioned, and enable a double diversion, one on each side of the river, for the use of the two systems now constructed, the one the old ancient system and the other the one constructed by the Reclamation Service. The waters now flow by there sometimes for a month without the Indians being able to derive any particular benefit from them. They get out there and struggle to make a heading, which may last not more than 24 hours, giving very little benefit. It is very discouraging, and I am surprised that the Indian has kept up as well as he has trying from year to year to get water from the river. The other strong point is the one mentioned in the justification: The agency is cut right in two by a distance of almost 50 miles, and yet the parts are not over a thousand feet apart. They can not get across there, and the administration of that agency is quite hard under those circumstances. The Indians need the attention of an agent, and it really would save the expense of other employees to have a means of getting backward and forward across the river.

The CHAIRMAN. Is it a sandy river?

Mr. REED. Very much so. There is no foundation within reasonable reach at this point.

The CHAIRMAN. It has a sandy bottom?

Mr. REED. Yes, sir. The dam would be of what is called the floating type. It would be of concrete, but not very heavy. It would be a low diversion on broad foundations, built as many are built in India on the same kind of streams, and on the order of one built on the Colorado River above Yuma, though, of course, this would be much smaller.

Mr. CAMPBELL. What do these Indians raise?

Mr. REED. They raise wheat for their own use, and they are raising cotton. The crop which is now being most profitably produced is Egyptian cotton. Egyptian cotton seems to be almost native to that country, and it grows there perhaps better than anywhere else in the United States. The Indians seem to take very well to that kind of work.

Mr. CAMPBELL. Do they raise any stock there?

Mr. REED. Very little stock, but some. Their reservation is very small, comparatively speaking, and the grazing is not good. They have some cattle and horses for doing their work, but they are not large in that way.

The CHAIRMAN. How far above Sacaton is this dam to be?

Mr. REED. It is about a mile and a half directly. The road carries you a little more than that, but in a direct line it is not over a mile and a half.

The CHAIRMAN. Now, this dam would be a convenient place from which to take water to the old ditch that was dug several years ago by the Reclamation Service.

Mr. REED. It would head on the north side of the river at that headgate.

The CHAIRMAN. Now, by rebuilding the old ditch, it would take water down past these wells, and a great deal of Indian lands would be included under that ditch, would there not?

Mr. REED. All of the Indian lands under that ditch—

The CHAIRMAN (interposing). And would not that do away with the necessity of further extending these wells, and would not the appropriation, therefore, be useless?

Mr. REED. No, sir; because the Gila River unfortunately does not run all the time. There are long periods when if you could not augment your water supply from these wells you could not make a crop. You could not raise cotton or any of the fruits. You could probably raise wheat, because wheat is planted in the fall and could be irrigated by the natural flow of the water in the river, but none of the other crops could be raised in 9 years out of 10, except by the auxiliary supply obtained from the wells.

The CHAIRMAN. If the San Carlos Dam is built with a large storage capacity, could not storage water be used to fill this dam?

Mr. REED. Then the wells would not be necessary.

The CHAIRMAN. That has been recommended by the Interior Department, and also by the engineers of the War Department, who made the investigation a few years ago. They reported in favor of the San Carlos Dam.

Mr. REED. The engineers did, provided that certain things were done, and we are trying to tie up those ends right now.

The CHAIRMAN. Another trouble has been that they have not been able to find bedrock sufficient to put the dam on.

Mr. REED. That is a part of the trouble, but there is no doubt about that question. I think bedrock is there and within reasonable limits. There are other questions that have not been definitely settled. One is the water rights, and that is under investigation. A Department of Justice man was on the ground a few days ago, and will probably file a final report within the next week or ten days.

The CHAIRMAN. If there are any objections, they would be legal objections?

Mr. REED. There is one other engineering objection that the Army engineers think they have overcome, and that is silt.

The CHAIRMAN. That would be no greater there, or not so great as on the Rio Grande, on which we have spent several million dollars for the Elephant Butte project.

Mr. REED. Yes, sir; the silt content of the Gila is about the same as the silt content of the Rio Grande.

The CHAIRMAN. They come out of the same range of mountains.

Mr. REED. No, sir; the Rio Grande gets most of its water from Colorado and the northern part of New Mexico, while the Gila gets its waters from the extreme western part of New Mexico and the eastern part of Arizona.

Mr. NORTON. Did you draw up this proposed legislation or prepare the form of it?

Mr. REED. I did not.

Mr. MERITT. We prepared it in the Indian Bureau.

Mr. NORTON. The language is, "Available until expended, reimbursable as Congress may hereafter provide." Why do you make it reimbursable as Congress may hereafter provide?

Mr. MERITT. I see no objection to having it changed so as to make it reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

The CHAIRMAN. Is not that the usual language?

Mr. NORTON. I think that would be better language, because Congress might overlook making provision for the fund to be reimbursed.

Mr. MERITT. We will be glad to see that change made.

Mr. CAMPBELL. I do not know whether we can authorize the Secretary of the Interior to pass a law of that kind.

Mr. NORTON. I notice that the other proposals are put in that form.

Mr. CAMPBELL. But this is an entirely new reimbursable proposition. There is a general law under which these irrigation projects have been authorized and reimbursements made from the sale of lands, etc.

Mr. NORTON. These Indians have no lands to be sold, have they?

Mr. CAMPBELL. Whether this would come within that law or not I do not know.

Mr. MERITT. They have quite a large reservation and the land is being allotted now in 10-acre tracts. There will be some surplus lands, but whether they will be sold or utilized as grazing lands for the Indians is a question to be determined later. The Pima Indians will ultimately have funds with which to reimburse Congress for any money advanced.

Mr. CAMPBELL. Is it the purpose to sell these lands or to make them pay for the irrigation of them?

Mr. MERITT. It is the purpose to require the Indians to reimburse the Government for all money advanced for irrigation purposes.

Mr. CAMPBELL. That is a general proposition, but whether that would be applied to these Indians does not appear.

Mr. MERITT. This language could very well be changed as I suggested, because that is very frequently the language of reimbursable items.

Mr. NORTON. Would you make it provide for reimbursing the United States according to such rules and regulations as the Secretary of the Interior may prescribe?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Why not make it reimbursable in accordance with the act?

Mr. CAMPBELL. That might be better.

Mr. MERITT. That act applies to the placing of water on irrigable lands and would hardly apply to this particular matter.

Mr. CAMPBELL. I doubt whether the Secretary of the Interior could make a regulation which would be equivalent to that law. I think Congress would really have to make it.

Mr. NORTON. Have these Indians any money now to their credit?

Mr. MERITT. No, sir.

The CHAIRMAN. If this large dam that the Army engineers have said was practicable is built, would not that put enough of these Indian lands under the ditch, after they have had 10 acres allotted to each one, to give them enough land to sell to raise quite a lot of money? If this large San Carlos project is carried out as indicated, would not that be the result?

Mr. MERITT. That would supply water for quite a large acreage on the Pima Reservation, but we would still need this dam, even in the event that the San Carlos Dam was constructed.

The CHAIRMAN. What I mean is this: If this San Carlos Dam is built, would they not have more land under irrigation than they would need, thus giving them surplus land to sell?

Mr. MERITT. They undoubtedly will have surplus lands on the Pima Reservation.

The CHAIRMAN. The railroad runs from Maricopa to Phoenix, and they tell me that that country is all settled.

The next item reads as follows:

That the Secretary of the Interior is hereby authorized and directed to furnish in perpetuity for the irrigation of 631 Salt River Indian allotments of 10 acres each, to be designated by the Commissioner of Indian Affairs, water from works constructed under the provisions of the reclamation act and acts amendatory thereof or supplemental thereto: *Provided*, That the reclamation fund shall be reimbursed therefor upon terms the same as those provided in said act or acts for reimbursement by entrymen on lands irrigated by said works, and there is hereby appropriated \$20,000, or so much thereof as may be necessary, to pay the initial installment of the charges when made for said water.

What justification have you to offer?

Mr. MERITT. The following justification is offered for this item:

Salt River Reservation, purchases of water rights, \$20,000.

Indian tribes: Maricopa and Pima.

| | |
|---|--------------|
| Number of Indians..... | 976 |
| Area of reservation, acres..... | 46, 720 |
| Area irrigable from constructed works, acres..... | 6, 500 |
| Area farmed by Indians..... | 6, 500 |
| Area of whole project..... | 9, 760 |
| Cost of irrigation construction..... | \$6, 471. 04 |
| Estimated additional cost to complete..... | \$300, 000 |
| Estimated total cost of irrigation per acre..... | \$65 |
| Average value of irrigated land..... | \$150 |
| Average annual precipitation, inches..... | 12 |

Source of water supply: Roosevelt Reservoir.

Market for produce: Local and general (excellent).

Distance from railroad: 15 miles.

The Salt River Reservation lies along Salt River in Maricopa County, Ariz. Its total area consists of 46,720 acres, 24,120 acres of which have been allotted into 804 thirty-acre allotments, each allotment consisting of 10 acres of irrigable and 20 acres of nonirrigable or grazing land. There are 6,764½ acres of culti-

vated land on the reservation. The Indian census of June, 1914, indicates that there are 976 Indians residing on the reservation. For the adequate allotment of this number, 9,760 acres of irrigable land is required; that is, land with a water right. The rights of the lands lying along Salt River, in the water of that stream, including the reservation, were adjudicated March 10, 1910, in what is known as the "Kent decree."

Under this decree 2,333 acres of the reservation were awarded the first right in the low-water flow of Salt River, 1,115 acres were awarded an early priority, and 2,107 acres were adjudicated as "B" land, or land entitled to certain rights in the flood waters. A total of 3,448 acres of land are entitled to and now receive water under the decree. As the Indians are now attempting to cultivate nearly 7,000 acres, it is obvious that the water supply is woefully deficient, and every effort should be made to supply the Indians with additional water. If it is desired to supply each of the 976 Indian inhabitants of this reservation with 10 acres of irrigated land, it will be necessary to furnish 6,312 acres with water, in addition to the 3,448 acres now watered under the decree.

This water must either be procured under the Salt River project, from the Salt River Valley Water Users' Association, or from underground sources. In spite of the heavy reclamation charge, amounting to approximately \$65 per acre, it is more economical to purchase water than to attempt to develop the underground supply, owing to the heavy and continuous operating expense.

This appropriation is to make the initial payment for the purchase of water rights for 6,312 acres under the Salt River reclamation project and to authorize the Secretary of the Interior to enter into a contract to make additional payments as they become due.

This Salt River Reservation lies under the Roosevelt Dam, and there is a very large water supply there which is available and that we can purchase.

The CHAIRMAN. Is that on the Indian reservation?

Mr. MERITT. This land is on the Salt River Reservation.

The CHAIRMAN. Between the Roosevelt Dam and the town of Phoenix?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How much land is in that reservation?

Mr. MERITT. The reservation consists of 46,720 acres.

The CHAIRMAN. How much of that is to be put under ditch?

Mr. MERITT. About one-third of the land could be irrigated.

The CHAIRMAN. About 10,000 acres?

Mr. MERITT. About 15,000 acres altogether.

Mr. NORTON. Did you say that the cost of construction was \$65 per acre?

Mr. MERITT. About \$65 per acre for the water supplied.

Mr. NORTON. For the area irrigated?

Mr. MERITT. Yes, sir; and the land will be worth anywhere from \$100 to \$300 per acre.

Mr. NORTON. Is it the same as the land around Phoenix?

Mr. MERITT. It is the same quality of land, but, of course, it is not quite so valuable because it is not as near Phoenix.

The CHAIRMAN. The next item is as follows:

For extension of the Ganado irrigation project on the Navajo Indian Reservation, in Arizona, for the irrigation of approximately 600 acres of land in addition to the area to be irrigated by said project, as authorized in section 2 of the act of August 24, 1912, \$20,000; and for maintenance and operation of the project, \$3,000; in all, \$23,000, to remain available until expended.

What justification have you to offer for that item?

Mr. MERITT. We offer the following justification:

Navajo Reservation, Ganado project.

Indian tribes: Navajo.

| | |
|--|-------------|
| Number of Indians..... | 24,606 |
| Area of reservation, acres..... | 9,503,763 |
| Area irrigable from constructed works, acres..... | 500 |
| Area actually irrigated, acres..... | 200 |
| Area farmed by Indians, acres..... | 100 |
| Area farmed by white owners, acres..... | 100 |
| Area of whole project, acres..... | 1,587 |
| Cost of irrigation construction..... | \$64,466.95 |
| Cost of irrigation, operation, maintenance, and miscellaneous..... | \$1,216.87 |
| Estimated additional cost to complete..... | \$20,000 |
| Estimated total cost of irrigation per acre..... | \$53 |
| Average value of irrigated lands per acre..... | \$100 |
| Average annual precipitation, inches..... | 12 |

Source of water supply: Rio Pueblo Colorado.

Market for produce: Local (good).

Distance from railroad: 50 miles.

This project was originally planned to irrigate about 700 acres at an expense of \$60,100 for its construction. During the progress of the work exceptionally heavy storms damaged various features, so that, together with the cost of additional protection works, the need for which was apparent only after these great storms has made it impossible to entirely complete the project within the amount of the original limit.

Some Indians, however, are already irrigating land under the portion completed. Their great need of additional irrigable areas and evident desire to take advantage of the opportunity to farm makes it desirable not only to complete the project, but by the expenditure of a few thousand dollars to extend the canal system to land upon the other side of the river not at present included within the area of this project.

The total area will eventually be 1,587 acres, and considering the great number of Navajo Indians and the scarcity of even fairly good irrigation projects makes it imperative to make use of every possible acre which may be irrigated.

The funds here requested are to complete the project as described, but are also to maintain and operate the system as now supplying water.

The CHAIRMAN. How much would the cost per acre be if this were added to the first cost?

Mr. MERITT. It is estimated to cost about \$53 per acre, and it is estimated that the land will be worth more than \$100 per acre after it is irrigated.

The CHAIRMAN. What do they raise on that land; it is in the mountain range, is it not, where they can not raise this cotton?

Mr. MERITT. They do not raise cotton on this reservation.

Mr. REED. They raise fruits, corn, wheat, and all the vegetables of the temperate zone.

The CHAIRMAN. Would the land be as valuable as the land in the Gila River country, in Arizona?

Mr. REED. No, sir.

The CHAIRMAN. What is the difference?

Mr. REED. Probably one-half. It will be very valuable to these Indians. It is a long way from the railroad and the water is scarce.

The CHAIRMAN. It is about 100 miles from the railroad, is it not?

Mr. REED. Not quite that far. It is about 50 miles.

Mr. NORTON. This is a gratuity and is not made reimbursable.

Mr. MERITT. This would be reimbursable under the general law or the Indian irrigation law.

Mr. CAMPBELL. It should be so specified.

Mr. MERITT. I see no objection to stating it specifically here.

Mr. CAMPBELL. Referring to the act, as in the prior cases?

Mr. MERITT. I think this refers to the act—

Mr. CAMPBELL (interposing). That is in the first paragraph. I would suggest that after the words "twenty-three thousand dollars," in line 15, page 31, you insert the words "to be reimbursable and."

The CHAIRMAN. The next item is as follows:

For the construction of a bridge across the Little Colorado River, at or near the town of Winslow, Ariz., \$15,000, to be expended under the direction of the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona or the county of Navajo satisfactory guaranties of the payment by the said State of Arizona or by the county of Navajo of at least one-half of the cost of said bridge, and that the proper authorities of the said State of Arizona or the said county of Navajo shall assume full responsibility for, and will at all times maintain and repair, said bridge and the approaches thereto: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridge shall be borne either by the said State of Arizona or the said county of Navajo.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification:

For more than 100 miles along the Little Colorado River, from the suspension bridge at the Tanner crossing on the road from Flagstaff, Ariz., to Tuba, Ariz., east to Holbrook, Ariz., there is no bridge. The Navajo Indians live along this river on the south side for more than half this distance and on the north side for the entire distance. All the vast stretch of country north of the river is inhabited almost exclusively by Indians.

Markets for the wool, blankets, silverwork, cattle, and horses of the Indians are all south of the Little Colorado River along the line of the Atchison, Topeka & Santa Fe Railroad. For months at a time during each year these markets can not be reached on account of the high water of the river. It is usually during the high-water periods that the Indians shear their sheep, the raising of which is the principal industry, and it is of great importance that they be able to get their wool to the railroad towns, where they obtain better prices for their products.

During the past year for a period of over two months during the shearing season no one could cross the river except by swimming. The Indians were therefore dependent for their market on the local Indian traders north of the river, thereby losing the profit they would have made had they been able to reach the railroad towns and competition.

The traders north of the river are all remote from it, as the Indians on both sides of the river customarily trade at the railroad towns, finding it much to their advantage to do so. Besides the loss entailed on account of the flood preventing them from reaching the best markets for their produce, they also suffered because they were unable to obtain supplies. Under stress, some of them braved the dangers of the turbulent torrent and treacherous quicksands of the river and swam and waded across with 40 to 60 pounds of wool on their backs to exchange for food. Many of the Indians were compelled to live on a diet consisting exclusively of mutton, while the proper food for the children could not be obtained.

By reason of the vast stretch of country which would be served by a bridge at Winslow it is estimated that a bridge at that point would pay for itself within a short time by the increased profits the Indians would be able to obtain by marketing at more competitive places of business. The chief industry of the Indians is the raising of sheep, for the promotion of which industry the Indians should have access to trading centers where there is competition and business is done in cash and not in tokens. At the trading stores among the Indians situated on the public domain the custom obtains of giving metal checks instead of coin for the produce of the Indians, the tokens being good only at the stores where issued. The stores are not under the jurisdiction of

the department and there appears to be no State law against the practice. The evident remedy is competition, and this can be obtained only through better transportation facilities.

The markets of Winslow would also undoubtedly be benefited by the bridge. The superintendent of the Leupp Indian School gives it as his opinion that the proposed bridge at Winslow, Ariz., will certainly be not less than 50 per cent beneficial to nontaxpaying Indians. There are a large number of Indians living north of Winslow who are compelled to make that town their market on account of the watershed and the difficulty of crossing the natural drainage at right angles. In addition to the Indians living on the reservation, there will be more directly benefited the Indians living in the stretch of country between the reservation and north of the Little Colorado River.

Under present conditions, even when the river can be forded, many of the Indians who have teams and wagons sell to the local Indian traders on the reservation rather than undertake to haul their own produce to market with the possibility that they will be unable to get across the river at Winslow and thus be compelled to buy feed for their teams and wait until they can cross. Of course the Indians and the few whites who live north of the river have to pay for the inconvenience and delay caused by the floods which keep them from an otherwise excellent market.

The little station of Hobson is on the north side of the river, while Winslow is on the south. There is no station agent at Hobson an account of the fact that there is no business except during the floods, which make it impossible for the Indians to get their loads across to Winslow.

According to the statement furnished by one of the local merchants, the following amounts of freight were carried across the river by rail during the time it was too high for the Indian teamsters to ford:

| | Pounds. |
|---------------------|---------|
| March, 1915..... | 2, 069 |
| April, 1915..... | 5, 785 |
| May 1-20, 1915..... | 4, 701 |

According to his statement these figures were taken from the records of the Atchison, Topoka & Santa Fe Railway Co., and all of the shipments were for Indians and Indian traders, representing a part of the freight which usually crosses the Little Colorado River at this point for the Indian country. In addition to the above a large quantity of goods was delivered by the Winslow stores to points on the river bank and carried across by the Indian teamsters. It is also represented that the figures shown of freight shipped to Winslow from Hobson is but a small portion of the goods, mostly wool and hides, usually consigned, as many shipments were made direct to Albuquerque, the railroad billing being made from Winslow on account of the fact that there is no agent at Hobson. In addition much freight is delivered on the river bank and carried through the flooded stream by the Indians.

The following statement was given by the chairman of the extension committee of the Winslow Commercial Club concerning the difficulties arising from the lack of a bridge:

"During the past year we have loaded out to freight teams, for delivery to the Navajo and Hopi Reservations, 300,000 pounds, at the least estimate. All of this freight had to be hauled from Winslow, across the flowing waters of the Little Colorado River, and frequently when the river was dangerous to both life and property. Just last month two loads of freight, going from our store to Indian trading posts, were stuck in the Little Colorado River from sundown until the next morning at 10 o'clock. The Indians returned to our store telling us of their predicament, and reported that they had worked for almost a half day carrying the freight from their wagons in the river, across a stretch of 150 yards, to a point of safety. They were unable to unload all of the freight from their wagons, with the result that they lost 1,200 pounds of oats and other materials. We sent out help the next morning and had to pull their wagons out of the water, and it was some 24 hours later until they were able to again resume their journey to the Indian reservation.

"During the past year more than six different Indian outfits have been stuck in the river with their loads. In one case freight destined for the Blue Canyon country was 45 days reaching destination. This was because the freighters were unable to cross the river with safety to either their loads or their live stock. Perishable freight on these loads was utterly ruined when the Indians arrived at destination. In fact I am informed that some of the traders have

trouble in getting Indian freighters to come to Winslow because of the danger of the quicksand and the untimely floods in the Little Colorado."

According to an estimate furnished by the county of Navajo the cost of the proposed bridge is approximately \$30,000. Of this amount the county agrees to furnish one-half.

Mr. CARTER. The next item is California, sec. 3, "For support and civilization of Indians in California, including pay of employees, \$50,000." What justification have you to offer for that?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Support of Indians in California.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$42,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 42,000.00 |
| Amount expended..... | 40,569.21 |
| Unexpended balance..... | 1,430.79 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|-----------|
| Salaries, wages, etc..... | 18,388.00 |
| Traveling expenses..... | 2,538.33 |
| Transportation of supplies..... | 853.55 |
| Heat, light, and power (service)..... | 298.54 |
| Telegraph and telephone service..... | 335.81 |
| Subsistence supplies..... | 4,343.57 |
| Dry goods, clothing, etc..... | 299.51 |
| Forage..... | 2,922.09 |
| Fuel..... | 2,386.07 |
| Stationery and office supplies..... | 57.05 |
| Medical supplies..... | 2,097.58 |
| Equipment, material, etc..... | 5,005.91 |
| Rent..... | 18.75 |
| Care of insane Indian..... | 327.50 |
| Miscellaneous..... | 696.95 |
| Total..... | 40,569.21 |

The Indian population of California approximates 18,000, under jurisdiction of 11 agencies, and one school superintendent who has jurisdiction over scattered Indians.

This analysis excepts the provision for purchase of lands, formerly included, but by the 1915 act made a separate item; the amount of this appropriation is now for use in the direct administration of affairs of the Indians.

The large areas and scattering population increases the difficulty and expense requiring a larger number of supervisory officials and also more traveling. Many requests for absolutely necessary expenses, telegraph, and telephone service, traveling expenses, heat, light, medical supplies, forage, and miscellaneous supplies, have been delayed and also reduced in amounts in the attempt to spread the funds over the large territory involved to the best advantage. Reforms are at present under way which require extra supervision and traveling expenses, if carried out, but the officials are hampered by lack of funds.

The unexpended balance shown is covered by obligations.

The majority of these Indians have no property, either real or personal; the value of the crops raised is small and they have practically no timber, and many are at times almost in a destitute condition. The total value of crops raised during the fiscal year 1914 approximates \$155,136, and the income from leases, \$3,683.

There are almost 20,000 Indians in California and most of these Indians are very poor, and they need substantial support from the Government.

Mr. CARTER. I see you report in the justification the Indian population of California as 16,000?

Mr. MERITT. That is an error. It is nearer 20,000. I have corrected that.

Mr. CARTER. You ask for \$8,000 more this year than you had last year. What is the necessity for that?

Mr. MERITT. We find there is a very heavy call on this appropriation to assist those Indians and we need an additional appropriation.

The CHAIRMAN. What will the \$8,000 additional be used for?

Mr. MERITT. It will be used to supply necessities to the Indians. It will not be used for salaries or for increasing salaries.

Mr. CARTER. What kind of supplies?

Mr. MERITT. We will buy farming equipment for them. There are a great many Indians there who require subsistence.

Mr. CARTER. You can buy farming implements out of the general item?

Mr. MERITT. We could buy farming equipment out of this item or we could buy farming implements out of the reimbursable item.

Mr. CARTER. The general reimbursable item?

Mr. MERITT. Yes, sir. These Indians are very poor and they need some gratuity assistance from the Government to get on their feet.

Mr. NORTON. I notice in the report of the expenditures for 1915 an item of \$4,343.57 for subsistence?

Mr. MERITT. Yes, sir.

Mr. NORTON. And \$348.15 for seed. The percentage of the appropriation expended for subsistence, seed, and supplies for the Indians does not seem to be very large; the greater portion of the amount appropriated seems to be expended for supervision?

Mr. MERITT. Necessarily on these reservations it requires employees to look after the Indians.

Mr. CAMPBELL. How many Indians are there?

Mr. MERITT. There are almost 20,000 in the State of California. They cover a very large area; they are scattered, and it is rather expensive to look after their interests.

Mr. CAMPBELL. The salaries amount to \$18,388, and traveling expenses to \$2,500 and something.

Mr. MERITT. That showing is rather large, I think, Mr. Campbell. There are a number of agencies and the agencies have few Indians under them, and it is more expensive to administer Indian affairs under conditions obtaining in California than would be the case where we have a large number of Indians on a particular reservation.

Mr. NORTON. Mr. Meritt, in your estimates for 1917, you estimate an increase of \$2,000, approximately, for salaries and wages, and an increase of \$1,000 for traveling expenses, making an estimated increase of salaries and wages and traveling expenses of \$3,000, and you submit for those poor wandering Indians and estimated expenditures of \$4,000 for subsistence and supplies?

Mr. MERITT. We have been buying land for these California Indians in recent years and the land is in very small tracts, and it costs a great deal more to get the Indians on those small tracts than it would under ordinary conditions.

Mr. NORTON. I just noted, by making a comparison there, that the increased cost of supervision seems to keep just about pace with the amount expended for their subsistence. That is, when you give them

a dollar for subsistence it costs a dollar in supervision to give it to them, which seems to me rather high. That is all.

Mr. MERITT. Of course, these employees look after their farming operations and try to get them located on the land purchased for them. The situation in California is not satisfactory, I admit.

Mr. CAMPBELL. Are these Indians improving any under this apparently extensive supervision?

Mr. MERITT. They are improving somewhat over conditions that prevailed 10 years ago, because the Indians were really suffering in the State of California a few years ago. There was considerable suffering then. They had been deprived of their land on which they had been living for a number of years. An Indian would squat on the land and would not get any title, and as the white man came into the country he would take it up as a homestead and drive the Indian off into the mountains.

Mr. CAMPBELL. Are the Indians taking better care of themselves than they did—are they giving aid to those who are looking after them in caring for themselves?

Mr. MERITT. Yes, sir. We feel that conditions have been materially improved, although we have about 4,000 homeless Indians in California, and we hope to get an appropriation to purchase land for them.

Mr. CAMPBELL. That has been going on for a number of years. How many Indians have been placed in homes in the last year?

Mr. MERITT. We are utilizing the appropriation of \$10,000 now. We have a man out there buying land for these Indians, and that will be shown in the next item. The trouble in the past has been that Congress has appropriated such small amounts for the purchase of land that it has cost too much to buy those small tracts. If we could get a lump-sum appropriation sufficient to buy land for a large number of homeless Indians, we could close the matter up, but Congress has limited the amount to a few thousand dollars, which necessarily has not resulted in the greatest benefit to the Indians.

Mr. NORTON. How long has this man, who is buying the land provided for by the appropriation of \$10,000, been out there?

Mr. MERITT. This man has been out there about a year.

Mr. NORTON. What is his salary?

Mr. MERITT. I think it is about \$2,000 a year.

Mr. NORTON. And in addition to that he gets a per diem?

Mr. MERITT. He does not get a per diem. He gets his traveling expenses.

Mr. CAMPBELL. Does he get subsistence?

Mr. MERITT. Yes, sir; he would get subsistence when away from headquarters.

Mr. NORTON. What would you estimate would be his expenses to the Government during the last year?

Mr. MERITT. Probably \$4,000.

Mr. NORTON. How much land has he bought for this \$10,000?

Mr. MERITT. He has bought, probably, between \$15,000 and \$20,000 worth of land since he has been there.

Mr. NORTON. Then he has bought land for more than the appropriation of \$10,000 made in the appropriation bill for the fiscal year 1915?

Mr. MERITT. Yes, sir; there was an appropriation of \$10,000 made the year prior, and last year.

Mr. NORTON. How long has he been out there?

Mr. MERITT. About a year.

Mr. NORTON. Altogether?

Mr. MERITT. Yes, sir.

Mr. NORTON. During the past year is the first time that you have bought land under the appropriations made for the fiscal years 1915 and 1916?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Does this matter come within the knowledge of the Secretary of the Interior and the commissioner, who are really responsible?

Mr. MERITT. Yes, sir; the commissioner appointed this man who is now making the purchases, and he has given the matter considerable attention.

Mr. CAMPBELL. Of course, no individual expending his own money or the money of a private corporation would think of expending half the money in expenses that has been expended in spending this \$40,000 for these Indians?

Mr. MERITT. I realize that the expenditure is large. I will call the matter to the attention of the commissioner, with a view to bringing about a better condition there, although, as I said before, the conditions are unusual in connection with the administration of Indian affairs because of the fact that these Indians are scattered—they live in small bands and are located in different places throughout the State of California.

Mr. CAMPBELL. This same condition has existed for six or eight years, to my knowledge.

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. And they do not seem to be improving. Can not you get somebody out there who can herd those Indians up and lessen the per cent of expenditure in expenses and get more of it for the benefit of the Indians?

Mr. MERITT. I think we can improve conditions in California; I think they should be improved. I will bring the matter to the attention of the commissioner.

Mr. NORTON. You, of course, know as well as we do that there is a great deal of criticism to the effect that the Indian Bureau just offers a place of rest for a great many employees who, while supposed to render service, do very little for the Indians, and a condition like this, where a man costs the service \$5,000 for purchasing \$20,000 worth of land, would be to the average business man rather a condition that might be severely condemned. I do not know what the conditions are, but I hope that there is some circumstance that makes it better than it appears from just a comparison of the figures.

Mr. MERITT. I will concede, gentlemen, that there appears to be too much money being paid for salaries and wages out of this appropriation, and we will try to improve that condition.

Mr. NORTON. The average business man would, in a case of that kind, simply drop the employee's salary with the hope that he would then resign.

Mr. CARTER. What would you think of making a provision in this item to limit the amount which could be paid for salaries and expenses?

Mr. MERITT. I can see no objection to that, Mr. Carter.

Mr. CARTER. What, in your opinion, should that limitation be?

Mr. MERITT. I should like to take that matter up with the office and look over the situation very carefully before making a statement.

Mr. CARTER. I wish you would, and then give us a statement.

Mr. CAMPBELL. While we have that general subject up, have you made any estimate as to the per cent of these appropriations that goes to salaries and expenses?

Mr. MERITT. We have the figures at the office. We have 6,000 employees in the Indian Service. There are reservations in 26 different States.

Mr. CAMPBELL. What is the total amount of salaries and expenses paid to these employees?

Mr. MERITT. I will furnish that statement.

Mr. CAMPBELL. And please give the per cent of the expenditures for the benefit of the Indians.

Mr. MERITT. This following statement gives the information requested:

| | |
|--|-----------------|
| Total expenditures for the Indian field service for the fiscal year ended June 30, 1915..... | \$20,236,051.25 |
|--|-----------------|

ANALYSIS OF EXPENDITURES.

| | |
|---|---------------|
| For agencies and Indians..... | 6,184,758.69 |
| For Government boarding schools..... | 4,238,505.43 |
| For Government day schools..... | 561,774.46 |
| For contract boarding schools..... | 138,993.11 |
| For allotment and survey work..... | 156,916.06 |
| For irrigation work..... | 1,191,684.16 |
| For annuity and trust payments..... | 6,591,662.24 |
| For attorneys..... | 29,443.72 |
| For miscellaneous, Menominee sawmills, aid of public schools in the Five Civilized Tribes, suppression of the liquor traffic, inspecting and supervising expenses, etc..... | 1,142,313.38 |
| | 20,236,051.25 |
| Total salaries, Indian field service..... | 4,071,591.00 |

Salaries equal approximately 20 per cent of total expenditures.

Mr. CARTER. And also give us a statement, if you can, as to how much money has been expended for land, what amount of land has been purchased, the number of Indians that have been located in California, and the expense of making the purchases.

Mr. MERITT. The following statement gives the information requested:

The tabulation immediately following is relative to all lands which have actually been purchased, title placed in the United States, and the money paid:

| | |
|---|--------------|
| Total number acres purchased..... | 6,593 |
| Number purchases..... | 43 |
| Total cost..... | \$144,470.45 |
| Number Indians provided for thereby..... | 2,479 |
| Average amount each purchase..... | \$3,359.77 |
| Average cost per acre..... | \$21.93 |
| Average amount expended on each Indian..... | \$58.28 |

NOTE.—These figures do not include any salaries or expenses.

The foregoing lands were purchased mainly from \$150,000 appropriated by the acts of June 21, 1906 (34 Stat. L., 325-333), and April 30, 1908 (35 Stat. L., 70-76). Also each succeeding Indian appropriation act supplemented these funds. These lands were all purchased by former Special Agent C. E. Kelsey. Mr. Kelsey received a salary of \$3,200. His service terminated September 30, 1913. The difference between \$144,470.45, supra, and the \$150,000 mentioned was used for expenses and salary of Mr. Kelsey, and in addition moneys from support funds were used. Every cent of the \$144,470.45 was spent in the purchase of land.

WORK NOW BEING CARRIED ON.

Mr. J. J. Terrell entered on duty as special agent March 8, 1915. He has since been engaged in systematically visiting those California Indians remaining to be provided for (estimated to be about 3,500 to 4,500) with a view to procuring suitable offers for the sale of lands. He has visited and submitted detailed reports, with census, of Indians of 11 counties. However, out of all the offers he was able to procure only 17 were acceptable. These 17 purchases are now being pushed to a conclusion as rapidly as possible. Owing to the necessity for perfecting the record of the title in nearly every case, and because of the careful examination of the abstracts of title before recording the deed and making payment in each case, considerable time is required. In addition to the 17 purchases, Mr. Terrell is still actively engaged in procuring offers wherever possible, visiting and reporting on the needy bands of Indians. All this work is being expedited. Eleven of the 17 purchases have been recommended to the department for approval; 7 have been approved and referred to the solicitor for the Interior Department for examination of title; the solicitor's opinion has been rendered in 2 cases; and title has been placed in the United States in 1 case, and proper steps are now being taken to have Treasury warrant issued in payment therefor. This last one case, where title has been recorded in the United States' name, is the purchase of 75 acres of land for a band of 75 Indians in Sonoma County at a cost of \$1,875. The following table gives the specific data relative to the work of Mr. Terrell:

| | |
|--|-------------|
| Number purchases (now being negotiated)..... | 17 |
| Total number acres..... | 1,734 |
| Total amount hypothecated..... | \$19,152.62 |
| Total amount of funds available now..... | \$22,965.22 |
| Unhypothecated balance..... | \$3,812.60 |
| Average cost per purchase..... | \$1,126.62 |
| Average cost per acre..... | \$11.04 |
| Total number Indians provided for..... | 726 |
| Average amount expended on each..... | \$26.38 |

NOTE.—These figures include no expenses whatever other than the actual purchase of lands.

EXPENSES OF MR. J. J. TERRELL IN CONNECTION WITH THE PURCHASE OF THESE LANDS.

None of these expenses have been paid from the funds appropriated for the purchase of land. Both Mr. Terrell's salary and expenses are paid from the fund for "Surveying and allotting Indian reservations." They have been as follows, up to September 30, 1915. His subsequent accounts are not now available.

| | |
|---|------------|
| Salary, at the rate of \$2,000 per annum..... | \$1,127.74 |
| Actual expenses, including fare and subsistence, latter not to exceed \$3 per diem..... | 898.00 |
| Total..... | 2,025.74 |

A comparison of these expenses with the table just preceding shows that:

| | |
|---|--------|
| The average amount of expenses and salary per acre is..... | \$1.17 |
| The ratio of these expenses and salary to the actual purchase price of the land is.....per cent.. | 10.6 |

These are all the expenses incident to the work of purchasing California lands, and none of such expenses have been paid out of moneys appropriated for purchasing lands, i. e., not since 1913.

Mr. NORTON. Is the expense for the purchase of this land paid out of the appropriation?

Mr. MERITT. No, sir; the foregoing statement shows the appropriations from which these expenditures were made.

Mr. CARTER. The next item is:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$40,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

We have been discussing that matter in connection with the other item.

Mr. MERITT. The following justification is submitted:

Purchase of lands for landless Indians in California.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 10,000.00 |
| Unexpended balance from previous years..... | 2,225.07 |
| | <hr/> |
| | 12,225.07 |
| Amount expended..... | 42.95 |
| | <hr/> |
| Unexpended balance..... | 12,182.12 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|---------|
| Traveling expenses..... | \$12.95 |
| Abstract of title..... | 30.00 |
| | <hr/> |
| Total..... | 42.95 |

The Indian appropriation bill for the fiscal year ending June 30, 1915 (act of Aug. 1, 1914, 38 Stat. L., 582-589), provided \$10,000, to remain available until expended, for the purchase of lands for homeless Indians in California, and joint resolution of Congress, approved March 4, 1915, was held by the comptroller to have the effect of appropriating an additional sum of \$10,000 for this purpose.

Mr. J. J. Terrell several months ago was appointed as a special agent of this office and was detailed to thoroughly investigate the land situation of these Indians. He is at present in California personally visiting all bands of Indians in that State who are reported to be in need of lands, with a view to purchasing suitable tracts wherever available; and through the full reports received from him all information necessary for the Indians' relief is being procured.

Negotiations are under way for the purchase of tracts of land situate in the following counties: Sonoma, Colusa, Shasta, Butte, Eldorado, Calaveras, Lake, Amador, Placer, Modoc, and Lassen. Although none of these purchases have as yet been completed every effort is being made to consummate the transaction in each case.

Of the propositions for the purchase of lands which Mr. Terrell has submitted the office is negotiating at present for purchases which, when completed, will amount to approximately \$15,000. It is estimated that there are from 3,500 to 4,500 Indians in the State of California who have not yet been provided for in any way with lands, and it is the earnest desire of the office to gradually diminish this "homeless" Indian population until every band has some suitable tract of land where it can be secure from molestation and progress consistently toward a status of responsible self-supporting citizenship.

Attention is also invited to the justification for this item appearing on page 143 of the House hearings on the Indian appropriation bill (H. R. 20150). The matter is also explained on page 6 of the hearings before the Senate committee on the same bill.

Mr. CARTER. The next item is:

For support and education of seven hundred Indian pupils at the Sherman Institute, Riverside, California, including pay of superintendent, \$119,500; for general repairs and improvements, \$12,500; in all, \$132,000.

Mr. CAMPBELL. That estimate is increased on account of the increased number of pupils. I take it?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. The expense per pupil remains the same?

Mr. MERITT. Yes, sir; the per capita cost of the school is \$189.

I would like to offer the following justification in support of this item:

Indian school, Riverside, Cal.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$108, 125.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 108, 125.00 |
| Amount expended----- | 106, 708.98 |
| <hr/> | |
| Unexpended balance----- | ¹ 1, 416.02 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc----- | 39, 582.70 |
| Heat, light and power (service)----- | 3, 007.97 |
| Telegraph and telephone service----- | 251.55 |
| Printing, binding, and advertising----- | 86.50 |
| Subsistence supplies----- | 22, 849.33 |
| Dry goods, clothing, etc----- | 13, 550.61 |
| Forage----- | 1, 137.36 |
| Fuel----- | 5, 406.37 |
| Stationary and office supplies----- | 272.80 |
| Educational supplies----- | 657.17 |
| Medical supplies----- | 709.96 |
| Equipment, material, etc----- | 17, 451.89 |
| Irrigation water----- | 914.07 |
| Seed----- | 667.70 |
| Rent of land----- | 75.00 |
| Miscellaneous----- | 133.00 |
| <hr/> | |
| Total----- | 106, 708.98 |

Indian school, Riverside, Cal., repairs and improvements.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$10, 000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 10, 000.00 |
| Amount expended----- | 9, 944.80 |
| <hr/> | |
| Unexpended balance----- | 55.20 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|-----------|
| Repairs (to plant)----- | 9, 444.80 |
|-------------------------|-----------|

Statistical statement for year ending June 30, 1915.

| | |
|---|---------------|
| Value of school plant, real property----- | \$321, 581.00 |
| Number of buildings----- | 48 |
| Number of employees----- | 59 |
| Average attendance of pupils----- | 637 |
| Enrollment----- | 752 |
| Capacity----- | 650 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

| | |
|--|-------------|
| Cost per capita based on enrollment..... | \$160.59 |
| Cost per capita based on average attendance..... | \$189.59 |
| Area of school land (acres)..... | 150 |
| Area of school land (acres cultivated)..... | 100 |
| Value of products of school..... | \$18,777.26 |

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|----------------|
| Support..... | 134,400 |
| Repairs and improvements..... | 20,000 |
| New buildings..... | 24,000 |
| Total | 178,400 |

Requested in proposed bill:

| | |
|--|----------------|
| Support and education of 700 Indian pupils at the Sherman Institute Indian School, Riverside, Cal., and superintendent's salary..... | 119,500 |
| Repairs and improvements..... | 12,500 |
| New buildings..... | |
| Total | 132,000 |

| | Salaries. | | Salaries. |
|---|-----------|---|---------------|
| Superintendent..... | \$2,600 | Assistant seamstress..... | \$600 |
| Clerk..... | 1,200 | Laundress..... | 660 |
| Do..... | 1,200 | Baker..... | 500 |
| Assistant clerk..... | 720 | Cook..... | 800 |
| Do..... | 700 | Housekeeper..... | 540 |
| Physician..... | 720 | Cook..... | 500 |
| Disciplinarian..... | 800 | Farmer..... | 900 |
| Assistant disciplinarian..... | 600 | Carpenter..... | 800 |
| Teacher..... | 1,200 | Do..... | 720 |
| Do..... | 720 | Tailor..... | 800 |
| Do..... | 750 | Shoe and harness maker..... | 720 |
| Do..... | 690 | Blacksmith..... | 800 |
| Do..... | 660 | Gardener..... | 1,000 |
| Do..... | 660 | Engineer..... | 1,000 |
| Do..... | 630 | Assistant engineer..... | 600 |
| Do..... | 630 | Printer..... | 600 |
| Do..... | 600 | Band and musical instructor..... | 720 |
| Do..... | 600 | Athletic director for three months, at \$100 a month..... | 300 |
| Do..... | 600 | Assistant..... | 400 |
| Domestic science teacher..... | 660 | Do..... | 400 |
| Superintendent of industries..... | 1,000 | Do..... | 300 |
| Industrial teacher..... | 660 | Do..... | 300 |
| Outing matron, six months, at \$800 a year..... | 400 | Do..... | 300 |
| Matron..... | 900 | Do..... | 300 |
| Assistant matron..... | 600 | Do..... | 300 |
| Do..... | 600 | Laborer..... | 600 |
| Do..... | 600 | Do..... | 600 |
| Do..... | 600 | Do..... | 600 |
| Do..... | 520 | Outing agent..... | 800 |
| Dining-room matron..... | 600 | Laborer..... | 660 |
| Nurse..... | 780 | | |
| Seamstress..... | 660 | Total | 42,980 |

This is a nonreservation school. It embraces only a small acreage of land purchased for the school by the Government. There is no reservation in the sense of available land for allotment purposes or use of the Indians other than a demonstration farm. The Indian population consists only of the pupils from the various tribes who may be enrolled at the school. The number of pupils contemplated in the proposed bill is 700.

This is the only large industrial school in the State of California, and it should be maintained for many years. It is giving the Indian children ex-

¹ This includes \$7,015.73 used in transportation of pupils and \$5,069.87 in the transportation of goods and supplies. There was also expended \$347.22, "Miscellaneous receipts Class IV."

cellent training, is near large groups of Indians, and is easily filled to its capacity. Screened porches have been added to the dormitory building, which was enlarged in 1914, thus providing accommodations for 50 additional pupils in 1917.

The amount estimated for repairs to buildings and property is \$12,500. There are 48 buildings to be kept in repair, covering 40 acres of ground, and this money must also keep the pumping plant and water and sewer systems in repair. Contemplated improvements can not be made for the reason that \$12,500 will be needed for repairs alone, this being about 4 per cent of the value of the school plant and about 4½ per cent exclusive of the land.

MR. CARTER. I notice that you increase the estimate for general repairs and improvements \$2,500. What is the necessity for that increase?

MR. MERITT. We have at that school 48 buildings, and the superintendent has advised us that the \$10,000 will not be sufficient to make the necessary repairs during the coming fiscal year that are absolutely needed.

MR. CARTER. Do you contemplate the building of any new buildings there?

MR. MERITT. No, sir; simply improvements and general repairs.

MR. CARTER. The next item is:

For reclamation and maintenance charge on Yuma allotments, \$10,000, to remain available until expended and to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March third, nineteen hundred and eleven.

MR. MERITT. I offer the following justification in support of this item:

Irrigating allotment, Yuma Reservation, Cal. (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$40,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 40,000.00 |
| Amount expended..... | 33,396.00 |
| <hr/> | |
| Unexpended balance..... | 6,604.00 |

ANALYSIS OF EXPENDITURES.

United States Reclamation Service for fourth annual installment for building charges..... \$33,396.00

Yuma Reservation irrigation.

Indian tribes: Yuma.

| | |
|---|--------------|
| Number of Indians..... | 761 |
| Area of reservation, acres..... | 54,000 |
| Area irrigable from constructed work, acres..... | 4,075 |
| Area actually irrigated, acres..... | 2,500 |
| Area farmed by Indians, acres..... | 1,200 |
| Area farmed by lessees, acres..... | 1,300 |
| Area of whole project, acres..... | 7,500 |
| Cost of irrigation construction..... | \$135,806.07 |
| Cost of irrigation operation, maintenance, and miscellaneous..... | \$13,610.22 |
| Estimated additional cost to complete..... | \$300,000.00 |
| Estimated total irrigation cost per acre..... | \$60.00 |
| Average value of irrigated lands per acre..... | \$150.00 |
| Average annual precipitation, inches..... | 6 |

Source of water supply: Colorado River.

Market for produce: General (good).

Distance from railroad: Through project.

This appropriation is for payment of building charges for the area which may be supplied with water under completed lateral system. By the approval of the Secretary of the Interior to an agreement between the Indian Bureau and the Reclamation Service, the Indian lands are to take advantage of the law permitting payment of building charges over a longer period. The amount here requested will be sufficient to cover that required for the fiscal year 1917, on account of credits which will result from adjustments of the maintenance and operation charges already paid.

The Indians of this reservation are making a remarkable advance in farming under present conditions and will apparently make excellent use of all their irrigation project.

It is a reduction of \$30,000 from the appropriation of last year.

Mr. CARTER. Please explain the necessity for the new language inserted, "To remain available until expended."

Mr. MERITT. On all irrigation projects we prefer that the appropriation remain available until expended because of the fact that it is construction work.

Mr. CARTER. The next item is:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$22,375; for general repairs and improvements, \$5,000; for new school building, \$8,000; in all, \$35,375.

Mr. MERITT. The following justification is submitted in support of this item:

Indian school, Fort Bidwell, Cal.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$20,500.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 20,500.00 |
| Amount expended..... | ¹ 19,800.27 |
| <hr/> | |
| Unexpended balance..... | 699.73 |

Analysis of expenditures.

| | |
|--------------------------------------|------------|
| Salaries, wages, etc..... | \$9,934.62 |
| Traveling expenses..... | 10.85 |
| Transportation of supplies..... | 535.68 |
| Telegraph and telephone service..... | 12.49 |
| Subsistence supplies..... | 3,071.60 |
| Dry goods, clothing, etc..... | 2,041.22 |
| Forage..... | 214.00 |
| Fuel..... | 1,223.52 |
| Stationery and office supplies..... | 217.45 |
| Educational supplies..... | 225.63 |
| Medical supplies..... | 205.19 |
| Equipment, material, etc..... | 2,103.54 |
| Miscellaneous..... | 4.50 |
| <hr/> | |
| Total..... | 19,800.27 |

Indian school, Fort Bidwell, Cal., repairs and improvements.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$3,600.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 3,600.00 |
| Amount expended..... | 3,600.68 |
| <hr/> | |
| Overdrawn..... | 68 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

ANALYSIS OF EXPENDITURES.

Repairs (to plant)----- \$3, 600. 63

Statistical statement for year ending June 30, 1915.

| | |
|---|------------------------|
| Value of school plant—real property----- | \$77, 396. 50 |
| Number of buildings----- | 20 |
| Number of employeess----- | 16 |
| Average attendance of pupils----- | 68 |
| Enrollment----- | 80 |
| Capacity----- | 98 |
| Cost per capita based on enrollment----- | ¹ \$271. 04 |
| Cost per capita based on average attendance----- | ¹ \$318. 87 |
| Area of school land (acres)----- | 3, 087 |
| Area of school land (acres cultivated)----- | 209 |
| Value of products of school----- | \$5, 084. 76 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support----- | \$23, 645 |
| Repairs and improvements----- | 2, 500 |
| New buildings----- | 11, 500 |
| Total----- | <u>37, 645</u> |

Requested in proposed bill:

| | |
|--|----------------|
| Support and education of 125 Indian pupils at the Fort Bidwell Indian School, and superintendent's salary----- | 22, 375 |
| Repairs and improvements----- | 5, 000 |
| New buildings----- | 8, 000 |
| Total----- | <u>35, 375</u> |

| | | | |
|-------------------------|--------------------|----------------|-----------------|
| Superintendent----- | Salaries. \$1, 500 | Laundress----- | Salaries. \$300 |
| Physician----- | 1, 000 | Cook----- | 500 |
| Teacher----- | 840 | Carpenter----- | 720 |
| Do----- | 600 | Engineer----- | 720 |
| Industrial teacher----- | 600 | Laborer----- | 600 |
| Matron----- | 600 | Do----- | 600 |
| Assistant matron----- | 500 | Total----- | <u>10, 300</u> |
| Seamstress----- | 500 | | |
| Nurse----- | 720 | | |

The buildings are not sufficient for the needs of the plant, nor is the equipment all that is desired. A new school building is greatly needed, the one occupied being an old building, formerly used as a hospital when the United States troops were stationed there. It is not suitable as a school building and its location is unhandy to the dormitories, the buildings being on top of a steep incline 565 feet from the nearest line of boardwalk along the campus. Eight thousand dollars is estimated for the needed new construction work.

A new up-to-date cow barn is also needed, together with a machine shed to protect machinery connected with the power house and dynamo.

The \$5,000 estimated for repairs and improvements will be necessary to keep the present 50-year old buildings in proper condition.

A number of Indians hold allotments on the public domain who are under the jurisdiction of the superintendent of the Fort Bidwell school. He looks after their land affairs under instructions from the office. The total population approximates 700.

There has been estimated \$22,375 for support of 125 pupils, including the superintendent's salary of \$1,500; for general repairs, \$5,000; and for new buildings and improvements, \$8,000.

MR. CARTER. I notice that you increase the allowance for this school almost \$2,000?

¹This includes \$145.65 used in transportation of pupils and \$1,737.62 in the transportation of goods and supplies. There was also expended \$379.62, Miscellaneous receipts, Class IV.

Mr. MERITT. That is in order to allow the regular per capita cost that we allow other schools.

Mr. CARTER. What was the per capita cost of that school last year?

Mr. MERITT. The per capita cost of that school, Mr. Chairman, was exceedingly high. I will have that matter investigated and find out why it cost so much.

Mr. CARTER. Then it has already gone above the regular per capita cost?

Mr. MERITT. In view of the showing made here of the per capita cost, I will not ask for an increase for that school.

Mr. CARTER. The estimate can be reduced to \$20,500?

Mr. MERITT. Yes, sir.

Mr. CARTER. What is the necessity for the new school building?

Mr. MERITT. The necessity for the new building is shown in the foregoing justification, Mr. Chairman.

Mr. NORTON. How many pupils have you there?

Mr. MERITT. It is a small school, and that is one reason why the per capita cost is large. We have an enrollment there of 80 and an average attendance of 68.

Mr. NORTON. Is there an increase of attendance contemplated? I thought, perhaps, the increase proposed for the school might be because you contemplated an increase in the attendance.

Mr. MERITT. This new building would enable us to increase the attendance and also decrease the cost per capita.

Mr. CARTER. If we build this building, will it not be necessary next year to have additional dormitory space?

Mr. MERITT. No, sir; I do not think so. We can utilize the old building for dormitory purposes.

Mr. CARTER. I notice that the per capita cost this year is \$318?

Mr. MERITT. Yes, sir; extremely high and much higher than it should be. I shall have that matter investigated and find out why there is such a high per capita cost at that school, although you will note that the school is some distance from the railroad and there is a very small enrollment, which necessarily means a higher per capita cost.

Mr. CARTER. The next item is:

For support and education of one hundred Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$18,400; for general repairs and improvements, including purchase of additional land for school farm, \$8,000; for new school building, \$8,000; in all, \$34,400.

Mr. MERITT. Mr. Chairman, I offer the following justification for this item:

Indian school, Greenville, Cal.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$18,400.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 18,400.00 |
| Amount expended..... | 16,525.86 |
| <hr/> | |
| Unexpended balance..... | 1,874.14 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|------------------|
| Salaries, wages, etc..... | \$8,290.41 |
| Traveling expenses..... | 17.05 |
| Transportation of supplies..... | 716.83 |
| Heat, light, and power (service)..... | 239.47 |
| Telegraph and telephone service..... | 48.85 |
| Subsistence supplies..... | 3,142.14 |
| Dry goods, clothing, etc..... | 1,368.09 |
| Forage..... | 329.00 |
| Fuel..... | 922.60 |
| Stationery and office supplies..... | 103.50 |
| Educational supplies..... | 186.44 |
| Medical supplies..... | 129.98 |
| Equipment, material, etc..... | 1,003.00 |
| Miscellaneous..... | 28.50 |
| Total..... | 16,525.86 |

Indian school, Greenville, Cal., repairs and improvements.

| | |
|--|-----------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$6,600.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 6,600.00 |
| Amount expended..... | 3,691.98 |
| Unexpended balance..... | 2,908.02 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|------------|
| Repairs (to plant)..... | \$3,691.98 |
|-------------------------|------------|

NOTE.—\$5,964 expended from appropriation, "Indian school, Greenville, Cal., buildings," appropriated in 1914 act.

Statistical statement for year ending June 30, 1915.

| | |
|---|-----------------------|
| Value of school plant—real property..... | \$42,873 |
| Number of buildings..... | 17 |
| Number of employees..... | 13 |
| Average attendance of pupils..... | 61 |
| Enrollment..... | 71 |
| Capacity..... | 90 |
| Cost per capita based on enrollment..... | ¹ \$240.23 |
| Cost per capita based on average attendance..... | ¹ \$279.62 |
| Area of school land (acres)..... | 200 |
| Area of school land (acres cultivated)..... | 1 |
| Value of products of school..... | \$960.43 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support..... | \$19,835 |
| Repairs and improvements..... | 1,100 |
| New buildings..... | 4,000 |
| Total..... | 24,935 |

Requested in proposed bill:

| | |
|---|---------------|
| Support and education of 100 Indian pupils at the Greenville Indian School and superintendent's salary..... | 18,400 |
| Repairs and improvements..... | 8,000 |
| New buildings..... | 8,000 |
| Total..... | 34,000 |

¹This includes \$231.58 used in transportation of pupils, and \$299.46 in the transportation of goods and supplies.

| | Salaries. | | Salaries |
|-------------------------|-----------|-----------------|----------|
| Superintendent----- | \$1, 500 | Nurse----- | \$720 |
| Clerk----- | 1, 000 | Seamstress----- | 520 |
| Physician----- | 720 | Laundress----- | 500 |
| Teacher----- | 690 | Cook----- | 500 |
| Kindergartner----- | 630 | Laborer----- | 500 |
| Industrial teacher----- | 600 | Engineer----- | 720 |
| Matron----- | 600 | | |
| Assistant matron----- | 520 | Total----- | 9, 720 |

This is a nonreservation boarding school. A number of the Indians holding allotments on the public domain are under the jurisdiction of the superintendent. The Indian population approximates 2,500; 100 pupils, the same number as last year, are contemplated to be provided for from the same amount of money, \$18,400; \$8,000 is estimated for repairs and improvements, including the purchase of land for a school farm. This school has no tillable land, except a small garden. It has to buy milk, meat, potatoes, hay, oats, and other feed for its horses and other stock. The purchase of land for a school farm is one thing most needed to make the Greenville School what it should be, both from an economical and educational standpoint.

Eight thousand dollars is estimated for the construction of a new school building. The present capacity is for 90 pupils only. There are enough Indian children in this jurisdiction to warrant accommodation for 200. The school rooms are too small; they are needed for reading rooms and sitting rooms, one for boys and one for girls. There are no such accommodations at present. Therefore the pupils are compelled to spend their odd moments in dark basement rooms in idleness. The more homelike conditions are a real necessity. There is no chapel as the plant is now arranged, or any place which will accommodate the entire student body at one time.

The per capita cost at this school is \$279. The capacity is 60, the enrollment 71, and the average attendance 61. You will note that the superintendent of the Greenville School has been able to conduct his school at a much less per capita cost than the superintendent at Fort Bidwell, although he has a small enrollment.

Mr. CARTER. That seems to be pretty high, does it not?

Mr. MERITT. That is high, but the Greenville School is also some distance from the railroad and because of the small enrollment the per capita cost is greater than at the larger nonreservation schools.

Mr. CARTER. I notice that you increase the amount for repairs and improvements?

Mr. MERITT. We increase the amount so that we may purchase land for a school farm. At all of the nonreservation schools we are teaching the Indians industrial pursuits, and at this school we are very much handicapped because of the lack of a school farm. If we can secure this farm, it will also decrease the per capita cost.

Mr. CARTER. That would give you \$1,400 to buy a farm?

Mr. MERITT. We would probably use more than \$1,400 and reduce the expenditure for repairs and improvements for the next year.

Mr. CARTER. How much land do you contemplate buying there?

Mr. MERITT. About 80 acres.

Mr. CARTER. I notice that you ask for a new school building there, \$8,000?

Mr. MERITT. Yes, sir. These buildings are old, and it is necessary that we have a new building there for school purposes.

Mr. NORTON. This Greenville Indian School is in the northeastern part of California and south of Fort Bidwell?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next item is:

That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June seventeenth, eighteen hundred and ninety-two, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit."

Mr. CAMPBELL. That is a new item and a new proposition?

Mr. MERITT. Yes, sir.

Mr. CARTER. What justification have you for that?

Mr. MERITT. We offer the following justification:

The object of this legislation is to permit the use of the proceeds from the sale of the surplus land for the construction of roads, trails, and other purposes for the industrial development of the allotments made to the Klamath River Indians.

By Executive order of October 16, 1891, the limits of the Hoopa Valley Reservation, in the State of California, were extended so as to include a tract of country 1 mile in width on each side of the Klamath River from the present limits of the Hoopa Reservation in Humboldt County, Cal., to the Pacific Ocean. Under the act of June 17, 1892 (27 Stat. L., 52, 53), provisions were made for the allotment of the Indians located upon the Klamath River Indian Reservation and for the disposition of the surplus lands. This reservation extended about 20 miles upstream from the mouth of the Klamath River through a very rough and mountainous country.

At the present time there is a wagon road beginning at the mouth of the Klamath River and extending about 5 miles up that stream of water, and it is proposed to construct a trail to connect this road with the Hoopa Valley Reservation. For a distance of about 30 miles along the Klamath River there is no wagon road or trail suitable for the transportation of supplies. The mountain sides are very rough and abrupt and the lowlands are impassable because of the heavy growth of timber. For this reason the river is at present the only highway available and is navigated by canoes which are run downstream comparatively easily, but which have to be worked upstream at great cost of time and labor.

The Indians live along the river banks and while there are small paths connecting some of the allotments, they are unsuitable for animal travel. To transfer an animal from one farm to another necessitates taking it back and forth frequently across the river at a great risk. If this is not done, the animal must be taken many miles over the mountains. Some of the families have cows for domestic use, but if they attempt to market their surplus they must transfer them back and forth across the river just as they do with their horses. For this reason, instead of selling the surplus, they permit their stock virtually to run wild in the mountains. The Indians raise swine, poultry, and garden stuff, but as there is no way for them to get their products to market they have no inducement to raise more than they need for home consumption.

The sum of \$25,572.85 has been derived from the sale of surplus lands, but there is no provision of law which enables this department to use funds derived from that source for purposes other than the maintenance and education of the Indians. If this law is amended as proposed, it will enable this department to undertake the building of a trail connecting the allotments, and enable the Indians to reach the public schools which are available, and at the same time bring them into better and closer contact with the outer world, thereby opening a way for them to market their surplus products. The expenses incident to surveying the proposed trail will be borne by the Counties of Del Norte and Humboldt. It is believed that the amount of money available will not be sufficient to build a road the entire distance, but it is proposed to use it to the very best advantage and obtain the maximum results in that direction and complete the distance with a passable trail. Wherever bridges

are necessary in the section over which a trail only can be constructed at present, they will be built wide enough to accommodate wagon travel, so that when the trail is later widened it will not be necessary to construct new bridges.

The Indians are heartily in favor of the project.

I might say that this bill has been urged very strongly in the House and, I believe, passed the House at the last session of Congress.

Mr. CARTER. The next item is:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, \$10,000, to be immediately available and to remain available until expended, reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid.

Mr. MERITT. Mr. Chairman, we offer the following justification:

The allotments on the Fort Yuma Reservation are being placed under cultivation and fenced, and the routes of travel which heretofore have followed the lines of least resistance are now being confined to section lines, making it necessary to pass over untraveled portions of the reservation where trees and undergrowth are quite heavy. Sloughs which are impassible must be crossed and some means provided for passage across private irrigation ditches which, instead of being covered with suitable culverts, are covered with poles and dirt, and often break through with heavy loads.

In 1914 two of the roads crossing the reservation followed the higher grounds winding through trees and brush, leading across that part of the reservation comprising the 8,000 acres of irrigated land allotted to the Indians. Another road, much traveled, also crossed the reservation on the higher grounds, winding about as was required by the natural condition of the land. This latter road was the transcontinental route leading to points on the California coast. These three roads were the best that could be laid out and even they were at many times impassible on account of the overflow caused by the rise of the Colorado River, from which is taken water for the irrigation of the reservation lands.

Under former conditions the roads were bad. Now that travel must pass over the section lines, the roads, on account of timber and undergrowth and grades, are almost impassible. Conditions are aggravated by reason of the fact that the lands are a part of the time below the level of the Colorado River, which flows on two sides of the cultivated lands and is confined to its course only by levees, which are in many places 18 feet high. The levees are constructed of light soil, and seepage water comes to the surface and fills the sloughs for several months in the year. No animals can pass along these roads on the section lines without being mired and in many instances lost.

The old roads and trails were on the higher ground and in addition more or less grading had been done. To make proper improvements on the section lines, it will be necessary to grub the trees and clear away the brush, the sloughs must be filled and in some instances ballasted with rock. Since the allotments are of but 10 acres, roads must be constructed to the subdivisions of each section, half section, quarter section, and fractional parts of each quarter section to provide an outlet from each 10-acre tract. According to the estimate of the superintendent of the Fort Yuma School, \$25,000 will be needed principally for the improvement of the two trunk lines crossing the reservation, together with the roads upon the section lines leading thereto.

At the present time there are no tribal funds. It has been suggested that all of the able-bodied male persons on the reservation be required to perform labor for the opening and repair of roads. Such procedure is impossible, however, on account of the work being done for the development of allotments and by reason of the difficulties which the Indians must meet in this development. The Indians have no means of procuring a livelihood except by their earnings from day labor, as they have no individual Indian money or tribal funds. They can not leave their work to do road work without compensation, as they must provide for themselves and families, and their allotment work has not progressed to the point where profits are realized.

The superintendent reports that the Board of Control of the State of California has promised to include in the budget for this year's appropriation an item for \$200,000 for the extension of the State highway from El Centro, the

county seat of Imperial County, to the reservation line, which will connect with the network of macadamized roads reaching to every county seat of the State upon which \$3,500,000 is being expended. When this highway is extended the distance from the reservation to the fertile Imperial Valley, where continuous employment for Indians is offered, will be reduced from more than 100 miles over desert, including the widely known and famous Mammoth Wash—to 42 miles. At the present time not a dozen teams of any kind attempt to make this drive in a year.

Yuma County, Ariz., has voted \$500,000 bonds, and work upon the national highway will be commenced at once. Imperial County is working on the ocean-to-ocean highway on the opposite side of the reservation, and this leaves about six miles of new road on section lines to be constructed.

With the completion of this highway by the counties, and the completion of the bridge across the Colorado River at Yuma, much through traffic will naturally come.

A road across that reservation seems to be an imperative necessity.

Thereupon the subcommittee adjourned to meet Wednesday, December 22, 1915, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Wednesday, December 22, 1915.

The subcommittee met at 10.30 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were also present Mr. Carter and Mr. Campbell.

STATEMENT OF MR. E. B. MERITT—Resumed.

The CHAIRMAN. The next item is as follows:

Florida. Section 4. For support and civilization of Seminole Indians in Florida, including the purchase of such lands as the Secretary of the Interior may deem proper, \$10,000.

What justification have you to offer for that?

Mr. MERITT. Mr. Chairman, we offer the following justification for this item:

Support of Seminoles in Florida.

Fiscal year ending June 30, 1916: Unexpended balance remaining on hand, June 30, 1915, made available.

Fiscal year ended June 30, 1915:

| | |
|---|--------------|
| Unexpended balance remaining from previous years..... | \$5, 069. 11 |
| Amount expended..... | 3, 019. 31 |

| | |
|-------------------------|------------|
| Unexpended balance..... | 2, 049. 80 |
|-------------------------|------------|

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|--------------|
| Salaries, wages, etc..... | \$2, 000. 00 |
| Traveling expenses..... | 977. 04 |
| Telegraph and telephone service..... | .27 |
| Hospital expenses..... | 42. 00 |
| Total..... | 3, 019. 31 |

There are 562 Seminole Indians in Florida who are gradually being deprived of their customary means of livelihood, namely trapping, hunting and fishing, by the reclamation of the everglades. For more particular information con-

cerning the past and present condition of these Indians, attention is respectfully invited to House Hearings on the Indian bill for the fiscal year 1915 (p. 372). In the light of the history of these people, it is believed that the Government is under a particular moral obligation to assist them to a stable position in modern society. Owing to their long-standing distrust of the Government, they are slow to accept our overtures so that the amount so far expended for them is small, nevertheless we should at all times be in a position to do what may be necessary for their development. The unexpended balances of an appropriation of \$10,000 made in the act of March 3, 1911 (36 Stat., 1058), have been reappropriated from year to year down to and including the fiscal year 1915. No other provision having been made, owing to the failure of passage of the Indian bill for 1916, the balance of \$2,049.80 remaining unexpended on June 30, 1915, is all that is available for the current year, making it necessary to draw upon the appropriation for general expense.

The efforts of a special commissioner, who has been among these Indians since March 1, 1913, are meeting with success. He finds that several Indians have squatted on small tracts of private land, improved them, and made some progress along agricultural lines. In order to save these improvements to the Indians and encourage them in their work, it is proposed to purchase such lands. This is deemed especially desirable.

Mr. CAMPBELL. Who is the gentleman who has charge down there?
Mr. MERITT. Mr. L. A. Spencer.

The CHAIRMAN. Was he sent down there from the department?

Mr. MERITT. He is a special employee of the department.

Mr. CAMPBELL. He does not seem to have done much.

Mr. MERITT. He has not accomplished a great deal. It is difficult to accomplish much with these Florida Indians. We are trying to get them located on certain tracts of land.

Mr. CAMPBELL. And they will not locate?

Mr. MERITT. The Seminole Indians of Florida are very difficult to handle. They are suspicious of the white people, and so far we have not been able to gain their confidence to any great extent.

Mr. CAMPBELL. Do you not think this \$10,000 could be spent to better advantage for the benefit of the Indians?

Mr. MERITT. We propose to expend all of this appropriation for the purchase of land for these Indians. We had an option on certain land.

Mr. CAMPBELL. You can not buy much land in that country for \$10,000, can you?

Mr. MERITT. We can buy a small tract, sufficient to locate some of them, and we have set aside quite a large tract near the southwest coast of Florida, west of the Everglades. The Indians have heretofore been living in the Everglades and the Everglades are being gradually drained and they are having some difficulty now in making a living where formerly they lived in comparative ease.

The CHAIRMAN. How much land has been set apart for them already?

Mr. MERITT. We have set apart, I think, a tract of approximately 30,000 acres near the west coast of Florida; but there are some Indians who live over on the east coast of Florida and it is necessary that we buy some land over there for those Indians.

The CHAIRMAN. Why not put them all together on the west coast?

Mr. MERITT. Because the Indians living on the east coast do not care to live over there.

The CHAIRMAN. Will you not have the same question arise as arose in connection with the Mississippi Choctaws? Land was provided in the West for those Indians, and they remained in Mississippi and

we have been having trouble with them ever since. The Government ought to insist on their going to the west coast, and if they refuse to go, then the Government should not give them anything. Do you not think that would be a better policy?

Mr. MERITT. We have found after investigation that it would be desirable to locate a few of them on the east coast of Florida because they are accustomed to living in that part of the State and we would have difficulty in getting them to go to the west coast. An Indian does not care to move from the place where he is accustomed to living.

Mr. CAMPBELL. I note that the expenditures are \$2,000 for salary, \$977.04 for traveling expenses, 27 cents for telegram, \$42 for hospital expenses. Has the agent been in the hospital down there?

Mr. MERITT. No, sir; that fund would not be available for the hospital expenses of the agent.

Mr. CAMPBELL. What does that item represent?

Mr. MERITT. Some Indian was required to have hospital treatment.

Mr. CAMPBELL. Then the expenditures for 1915 were \$3,019 and only \$42 of that amount could have been spent for the Indians in any way and that was a possible expense for some one Indian.

Mr. MERITT. Of course, the time of this one employee was devoted to the Indians in getting them located on this tract of land on the west coast of Florida and also in trying to get some of the Indian children to attend white schools, but we have considerable difficulty along those lines. We have no authority, Mr. Chairman, to buy land without specific authority from Congress, and that is the reason we are asking for a specific appropriation to purchase land for these Indians.

The CHAIRMAN. How many Indians are there?

Mr. MERITT. There are over 500 Indians. It is estimated there are 562 Indians in Florida.

Mr. CARTER. I notice, Mr. Meritt, the amount you had to use last year was an unexpended balance.

Mr. MERITT. Yes, sir.

Mr. CARTER. The bill last year did not carry any appropriation for the Seminoles.

Mr. MERITT. No, sir; there was an appropriation of \$10,000 about three years ago and we had that appropriation continued. We are now asking for a specific appropriation for the purchase of land. There will only be one employee whose salary will be paid out of this \$10,000.

Mr. CARTER. Did not that appropriation of three years ago carry an authorization for the purchase of land?

Mr. MERITT. I do not think it did, Mr. Carter.

The CHAIRMAN. That appropriation read: "For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization."

Mr. MERITT. Under the Comptroller's decision, that would not be available for the purchase of land, and this year we are asking for specific authority to purchase land.

Mr. CARTER. During the three years you have only been able to spend of \$10,000 a little less than \$8,000?

Mr. MERITT. Yes, sir.

Mr. CARTER. And practically all of that was for salary?

Mr. MERITT. A good part was for salary.

Mr. CAMPBELL. Do you not think it is about time that man was hunting up another job; that he ought to get ready about the first of July to take up something else?

Mr. MERITT. I am inclined to believe he is not accomplishing very much for those Indians, although he has a difficult task, Mr. Chairman, because of the attitude of the Indians toward the Government and toward white people generally.

Mr. CAMPBELL. But he has not succeeded in changing that in any way.

Mr. MERITT. He has endeavored to overcome that, but he has a difficult position.

Mr. CAMPBELL. I have not anything except the best of feeling toward any employee of the department who is trying to do something for the Indians, but in this case it seems to me like a waste of money.

Mr. MERITT. After this land is purchased and we get the Indians located on the land I see no necessity for an employe in charge of those Indians.

Mr. CAMPBELL. But there has been no land purchased and this money is being spent by this agent and he is not accomplishing anything. He is simply spending his salary and incurring traveling expenses. I have a sort of curiosity to know what that hospital item is for. He could not get an Indian into a hospital down there.

Mr. MERITT. I wish to submit the following statement relative to this expenditure:

The item of \$42 for hospital expenses shown in the analysis of expenditure of the appropriation "Support of Seminoles in Florida" was for the purpose of giving hospital treatment to Willie Willie, a Seminole Indian. The expenditure represents care and hospital treatment of this Indian for 11 days at \$3 a day, \$33, and subsistence for 18 days, at 50 cents a day, \$9, a total of \$42.

The CHAIRMAN. Has he furnished you with an itemized statement of what he has done?

Mr. MERITT. We require him to make reports to the office as to the work he is doing.

Mr. CARTER. How much land do you think you could buy out of this appropriation?

Mr. MERITT. We can get land there, I think, for about \$25 to \$50 an acre.

Mr. CARTER. You would only have about \$8,000 to spend, provided the administration expense is as much as it was last year and probably it will be more when you go to buy the land.

Mr. MERITT. We would probably have between seven and eight thousand dollars for that purpose.

Mr. CARTER. When you come to buying the land the administration cost would perhaps be twice as much as it would be when there was no purchase of land involved.

Mr. MERITT. No, sir; I would say it would not be necessary to increase the cost of administration; in fact, after this land is purchased my recommendation would be to cut down the administrative cost.

Mr. CARTER. Is not land on the east coast of Florida much higher than land on the west coast?

Mr. MERITT. No, sir; I think not. Of course, land around Miami and Palm Beach is much higher than at other places on the east coast, but otherwise it is about the same, so far as my knowledge goes.

Mr. CAMPBELL. Is Mr. Spencer down there now?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. This is a very good time of the year to be in that country.

Mr. MERITT. He is a resident of Florida.

The CHAIRMAN. Is he a special agent or was he in the employ of the Government before?

Mr. MERITT. He is a special employee. He was appointed before Commissioner Sells was appointed commissioner.

The CHAIRMAN. By whom was he appointed?

Mr. MERITT. He was appointed by the acting commissioner during the latter part of the last administration, if my memory serves me correctly.

The CHAIRMAN. Under the Taft administration?

Mr. MERITT. I can get for the record the exact date of his appointment and by whom he was appointed.

Mr. CAMPBELL. I do not care anything about that, so far as I am concerned, but I do think it a waste of money to pay him a salary and traveling expenses when he lives down there. I do not know how he gets in that traveling expense. How many trips does he make up here during the year?

Mr. MERITT. He has only been here once-during the year.

Mr. CAMPBELL. That seems to be a fancy traveling expense for traveling down there around Miami and the Everglades.

Mr. MERITT. That does seem to be high.

Mr. CAMPBELL. This item reads for the support and civilization of Seminole Indians in Florida, and it seems to me the item ought to read for the support and maintenance of Mr. Spencer, because that is the way the money goes. There is not a member of this committee who could make a defense of that item on the floor if the item were attacked, and it seems to me this is a good time to look the thing squarely in the face.

Mr. MERITT. Mr. Campbell, I would suggest that it might be desirable to put a proviso on the item limiting the amount that may be expended for salaries, if that is the wish of the committee. We are anxious to get this money. I do not care anything about Mr. Spencer or any employee for this particular work. What we are anxious about is to get the appropriation, so that we can buy this land.

Mr. CAMPBELL. Have you any land in sight and have you had any land offered to you? It ought not to take a year or three years to buy a few acres of land down there. A good, energetic man could go down there and in two or three weeks buy the land and have it over with.

Mr. MERITT. Yes, sir; that is true.

Mr. CAMPBELL. This looks to me just like a waste of money.

Mr. MERITT. We could send one of our special agents down there after this appropriation is made and close up the land transaction, and if it is the wish of the committee we will expend this entire \$10,000 for the purchase of land.

The CHAIRMAN. Has the department the right, then, to dismiss this man at any time?

Mr. MERITT. If his services are no longer needed we can dispense with him at any time.

Mr. CAMPBELL. I do not think he is earning his salary or his expenses.

The CHAIRMAN. Is not this matter on all fours with the money we have been spending for years in California for the numerous tribes of Indians there called the Mission Indians, I believe? Is it not about the same proposition?

Mr. MERITT. I think it is similar to the purchase of lands for the California Indians.

The CHAIRMAN. They are scattering bands, are they not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And is it not a fact that the Indian got 10 cents or less out of every dollar that the Government expended in California?

Mr. MERITT. It has cost the Government a great deal to administer the affairs of those Indians in California, and I think it has been excessively expensive.

The CHAIRMAN. I will also call your attention to the fact that at the time this appropriation was first made it involved looking into the condition of the Seminole Indians of Florida, etc., and also the Alabama Indians of Texas, and that the Texas Indians were not taken in charge by the Government. No appropriation was made outside of the first appropriation for them and the Texas Indians were on all fours with the Seminole Indians, and the Texas Indians now never come under this bill, and is it not a fact that the Texas Indians are in much better condition than the Florida Indians?

Mr. MERITT. The Texas Indians are, of course, self-supporting Indians. They have been living there for a great number of years, and while they are in need of additional land, we feel that they have been self-supporting so long that it would be inadvisable at this late day to purchase lands for them.

The CHAIRMAN. Would not the same reasoning apply to the Seminole Indians? The Seminole Indians are in their native home and so are the Alabama Indians in Texas. The Alabama Indians have been there something like 100 years.

Mr. MERITT. If it were not for the fact that the Everglades are being drained and the Florida Indians are being driven out of their old homes and hunting and fishing grounds, I should be in favor of letting them look out for their own support.

Mr. CAMPBELL. Who owns the Everglades?

Mr. MERRITT. Parts of the Everglades are owned by the State of Florida and parts by big land companies.

Mr. CAMPBELL. Then the Indians have been mere trespassers or occupants without right?

Mr. MERRITT. They have been roaming over a very large part of Southern Florida without any legal title to the land.

Mr. CAMPBELL. Do they own any land at all down there?

Mr. MERITT. We have set aside by order of the department a tract of land of about 30,000 acres just west of the Everglades in southwestern Florida.

Mr. CAMPBELL. How many of these Indians are there?

Mr. MERITT. There are 562 Indians.

Mr. CAMPBELL. Thirty thousand acres would be about all they would need.

Mr. MERITT. But there are a few Indians who live on the east coast, and we find it difficult to get those Indians to locate over on the west coast of Florida.

The CHAIRMAN. About how many Indians are there who will not locate on the west coast?

Mr. MERITT. I should say probably 50.

Mr. CAMPBELL. They are over in the neighborhood of Miami?

Mr. MERITT. Miami, West Palm Beach, and Lauderdale—over in that part of the State.

Mr. CARTER. Over to the east of Lake Okechobee?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Those few Indians are doing very well, are they not? They make their own clothes, don't they?

Mr. MERITT. Yes, sir; they make their living by fishing and hunting and selling alligator skins.

The CHAIRMAN. They are in the same condition as our Texas Alabama Indians?

Mr. MERITT. I would say that they live a very different life from the Alabama Indians in Texas. Those Indians in Texas make their living by working at the sawmills and doing a little farming.

The CHAIRMAN. I opposed placing the Alabama Indian Tribe under the control of the Government for the reason I thought they would be better off as they are now; better than they would be if the Government took possession of them.

Mr. MERITT. I will call this matter to the attention of Commissioner Sells with a view of endeavoring to reduce the cost of administration of these Florida Indians.

Mr. CARTER. Mr. Meritt, getting back to the proposition of administration, after these Indians have had land purchased for them and have been placed on the land, will it not be necessary to maintain supervision over them just as you do now?

Mr. MERITT. No, sir; I do not think so.

Mr. CARTER. In that respect you think they differ from all other Indians?

Mr. MERITT. I think, after we provide them with land, these Indians can go ahead and hustle for themselves without any further supervision by the department.

The CHAIRMAN. The next item is as follows:

Idaho, section 5: For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, \$30,000.

What justification have you to offer for this item?

Mr. MERITT. Mr. Chairman, we offer the following justification:

Support of Indians of Fort Hall Reserration, Idaho.

| | |
|--|---------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$30, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 30, 000. 00 |
| Amount expended..... | 30, 000. 00 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|------------------|
| Salaries, wages, etc..... | \$12,990.36 |
| Traveling expenses..... | 101.15 |
| Heat, light, and power service..... | 160.46 |
| Telegraph and telephone service..... | 19.38 |
| Subsistence supplies..... | 9,678.56 |
| Dry goods, clothing, etc..... | 1.85 |
| Forage..... | 1,733.63 |
| Fuel..... | 1,565.42 |
| Stationery and office supplies..... | 91.70 |
| Medical supplies..... | 149.49 |
| Equipment, material, etc..... | 2,241.55 |
| Coyote and wolf bounties..... | 1,008.00 |
| Cattle dip..... | 216.45 |
| Miscellaneous..... | 42.00 |
| Total..... | 30,000.00 |

There are 1,794 Indians on this reservation, for whose general support and establishment on their allotments this sum is required. In order to make it possible for each Indian to clear and put his allotment in condition to receive beneficial use of the water from the irrigating system at the earliest possible date and before his water rights become jeopardized it has been necessary to furnish many of them with rations.

The analysis of expenditures herewith shows how a similar appropriation was used during the fiscal year 1915 for the general maintenance of the agency and subsistence of the Indians. A like amount will be required for the same purposes during the fiscal year 1917.

The CHAIRMAN. The next item is as follows:

For improvement and maintenance and operation of the Fort Hall irrigation system, \$35,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

What justification have you for this item?

Mr. MERITT. The following justification is offered, Mr. Chairman:

Maintenance and operation, Fort Hall irrigation system, Idaho (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$25,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 25,000.00 |
| Amount expended..... | 23,240.88 |
| Unexpended balance..... | 1,759.12 |

ANALYSIS OF EXPENDITURES.

| | |
|---|------------------|
| Salaries, wages, etc..... | 17,613.67 |
| Traveling expenses..... | 355.62 |
| Transportation of supplies..... | 11.40 |
| Heat, light, and power (service)..... | 93.27 |
| Telegraph and telephone service..... | 23.67 |
| Printing, binding, and advertising..... | 59.60 |
| Forage..... | 828.34 |
| Fuel..... | 487.22 |
| Stationery and office supplies..... | 447.10 |
| Equipment, material, etc..... | 2,874.62 |
| Repairs (to plant)..... | 424.67 |
| Miscellaneous..... | 21.70 |
| Total..... | 23,240.88 |

Indian tribes, Bannocks and Shoshones.

Number of Indians, 1,794.

Area of reservation, 447,490 acres.

Area irrigable at present from constructed works, 35,000 acres.

Area actually irrigated, 14,334 acres.

Area farmed by Indians, 4,694 acres.

Area farmed by lessees, 819 acres.

Area farmed by white owners, 8,821 acres.

Area of whole project, 50,000 acres.

Cost of irrigation construction, \$848,873.70.

Cost of irrigation operation, maintenance, and miscellaneous, \$138,030.73.

Collections, \$32,363.31.

Estimated additional cost to complete project, \$140,000.

Estimated total cost of irrigating lands, per acre, \$18.

Average value of irrigated lands, per acre, \$75.

Average annual precipitation, 13.5 inches.

Source of water supply, Snake and Blackfoot Rivers.

Market for produce, local (good).

Distance from railroad, through project.

This very extensive project covers 50,000 acres, watered through 56 miles of main canals and 108 miles of laterals. A storage reservoir capable of storing 200,000 acre-feet of water is located 47 miles east of the project headquarters.

Although the Fort Hall project has reached the stage of maintenance and operation, there still remains very much construction work to be done. During the construction period many laterals which should have been built on the reservation were left until such time as the land should be placed under cultivation, as experience taught that ditches not in use deteriorate more rapidly than those being used, and the repair to the unused ditches sometimes approaches the original cost of construction.

In order that the Indians might proceed to place their land under cultivation many additional ditches will have to be built and turnouts installed. It is thought best that a ditch be constructed to the highest point of each farm unit and a proper headgate installed for each.

Many new structures, such as checks and drops, are necessary, and funds should be available in order that they might be constructed.

It is understood that no further construction work will be done on the ceded tract, and consequently this estimate does not include such work. However, measuring devices should be installed on the ceded tract and checks and drops constructed in laterals suffering from erosion.

This estimate includes salaries and wages; traveling expenses; transportation of supplies; heat, light, and power; fuel; forage; equipment; materials; and the estimated proportion of the cost of maintaining the office of the superintendent of irrigation at Salt Lake City properly chargeable against the Fort Hall project.

The CHAIRMAN. The next item is as follows:

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), \$5,000.

What justification have you for that?

Mr. MERITT. We offer the following justification:

Support of Bannocks—Employees, Idaho.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$5,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 5,000.00 |
| Amount expended----- | 4,725.00 |
| Unexpended balance----- | 275.00 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|------------|
| Salaries, wages, etc----- | \$4,725.00 |
|---------------------------|------------|

Article 10 of the treaty of July 3, 1868 (15 Stat., 673-676), provides that: "The United States hereby agrees to furnish annually to the Indians, the physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as

herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons."

A physician, carpenter, farmer, and blacksmith were regularly employed under this appropriation during the fiscal year 1915 at a total compensation of \$3,560, while other employment under it amounted to \$1,165. Regular positions of miller and engineer, as specified in the treaty, were not required. This is the only appropriation for the support of the Bannock Indians.

The CHAIRMAN. The next item is as follows:

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), \$3,000.

Mr. MERITT. The following justification is offered:

SUPPORT OF COUER D'ALENE, IDAHO.

| | |
|---|------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$3,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 3,000.00 |
| Amount expended | 2,866.78 |
| Unexpended balance | 133.22 |
| Analysis of expenditures: | |
| Salaries, wages, etc | 2,714.99 |
| Medical supplies | 151.79 |
| | 2,866.78 |

This appropriation is required to enable the office to comply with article 11 of the agreement with the Indians ratified by the act of March 31, 1891 (26 Stat., 989-1029), which reads as follows: "It is further agreed that, in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians, the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter."

The CHAIRMAN. The next item is as follows:

For maintenance of the sanatorium at Fort Lapwai, Idaho, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, \$40,000.

What justification have you for that?

Mr. MERITT. The following justification is offered:

ANALYSIS OF EXPENDITURES, FORT LAPWAI SANATORIUM.

| | |
|-------------------------------------|-------------|
| Salaries, wages, etc | \$18,073.18 |
| Traveling expenses | 1,356.91 |
| Transportation of supplies | 2,235.66 |
| Communication service | 105.92 |
| Printing, binding, advertising, etc | 94.24 |
| Subsistence supplies | 5,955.78 |
| Dry goods, wearing apparel, etc | 2,425.96 |
| Forage | 337.98 |
| Fuel, illuminants, lubricants, etc | 2,141.00 |
| Stationery and office supplies | 7.82 |
| Educational supplies | 134.65 |
| Medical supplies | 819.98 |
| Equipment, material, etc | 3,586.64 |
| Construction | 7,108.55 |
| Repairs (material) | 7,228.68 |
| Miscellaneous | 3,865.10 |
| Total | 55,478.05 |

| Salaries: | Salaries—Continued. |
|-----------------------------------|---------------------|
| Superintendent and physician..... | Nurse..... |
| \$1, 800 | \$720 |
| Clerk..... | Do..... |
| 1, 200 | 720 |
| Seamstress..... | Farmer..... |
| 600 | 840 |
| Housekeeper..... | Carpenter..... |
| 600 | 840 |
| Do..... | Engineer..... |
| 600 | 660 |
| Laundress..... | Dairyman..... |
| 600 | 720 |
| Assistant laundress..... | Laborer..... |
| 500 | 600 |
| Cook..... | Do..... |
| 600 | 600 |
| Assistant cook..... | Do..... |
| 500 | 600 |
| Nurse..... | Total..... |
| 840 | 14, 260 |

The Fort Lapwai Sanatorium has been in operation for several years and has now a capacity of 100 patients. The previous statement shows expenditures for all purposes for the institution during the fiscal year 1915, which were paid from the appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1915"; but this has become a heavy drain upon this appropriation, and therefore specific provision is requested.

The institution has been successful in accomplishing a great deal of good for the Indians who have been treated there. Applications for admission are in excess of its capacity. During the fiscal year 1915 there were admitted 158 patients, representing 41 tribes, suffering from tuberculosis. During the year 41 cases were discharged with the tubercular process arrested and improved. The progress shown is as satisfactory as can be expected in the treatment of so serious a disease as tuberculosis.

During the past year an analysis was made of 70 former patients heard from, which showed that in about 87 per cent of the patients discharged they had been able to resume an ordinary mode of living and still retain a fair degree of health. These results go far to establish the fact that young Indians suffering from tuberculosis can be restored to health if properly treated in a sanatorium.

The superintendent's estimate totals \$62,360, including certain construction work which he deems necessary, such as the building of a dining hall and kitchen, a dairy barn, and superintendent's quarters. This amount has been materially reduced, as it was not expected that all of these matters would receive attention during the fiscal year 1917. However, the present barn is entirely inadequate to the requirements of the dairy herd which it is necessary to maintain, and should be replaced by a suitable barn with silos.

It may be said in connection with this justification that subsistence for sanatoria can not be figured on the same basis as in the schools for the reason that special diet is necessary in the treatment of tubercular patients and necessitates a greater expenditure.

It is believed that for the pay of employees, repairs, improvements, and necessary expenses of transporting Indians to and from said sanatorium, together with such other incidental expenses, the sum requested is a conservative one.

In view of the fact that during the next fiscal year it will be necessary to maintain sanatoria at Carson, Blackfeet, Turtle Mountain, Mescalero, Pima, and Cheyenne and Arapahoe, as well as the hospitals at Red Lake and Fond du Lac, and possibly other institutions if tribal funds are not available, it is evident the appropriation, "Relieving distress and prevention, etc., of disease among Indians," will be unable to bear the strain of the additional maintenance expense, and therefore specific provision for the maintenance of Fort Lapwai Sanatorium is requested.

The CHAIRMAN. The next item is as follows:

SEC. 6. For maintenance of the sanatorium at Sac and Fox Agency, Iowa, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, \$25,000.

Mr. MERITT. The following justification is submitted:

ANALYSIS OF EXPENSES, SAC AND FOX SANATORIUM.

| | |
|--|------------------|
| Salaries, wages, etc..... | \$11,774.94 |
| Traveling expenses..... | 1,257.04 |
| Transportation of supplies..... | 274.90 |
| Heat, light, and power (service)..... | 334.49 |
| Communication service..... | 73.82 |
| Printing, binding, advertising, etc..... | 2.20 |
| Subsistence supplies..... | 4,396.03 |
| Dry goods, wearing apparel, etc..... | 1,993.89 |
| Forage..... | 429.90 |
| Fuel, illuminants, lubricants, etc..... | 670.39 |
| Stationery and office supplies..... | 26.00 |
| Educational supplies..... | 77.95 |
| Medical supplies..... | 372.10 |
| Equipment, material, etc..... | 1,722.91 |
| Construction..... | 5,721.14 |
| Repairs (material)..... | 2,956.15 |
| Miscellaneous..... | 211.71 |
| Total..... | 32,295.56 |

| | Salaries. | | Salaries. |
|-----------------------------------|-----------|-----------------------|---------------|
| Superintendent and physician..... | \$2,000 | Cook..... | \$600 |
| Financial clerk..... | 1,000 | Assistant cook..... | 300 |
| Assistant clerk..... | 720 | Laundress..... | 500 |
| Engineer..... | 900 | Dairyman..... | 600 |
| Nurse..... | 840 | General mechanic..... | 720 |
| Assistant..... | 600 | Laborer..... | 600 |
| Housekeeper..... | 500 | | |
| Do..... | 500 | Total..... | 10,920 |
| Seamstress..... | 540 | | |

The Sac and Fox Sanatorium, Toledo, Iowa, was established during the fiscal year 1914 for the treatment of tuberculosis and trachoma. The building had formerly been constructed and established as a school for the Sac and Fox Indians, Tama County, Iowa, but the school was discontinued several years ago. It will be noted in the foregoing statement that there is an item of \$5,721.14 for construction. This covered labor and the purchase of material used for installing a heating plant. This, as well as all other sums, was defrayed from the general appropriation, which was the only fund available. The analysis shown is based on the capacity, 65 patients. Extra equipment was purchased during the past year with the idea that the total space in the buildings would be used to advantage, thus raising the capacity to 88. For maintenance and for all other expenses, including pay of employees, repairs, and improvements, and for the transportation of Indians to and from the sanatorium during the fiscal year 1917, the sum of \$25,000 is requested, and this is a conservative estimate of the amount that will be required. A special appropriation is requested, as it appears that the amount necessary for maintenance can not be spared from the general appropriation "Relieving distress and prevention, etc., of diseases among Indians, 1916," without detriment to other projects and needs. There will be completed during the present fiscal year hospitals at Mescalero, Pima, Blackfeet, Carson, Turtle Mountain, and Cheyene and Arapaho, which it is expected will be supported from the general appropriation, as well as hospitals at Red Lake and Fond du Lac. If the tribal funds are not available, it is evident that unless the general appropriation is made much larger it will be necessary to relieve it of the extra burden for the support of the Sac and Fox Sanatorium.

The CHAIRMAN. Those are both new items which have not heretofore been appropriated for.

Mr. MERITT. Yes, sir.

The CHAIRMAN. What have you to say relative to the necessity for them?

Mr. MERITT. These institutions have heretofore been provided for out of the general appropriation for relief and distress of Indians. The last two Congresses have authorized the construction of 12 additional hospitals, and it will be necessary for us to support and maintain those hospitals out of the appropriation known as "Relieving distress." It will therefore be impossible to maintain these 2 institutions in addition to the 12 new hospitals out of the old appropriation, and it is desirable that we have a specific appropriation.

The CHAIRMAN. I notice in the item for Fort Lapwai it says: "For maintenance of the sanatorium at Fort Lapwai, Idaho, for incidental and all other expenses for its proper conduct and management," etc. I would infer from the language you have used here that you already have the sanatoriums filled with Indians.

Mr. MERITT. Yes, sir.

The CHAIRMAN. And in full operation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. About how many Indian patients have you in each one of these hospitals?

Mr. MERITT. We have in the Sac and Fox Sanatorium about 88 patients, and the Fort Lapwai Sanatorium has a capacity of 100 patients.

The CHAIRMAN. How many have you in that sanatorium?

Mr. MERITT. It is filled to its capacity, 100.

The CHAIRMAN. The first item is \$40,000 for 88 patients. What is the per capita cost for each patient?

Mr. MERITT. I will figure that out and include it in the record.

The CHAIRMAN. Also give us the same information for the other sanatorium.

Mr. MERITT. Yes, sir.

The CHAIRMAN. What is the necessity of separating these items from the general lump sum appropriation for this exact purpose?

Mr. MERITT. These two institutions are very large sanatoriums and it is desirable to have a specific appropriation for their maintenance.

The CHAIRMAN. Why? Could you not distribute it according to the needs of the patients?

Mr. MERITT. We could if the Congress would increase the regular appropriation sufficiently to maintain the 12 hospitals already authorized in addition to these 2 institutions.

The CHAIRMAN. Do you not think it would be better legislation to put the items all together and add this \$65,000 to the general appropriation?

Mr. MERITT. That would be entirely agreeable to the department.

Mr. CARTER. Now, Mr. Meritt, this amount, as I understand you, is in addition to the general fund for the care of the health of Indians?

Mr. MERITT. Yes, sir.

Mr. CARTER. And comes about on account of two sanatoriums having been built?

Mr. MERITT. No, sir. These two sanatoriums have been in operation for some time, but it is necessary that we provide specifically for these two institutions if we are going to have the same appropriation we have had heretofore for the relief of distress of Indians, in view of the fact that Congress has directed that we build 12

additional hospitals, during the last two sessions of Congress, and we can not maintain those hospitals out of the old appropriation and also maintain these 2 institutions.

Mr. CARTER. Then, as I understand you, the more hospitals we have the more expense is going to be incurred by the Government in looking after the health of Indians?

Mr. MERITT. Yes, sir.

Mr. CARTER. And the fact of building hospitals will not in anywise decrease the appropriations for caring for the health of the Indians, but will increase them?

Mr. MERITT. Yes, sir.

Mr. CARTER. Will it increase the per capita cost?

Mr. MERITT. Yes, sir; because the Indians have not heretofore had proper medical attention. Medical work among Indians has been seriously neglected. Probably 15 per cent of the Indians have tuberculosis and between 20 and 30 per cent have trachoma, and only within the last few years has the department and the Indian Bureau taken active and aggressive steps to remedy those conditions.

The CHAIRMAN. The next item is:

KANSAS.

SEC. 7. For support and education of seven hundred and fifty pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for pay of superintendent, \$127,750; for general repairs and improvements, \$12,500; in all, \$140,250.

What justification have you for that item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

INDIAN SCHOOL, LAWRENCE, KANS.

| | |
|--|-------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$127, 750. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 127, 750. 00 |
| Amount expended..... | 123, 036. 87 |
| Unexpended balance..... | ¹ 4, 713. 13 |

ANALYSIS OF EXPENDITURE.

| | |
|---------------------------------------|--------------|
| Salaries, wages, etc..... | 50, 599. 56 |
| Traveling expenses..... | 81. 17 |
| Heat, light, and power (service)..... | 2, 520. 00 |
| Telegraph and telephone service..... | 218. 52 |
| Subsistence supplies..... | 27, 439. 40 |
| Dry goods, clothing, etc..... | 13, 349. 03 |
| Forage..... | 3, 282. 28 |
| Fuel..... | 10, 744. 77 |
| Stationery and office supplies..... | 190. 70 |
| Educational supplies..... | 2, 080. 63 |
| Medical supplies..... | 399. 29 |
| Equipment, material, etc..... | 11, 969. 17 |
| Seed..... | 162. 35 |
| | 123, 036. 87 |

¹ This is not a final balance as there may be outstanding obligations yet to be charged against the appropriation.

| | |
|--|-------------------------|
| Repairs and improvements: | |
| Fiscal year ending June 30, 1916, amount appropriated----- | \$11, 000. 00 |
| Fiscal year ended June 30, 1915— | |
| Amount appropriated----- | 11, 000. 00 |
| Amount expended----- | 9, 178. 78 |
| Unexpended balance----- | ¹ 1, 821. 22 |
| Analysis of expenditures— | |
| Construction ----- | 172. 35 |
| Repairs (to plant)----- | 9, 006. 43 |
| | <u>9, 178. 78</u> |

| | |
|--|------------------------|
| Statistical statement for year ending June 15, 1915: | |
| Value of school plant, real property----- | \$378, 353 |
| Number of buildings----- | 66 |
| Number of employees----- | 66 |
| Average attendance of pupils----- | 712 |
| Enrollment----- | 835 |
| Capacity----- | 700 |
| Cost per capita based on enrollment----- | ² \$158. 96 |
| Cost per capita based on average attendance----- | ² \$184. 19 |
| Area of school land (acres)----- | 997 |
| Area of school land (acres cultivated)----- | 486 |
| Value of products of school----- | \$26, 548. 51 |

| | |
|---|-----------------|
| Superintendent's estimate of absolute needs for 1917: | |
| Support----- | \$127, 750 |
| Repairs and improvements----- | 15, 000 |
| New buildings----- | 9, 000 |
| Total----- | <u>151, 750</u> |

| | |
|---|-----------------|
| Amount requested in proposed bill, 1917: | |
| Support and education of 750 Indian pupils at the Haskell | |
| Institute and superintendent's salary----- | \$127, 750 |
| Repairs and improvements----- | 12, 500 |
| Total----- | <u>140, 250</u> |

| | | | |
|-----------------------------|----------|-----------------------------|--------|
| Salaries, 1916: | | Salaries, 1916—Continued. | |
| Superintendent----- | \$2, 100 | Teacher----- | \$660 |
| Principal----- | 1, 500 | Teacher----- | 660 |
| Chief clerk----- | 1, 500 | Teacher----- | 630 |
| Property clerk----- | 1, 000 | Teacher----- | 630 |
| Stenographer----- | 1, 000 | Teacher----- | 630 |
| Assistant clerk----- | 720 | Teacher----- | 570 |
| Assistant clerk----- | 600 | Teacher and outing ma- | |
| Typewriter----- | 600 | tron----- | 900 |
| Physician----- | 1, 200 | Teacher, woodworking, and | |
| Disciplinarian----- | 1, 200 | mechanical drawing----- | 840 |
| Physical director and out- | | Teacher, metal working-- | 720 |
| ing agent----- | 1, 200 | Principal, business depart- | |
| Assistant disciplinarian--- | 600 | ment----- | 1, 200 |
| Senior teacher----- | 1, 000 | Superintendent of indus- | |
| Teacher----- | 900 | tries----- | 1, 300 |
| Teacher----- | 810 | Mason----- | 780 |
| Teacher----- | 750 | Printer----- | 1, 100 |
| Teacher----- | 660 | Band leader----- | 720 |

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

²This includes \$5,463.05 used for transportation of pupils and \$2,643.07 for transportation of goods and supplies; \$2,964.82 miscellaneous receipts, class 4, was also used.

Salaries, 1916—Continued.

| | |
|---------------------------|-------|
| Music teacher..... | \$750 |
| Matron..... | 900 |
| Assistant matron..... | 660 |
| Assistant matron..... | 600 |
| Assistant matron..... | 600 |
| Assistant matron..... | 500 |
| Nurse..... | 720 |
| Seamstress..... | 720 |
| Assistant seamstress..... | 540 |
| Laundress..... | 540 |
| Assistant laundress..... | 300 |
| Baker..... | 600 |
| Cook..... | 660 |
| Hospital cook..... | 480 |
| Farmer..... | 960 |
| Assistant farmer..... | 720 |
| Carpenter..... | 800 |
| Assistant carpenter..... | 660 |

Salaries, 1916—Continued.

| | |
|-----------------------------|--------|
| Shoe and harness maker..... | \$660 |
| Blacksmith..... | 780 |
| Gardener..... | 720 |
| Engineer..... | 1,100 |
| Assistant engineer..... | 720 |
| Dining-room matron..... | 600 |
| Sewing teacher..... | 780 |
| Cooking teacher..... | 660 |
| Painter..... | 800 |
| Dairyman..... | 860 |
| Assistant..... | 180 |
| Assistant..... | 300 |
| Laborer..... | 720 |
| Laborer..... | 660 |
| Laborer..... | 540 |
| Total..... | 50,470 |

The item of \$127,750 for support of 750 children at the Haskell Institute, and the salary of the superintendent is the same amount that has been provided for several years, despite the fact that the average attendance has increased from 635 in 1913 to 712 in 1915, and the enrollment from 797 to 835.

The \$12,500 requested for repairs and improvements amounts to less than 3½ per cent of the value of the school plant and only 4.17 per cent of the value of the plant exclusive of the land. The buildings are old and need attention. This amount would be entirely inadequate but for the fact that the boys perform most of the labor of repairing as part of their instructions.

The CHAIRMAN. Have you any further suggestion to make about this item?

Mr. MERITT. Nothing; except to add that Haskell Institute is one of our largest and best Indian schools, and it is being conducted along high grade lines.

The CHAIRMAN. What is the per capita cost there of each pupil?

Mr. MERITT. \$184.

The CHAIRMAN. Have you any unexpended balance?

Mr. MERITT. We have an unexpended balance of \$4,713.

The CHAIRMAN. I see that there is a decrease. That is on account of not estimating for a gymnasium building this year at a cost of \$11,000. Has that building been completed, equipped, etc.?

Mr. MERITT. That building is practically completed at this time.

The CHAIRMAN. And that is the reason why you have been able to decrease the amount?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice that there is an increase of \$1,500 for repairs and improvements.

Mr. MERITT. Yes, sir. We have at this school 66 buildings; some of those buildings are old, and in view of this fact and the large enrollment it is necessary to pay more money for improvements; the older the buildings get the more it requires to keep them in repair. This amount is about the same that we ask for other schools in the same class.

The CHAIRMAN. The next item is:

For support and education of eighty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, including pay of superintendent, \$14,860; for general repairs and improvements, \$2,000; in all, \$16,860.

Mr. MERITT. The following justification is offered, Mr. Chairman:

INDIAN SCHOOL, KICKAPOO RESERVATION, KANS.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$14,860.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 14,860.00 |
| Amount expended..... | 13,945.74 |
| <hr/> | |
| Unexpended balance..... | ¹ 914.26 |
| <hr/> | |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 7,972.50 |
| Transportation of supplies..... | 158.77 |
| Telegraph and telephone service..... | 72.40 |
| Subsistence supplies..... | 2,046.86 |
| Dry goods, clothing, etc..... | 1,283.51 |
| Forage..... | 3.75 |
| Fuel..... | 865.24 |
| Stationery and office supplies..... | 165.80 |
| Educational supplies..... | 96.05 |
| Medical supplies..... | 69.96 |
| Equipment, material, etc..... | 1,206.50 |
| Miscellaneous..... | 4.40 |
| <hr/> | |
| | 13,945.74 |

Repairs and improvements:

Fiscal year ending June 30, 1916, amount appropriated..... \$2,500.00

Fiscal year ended June 30, 1915—

 Amount appropriated..... 2,500.00
 Amount expended..... 2,572.68

 Overdrawn..... 72.68

Analysis of expenditures—

 Construction..... 1,916.80
 Repairs (to plant)..... 655.88

2,572.68

Statistical statement for year ending June 30, 1915:

 Value of school plant, real property..... \$42,933.29
 Number of buildings..... 18
 Number of employees..... 13
 Average attendance of pupils..... 73
 Enrollment..... 92
 Capacity..... 71
 Cost per capita, based on enrollment..... ²\$151.58
 Cost per capita, based on average attendance..... ²\$191.04
 Area of school land (acres)..... 240
 Area of school land (acres cultivated)..... 188
 Value of products of school..... \$3,155.02

Superintendent's estimate of absolute needs for 1917:

 Support..... 16,590.00
 Repairs and improvements..... 1,500.00
 New buildings..... 2,000.00

 Total..... 20,090.00

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

² There was also used \$2,407.31 miscellaneous receipts, class 4.

Amount requested in proposed bill, 1917:

| | |
|--|--------------------|
| Support and education of 80 Indian pupils and superintendent's salary----- | \$14, 860. 00 |
| Repairs and improvements----- | 2, 000. 00 |
| Total ----- | 16, 860. 00 |

The amount of \$14,860, estimated for support of 80 pupils and salary of superintendent, is the same amount that has been allowed this school for several years. It is absolutely necessary to provide subsistence, clothing, fuel, medical supplies, etc., and salaries of employees.

Two thousand dollars is asked for repairs and improvements. This is about 5 per cent of the value of the plant and 8 per cent of the value of the plant exclusive of the land, and is needed to keep the plant in a satisfactory state of repairs.

Salaries, 1916:

| | |
|-----------------------|----------|
| Superintendent ----- | \$1, 500 |
| Principal ----- | 840 |
| Financial clerk----- | 900 |
| Physician ----- | 300 |
| Teacher ----- | 600 |
| Matron ----- | 600 |
| Assistant matron----- | 300 |
| Seamstress ----- | 420 |

Salaries, 1916—Continued.

| | |
|-----------------------|--------|
| Laundress ----- | \$420 |
| Cook ----- | 420 |
| General mechanic----- | 720 |
| Farmer ----- | 600 |
| Laborer ----- | 540 |
| | <hr/> |
| | 8, 160 |

The CHAIRMAN. Have you any further suggestion to add?

Mr. MERITT. No, sir; I have no additional statement to make, Mr. Chairman. It is approximately the same amount that we have heretofore had for this school.

Mr. CARTER. I notice that you cut the repairs and improvements by \$500?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What is the per capita cost there?

Mr. MERITT. \$191.

The CHAIRMAN. That is a little higher than some of the others?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What is the average attendance there?

Mr. MERITT. The average attendance is 73.

The CHAIRMAN. And the capacity is 80?

Mr. MERITT. Yes, sir. Because of the small enrollment the per capita cost is a little higher than at some of the other schools.

The CHAIRMAN. What unexpended balance, if any, have you?

Mr. MERITT. We have an unexpended balance of \$914.

The CHAIRMAN. The next item is:

LOUISIANA.

SEC. 8. For clearing the title to lands owned or possessed by the Chettimanchri Band or Indians of Louisiana, for purchase of such lands as may be required to place them on a basis of self-support, and for such other relief as may be needed in the discretion of the Secretary of the Interior, \$1,500: *Provided*, That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States, for the use and benefit of the Indians.

What justification have you for that item?

Mr. MERITT. We offer the following justification for this item:

Under the provisions of the act of Congress approved June 17, 1844 (5 Stats., 676), to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, etc.; reviving the act of Congress approved May 26,

1824 (4 Stats., 52), to enable the claimants to lands within certain States to institute proceedings to try the validity of their claims, the Chettimanchi Indians, through Alexander Bertin, acting as their chief, and Joseph Yoyo et al., on the 15th of June, 1846, filed their petition in the District Court of the United States for the District of Louisiana, praying for certificate of title to a tract of land in Parish of St. Mary, comprised within a certain tract of land claimed by the Chettimanchi Indians, of which they had been in possession more than 70 years preceeding the present suit, situated on both sides of the River Teche in the county of Atfakapas, having a front of about 1 league on the right line from the upper to the lower limit.

On the 19th of June, 1848, the decree of said court confirmed to the petitioners the lands respectively claimed by them, viz, "to the nation or tribe of Chettimanchi Indians," tract designated on the township plat of township 13 south, range 9 east, of the southwestern district of Louisiana, as section 22, containing 266.48 acres; section 23, containing 131.37 acres; section 27, containing 404.92 acres; and section 34, containing 290.66 acres; in the aggregate, 1,093.43 acres. It also confirmed unto Marie Rose Pecot, widow of the late John Armelin, and her heirs the tract designated on the said plat as section 5, containing 160.75 acres; and to Gabriel L. Fuselin and Sarah B. Evans and to their heirs the tract designated on said plat as section 11, containing 569.85 acres—that to Fuselin with a front of 2 arpents, that to Evans, 8 arpents more or less.

The suit was carried to the Supreme Court of the United States on appeal, and the said court dismissed the appeal at the December term, 1852.

As provided and authorized by the sixth section of the act of 1824 aforesaid (4 Stats., 54), the petitioners presented plats of survey to the General Land Office of the aforesaid three tracts of 1,093.43 acres, of 160.75 acres, and of 569.85 acres, confirmed to the Indians by the decree of the United States District Court for Louisiana June 19, 1848, and confirmed by the United States Supreme Court at its December term in 1852, under said acts of Congress approved May 26, 1824, and June 17, 1844, whereupon a patent in fee for said three tracts was issued by the General Land Office February 1, 1855.

The Indians own about 260 acres of the original tract, the remainder having been lost to them through sales and otherwise. Emmet Alpha, an attorney at law of Franklin, La., represented these Indians in certain litigation affecting their lands. The Indians neglected to pay the attorney his fee and he recovered a judgment against them. This judgment was assigned to F. C. Viguerie, of Franklin, La., and amounts to \$1,200, including interest. A foreclosure was had in February of 1914 and the land offered for sale, but in view of the fact that no bid was received for two-thirds of the appraised value, \$9,000, there was no sale and the land was readvertised.

The Indian Rights Association was interested in this matter and for a time considered furnishing the necessary funds. On March 12, the Commissioner of Indian Affairs received a telegram from Chief Supervisor Holcombe advising that Miss McIlhenny, of New Orleans, had provided the necessary funds to save the lands to the Indians.

The Comptroller of the Treasury has ruled that the appropriation for "Relieving distress, prevention of diseases, etc.," is not applicable to assist these people in connection with the land, so that if any action is to be taken by the Federal Government in their behalf it is necessary that there shall be an appropriation by Congress.

The lands of these Indians are valued at more than \$30 per acre and the improvements thereon are said to be worth from two to three thousand dollars. By using \$1,200 of the amount for the payment of the judgment or claim against these Indians, there would be little left for the purchase of additional lands.

An appropriation at this time which will conserve to these Indians their property may avoid a larger draft on the public funds at a later date.

Under date of June 9, the Attorney General inclosed a copy of a judgment entered on the 25th of May in the State court for the twenty-third judicial district of Louisiana reviving, in favor of Sara Avery McIlhenny, a judgment entered by that court on February 23, 1905, in an action brought by Emmet Alpha against certain members of the Chettimanchi Tribe of Indians. The interest having accumulated since the last proposed action on this matter, as referred to in Senate bill 4733, Sixty-third Congress, second session, it will probably require the entire amount of the estimate to clear the title to this land for these Indians.

The CHAIRMAN. Do you desire to make any further statement for the record?

Mr. MERITT. No, sir; except to say that it is a very deserving request, and we will be able, with this small appropriation, to save this land for those Indians.

The CHAIRMAN. How many Indians are in this band?

Mr. MERITT. There are about 500 Indians.

The CHAIRMAN. When did the Government assume jurisdiction over these Indians?

Mr. MERITT. We have never assumed jurisdiction over them, but now that they are about to be deprived of their land under a foreclosure we thought it exceedingly desirable that we purchase this land and get it in such shape that they can not lose it.

The CHAIRMAN. Do you not think you should change this language so as to show that it is to purchase land that they have heretofore held, and thus make it definite?

Mr. CAMPBELL. This will indicate that. "For clearing the title to lands owned or possessed."

The CHAIRMAN. I see the last clause provides that.

Mr. CARTER. Does your justification show how they came into possession of these lands?

Mr. MERITT. Yes, sir; I will be glad to read the justification.

Mr. CARTER. Well, it is hardly necessary to read it, but I would like that shown in the record.

Mr. CAMPBELL. Why is this item, "For fulfilling treaties with the Sacs and Foxes of the Missouri; For support of a school (article 5, treaty of March 6, 1861), \$200," dropped from the bill for next year?

Mr. MERITT. We found that the small appropriation of \$200 was not necessary, and inasmuch as the treaty was not a perpetual one we omitted this amount in our estimates. If it is necessary to expend any money for these Indians we can use the general appropriation for the education and support of Indians.

The CHAIRMAN. The next item is:

MICHIGAN.

SEC. 9. For support and education of three hundred and fifty Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, \$60,450; for general repairs and improvements, \$6,000; for dairy barn, \$8,000; in all, \$74,450.

What justification have you for this item?

Mr. MERITT. We offer the following justification:

INDIAN SCHOOL, MOUNT PLEASANT, MICH.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$60,450.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 60,450.00 |
| Amount expended----- | 56,678.77 |
| Unexpended balance----- | ¹ 3,771.23 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Analysis of expenditures:

| | |
|---|---------------|
| Salaries, wages, etc..... | \$22, 677. 15 |
| Traveling expenses..... | 146. 81 |
| Transportation of supplies..... | 832. 33 |
| Heat, light, and power (service)..... | 199. 70 |
| Telegraph and telephone service..... | 72. 03 |
| Printing, binding, and advertising..... | 5. 50 |
| Subsistence supplies..... | 13, 969. 89 |
| Dry goods, clothing, etc..... | 8, 247. 24 |
| Forage..... | 301. 50 |
| Fuel..... | 5, 013. 15 |
| Stationery and office supplies..... | 74. 35 |
| Educational supplies..... | 858. 14 |
| Medical supplies..... | 451. 73 |
| Equipment, material, etc..... | 3, 356. 32 |
| Miscellaneous..... | 43. 70 |
| Seed..... | 429. 23 |
| | <hr/> |
| | 56, 678. 77 |

Repairs and improvements:

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$5, 000. 00 |
| | <hr/> |
| Fiscal year ending June 30, 1915— | |
| Amount appropriated..... | 5, 000. 00 |
| Amount expended..... | 4, 662. 44 |
| | <hr/> |
| Unexpended balance..... | 337. 56 |
| | <hr/> |
| Analysis of expenditures, repairs (to plant)..... | 4, 662. 44 |

Salaries, 1916:

| | |
|--------------------------|----------|
| Superintendent..... | \$2, 000 |
| Principal and clerk..... | 1, 200 |
| Assistant clerk..... | 600 |
| Physician..... | 1, 200 |
| Disciplinarian..... | 720 |
| Teacher..... | 900 |
| Teacher..... | 750 |
| Teacher..... | 660 |
| Teacher..... | 690 |
| Teacher..... | 630 |
| Teacher..... | 600 |
| Music teacher..... | 720 |
| Matron..... | 840 |
| Assistant matron..... | 660 |
| Assistant matron..... | 600 |
| Assistant matron..... | 600 |
| Assistant matron..... | 300 |
| Housekeeper..... | 600 |
| Nurse..... | 720 |
| Assistant nurse..... | 300 |

Salaries, 1916—Continued.

| | |
|---------------------------|---------|
| Seamstress..... | \$600 |
| Assistant seamstress..... | 300 |
| Laundress..... | 500 |
| Baker..... | 500 |
| Cook..... | 600 |
| Assistant cook..... | 300 |
| Farmer..... | 840 |
| Assistant farmer..... | 420 |
| Industrial teacher..... | 720 |
| Carpenter..... | 720 |
| Assistant carpenter..... | 300 |
| Tailor..... | 720 |
| Gardener..... | 600 |
| Engineer..... | 1, 000 |
| Assistant..... | 240 |
| Assistant..... | 240 |
| Laborer..... | 500 |
| | <hr/> |
| | 24, 390 |

Statistical statement for year ending June 30, 1915:

| | |
|--|------------------------|
| Value of school plant, real property..... | \$177, 987 |
| Number of buildings..... | 37 |
| Number of employees..... | 37 |
| Average attendance of pupils..... | 342 |
| Enrollment..... | 370. |
| Capacity..... | 350 |
| Cost per capita based on enrollment..... | ¹ \$166. 40 |
| Cost per capita based on average attendance..... | ¹ \$179. 96 |
| Area of school land (acres)..... | 320 |
| Area of school land (acres cultivated)..... | 178 |
| Value of products of school..... | \$16, 526. 63 |

¹ This includes \$1,274.71 for transportation of pupils and \$3,613.27 in the transportation of goods and supplies. There was also expended \$282.73, miscellaneous receipts, class 4.

Superintendent's estimate of needs for 1917:

| | |
|--------------------------------|---------------|
| Support ----- | \$60,450 |
| Repairs and improvements ----- | 8,000 |
| New buildings ----- | 30,000 |
| Total ----- | <u>98,450</u> |

Amount requested in proposed bill, 1917:

| | |
|--|---------------|
| Support and education of 350 Indian pupils and superintendent's salary ----- | 60,450 |
| Repairs and improvements ----- | 6,000 |
| New buildings ----- | 8,000 |
| Total ----- | <u>74,450</u> |

This is the only Indian boarding school in the State of Michigan and there are about 1,400 available children of school age. The location of this school is at a point most accessible to the various Indian settlements. It does not go outside the State for pupils and is unable to accommodate all the Indian children who ask admission.

The school buildings, hot-water systems, etc., are valued at \$158,787, and the \$6,000 required for repairs and improvements is only about 3½ per cent of that amount, or about 3½ per cent of the value of the entire plant, including the land. There will be some repairs needed for all buildings, as well as repair and extension of the water, sewage, heating, and lighting systems of the school.

The present combined dairy and horse barn now in use at Mount Pleasant is old, poorly located, insanitary, and unventilated. It is considered a menace to the health of the pupils and stock. This school is in a dairy country and should be equipped to teach the pupils dairy methods. It is estimated \$8,000 will permit the construction of a suitable barn.

Mount Pleasant is a nonreservation boarding school. The Indians of the State are very poor and are unable to send their children to the public schools. This school, with a capacity of 350 pupils, will be required for many years.

Mr. CAMPBELL. You make a cut of something like \$11,000 in that item?

Mr. MERITT. Yes, sir. We had last year an item for a gymnasium and manual training school, \$20,000, and this year we are asking for a dairy barn, \$8,000. This school is located in Michigan and is the only Indian boarding school in that State. We have a great many more Indians in Michigan than we can now provide school facilities for.

The CHAIRMAN. It is a nonreservation school?

Mr. MERITT. Yes, sir; but it is located near the Indians of that State.

The CHAIRMAN. What is your average attendance there?

Mr. MERITT. The average attendance at that school is 342 and the capacity of the school is 350.

The CHAIRMAN. What is the per capita cost?

Mr. MERITT. It is \$179. It is being run on an economical basis, and we only have an unexpended balance of \$3,771.

The CHAIRMAN. That is one of your best schools, as I understand it?

Mr. MERITT. Yes, sir; it is not as large as some of our schools, but it is one of our very best schools.

The CHAIRMAN. Is it an industrial school?

Mr. MERITT. It is an industrial school. The superintendent, Mr. Cochran, has been in the service a great many years and he takes a very active interest in conducting the school along high-grade lines.

The CHAIRMAN. Have you no barn there?

Mr. MERITT. There is a combination barn there now, a horse and cow barn, which is a very undesirable arrangement.

The CHAIRMAN. Does your justification show all of this information?

Mr. MERITT. Yes, sir. We are very much in need of this barn.

The CHAIRMAN. How many head of cattle have you there as well as horses?

Mr. MERITT. The annual report of the superintendent of the Mount Pleasant School shows the following stock belonging to the United States:

| | Number. | Value. | | Number. | Value. |
|-----------------------|---------|----------|-------------|---------|------------|
| Boars..... | 2 | \$75.00 | Horses..... | 8 | \$1,600.00 |
| Bulls..... | 1 | 75.00 | Mares..... | 1 | 100.00 |
| Cows and heifers..... | 24 | 1,440.00 | Mules..... | 4 | 1,100.00 |
| Hogs and pigs..... | 86 | 630.00 | | | |

The CHAIRMAN. The next item is:

MINNESOTA.

Sec. 10. For support and education of two hundred and twenty-five Indian pupils at the Indian school, Pipestone, Minnesota, including pay of superintendent, \$39,225; for general repairs and improvements \$7,000; for septic tank, \$5,500; in all, \$51,725.

What justification have you for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

INDIAN SCHOOL, PIPESTONE, MINN.

| | |
|--|------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$39,175.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 39,175.00 |
| Amount expended..... | 37,821.81 |
| Unexpended balance..... | <u>1,353.19</u> |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 16,916.00 |
| Transportation of supplies..... | 119.61 |
| Heat, light, and power (service)..... | 545.44 |
| Telegraph and telephone service..... | 53.07 |
| Printing, binding, and advertising..... | 5.00 |
| Subsistence supplies..... | 7,807.47 |
| Dry goods, clothing, etc..... | 5,075.83 |
| Fuel..... | 2,525.84 |
| Stationery and office supplies..... | 20.00 |
| Educational supplies..... | 419.99 |
| Medical supplies..... | 211.55 |
| Equipment, material, etc..... | 3,981.95 |
| Seed and trees..... | 125.91 |
| Miscellaneous..... | 14.15 |
| | <u>37,821.81</u> |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Repairs and improvements:

| | |
|--|-------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$9, 500. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915— | |
| Amount appropriated..... | 9, 500. 00 |
| Amount expended..... | 7, 106. 84 |
| <hr/> | |
| Unexpended balance..... | ¹ 2, 393. 16 |
| <hr/> | |
| Analysis of expenditures— | |
| Construction..... | 3, 763. 75 |
| Repairs (to plant)..... | 3, 343. 09 |
| <hr/> | |
| | 7, 106. 84 |
| <hr/> | |

Statistical statement for year ending June 30, 1915:

| | |
|--|------------------------|
| Value of school plant, real property..... | \$132, 150 |
| Number of buildings..... | 24 |
| Number of employees..... | 25 |
| Average attendance of pupils..... | 184. 4 |
| Enrollment..... | 208 |
| Capacity..... | 212 |
| Cost per capita based on enrollment..... | ² \$199. 09 |
| Cost per capita based on average attendance..... | ² \$224. 03 |
| Area of school land (acres)..... | 685 |
| Area of school land (acres cultivated)..... | 165 |
| Value of products of school..... | \$6, 915 |
| <hr/> | |

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|-----------|
| Support..... | \$40, 395 |
| Repairs and improvements..... | 11, 950 |
| New buildings..... | 53, 100 |
| <hr/> | |
| Total..... | 105, 445 |
| <hr/> | |

Amount requested in proposed bill, 1917:

| | |
|---|---------|
| Support and education of 225 Indian pupils and superintendent's salary..... | 39, 225 |
| Repairs and improvements..... | 7, 000 |
| New construction..... | 5, 500 |
| <hr/> | |
| Total..... | 51, 725 |

Salaries, 1916:

| | |
|-----------------------|----------|
| Superintendent..... | \$1, 650 |
| Clerk..... | 1, 000 |
| Assistant clerk..... | 600 |
| Physician..... | 600 |
| Disciplinarian..... | 720 |
| Principal..... | 870 |
| Teacher..... | 720 |
| Teacher..... | 660 |
| Teacher..... | 600 |
| Matron..... | 600 |
| Assistant matron..... | 540 |
| Seamstress..... | 540 |
| Laundress..... | 500 |
| Baker..... | 500 |

Salaries, 1916—Continued.

| | |
|----------------|---------|
| Cook..... | \$540 |
| Nurse..... | 720 |
| Farmer..... | 900 |
| Carpenter..... | 780 |
| Tailor..... | 700 |
| Engineer..... | 1, 000 |
| Gardener..... | 540 |
| Assistant..... | 540 |
| Assistant..... | 540 |
| Assistant..... | 300 |
| Laborer..... | 300 |
| <hr/> | |
| | 16, 960 |

This school is located at a convenient distance from large centers of Indian population and will be required for many years.

The need of substantial provision for repairs and improvements at a school comprising 24 buildings is apparent, particularly in view of the fact that for several years the plant was allowed to run down and no adequate provision was

¹ This is not a final balance as there may be outstanding obligations yet to be charged against the appropriation.

² This includes \$1,370.95 used in the transportation of pupils, and \$2,217.63 in the transportation of goods and supplies. There was also expended \$870.30, miscellaneous receipts, class 4.

made for repairs and upkeep of the buildings. A new lavatory building for the boys has been constructed, and the basement where toilets and baths were formerly located should be remodeled for use as clothes and play rooms. A basement should be constructed under the girls' building. Repairs to heating and water systems, metal ceilings, and painting are also required, besides numerous minor repairs. The school buildings, heating and water systems, etc., are valued at \$88,050; the \$7,000 estimated for repairs is about 8 per cent of that amount, or approximately 5½ per cent of the value of the plant, including 685 acres of school land.

A septic tank to take care of the sewage of the school should be provided. At present the sewerage discharges some 400 yards from the school building and flows through the pasture into a small lake on the school premises. This lake had been used as a source of ice supply for the school and for the town of Pipestone until last year, when its use was ordered discontinued on the recommendation of the State board of health. It is believed \$5,500 will provide such a tank as is required, as well as necessary piping.

The CHAIRMAN. Have you any special statement that you desire to make?

Mr. MERITT. Nothing in addition to the regular justification.

The CHAIRMAN. What increase have you there?

Mr. MERITT. We are asking a decrease.

The CHAIRMAN. Because you have built this laboratory, etc.?

Mr. MERITT. We are asking for general repairs and improvements, \$7,000, an increase of \$1,000 over last year, and we are also asking for a new septic tank, \$5,500, which is very much needed at that school.

The CHAIRMAN. What is your attendance there?

Mr. MERITT. We have an average attendance of 184.

The CHAIRMAN. And what is the per capita cost?

Mr. MERITT. \$224. That cost is somewhat high, but we should bear in mind that that school is in a very cold part of the country, and that it is a little more expensive to conduct a school there than it is in the Southwest. It is possible that that per capita cost might be brought down somewhat.

The CHAIRMAN. Is not that about the highest you have?

Mr. MERITT. The Fort Bidwell School has the highest per capita cost of any school that I have noticed, and I instructed the office to write a letter to the superintendent directing that that per capita cost be materially lowered.

The CHAIRMAN. What is the per capita cost at Fort Bidwell?

Mr. MERITT. It is over \$300 at that school. We have a very small enrollment there, less than 100, which accounts in part for the high cost per capita.

The CHAIRMAN. Is this Minnesota school a reservation school?

Mr. MERITT. This is a nonreservation school in Minnesota; it is located among the Indians and can be used for a number of years to advantage.

Mr. CARTER. I notice you have a small increase in the amount for the maintenance of the school. You had better make some explanation about that.

Mr. MERITT. We make an increase from \$39,175 to \$39,225, an increase of \$50, so as to bring the cost up to \$167, in addition to the salary of the superintendent.

The CHAIRMAN. Why do you place any special value on the \$167?

Mr. MERITT. That is the minimum amount that can be expended for the support of Indian children in Indian schools.

The CHAIRMAN. The next item is:

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article three, treaty of March nineteenth, eighteen hundred and sixty-seven), \$4,000.

What justification have you to offer for that item?

Mr. MERITT. This is a treaty item, Mr. Chairman, and I offer the following justification:

SUPPORT OF CHIPPEWAS OF THE MISSISSIPPI, MINNESOTA.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 4,000.00 |
| Amount expended..... | 3,958.33 |
| Unexpended balance..... | 41.67 |
| Analysis of expenditures, salaries, wages, etc..... | 3,958.33 |

This money is used in part payment of salaries at the White Earth Boarding School. The additional sums necessary for the support of the school are provided from other funds. This appropriation will be used this year in the same manner as heretofore. The following data in regard to the White Earth school is submitted:

Statistical statement for year ending June 30, 1915:

| | |
|---|----------|
| Value of school plant, real property..... | \$73,491 |
| Number of buildings..... | 17 |
| Number of employees..... | 23 |
| Total salaries..... | \$15,240 |
| Average attendance of pupils..... | 195 |
| Enrollment..... | 281 |
| Capacity..... | 250 |

During the fiscal year 1914 the \$4,000 was expended as follows:

| | |
|--|---------|
| Administration: | |
| Superintendent's salary..... | \$2,100 |
| Salaries of other employees (assistant engineer, engineer, laborer)..... | 1,900 |
| Total..... | 4,000 |

Positions and salaries at the White Earth superintendency and the funds from which they are payable, 1916:

| | |
|--|---------|
| Superintendent, payable from "Support of Chippewas of the Mississippi, Minnesota, 1916"..... | \$2,100 |
| White Earth Boarding School: | |
| Payable from "Interest on Chippewas in Minnesota fund"--- | |
| Principal..... | 1,000 |
| Teacher..... | 600 |
| Teacher..... | 600 |
| Teacher..... | 600 |
| Disciplinarian..... | 540 |
| Kindergartner..... | 600 |
| Teacher of housekeeping..... | 660 |
| Matron..... | 600 |
| Assistant matron..... | 540 |
| Assistant..... | 480 |
| Seamstress..... | 520 |
| Dining-room matron..... | 540 |
| Laundress..... | 520 |
| Baker..... | 480 |
| Cook..... | 540 |
| Farmer..... | 600 |
| Carpenter..... | 720 |
| Shoe and harness maker..... | 600 |
| Night watchman..... | 500 |

White Earth Boarding School—Continued.

Payable from "Support of Chippewas of the Mississippi, Minnesota, 1916"—

| | |
|-------------------------|--------|
| Assistant engineer..... | \$600 |
| Engineer..... | 800 |
| Laborer..... | 500 |
| Total..... | 15,240 |

The CHAIRMAN. Has this treaty expired?

Mr. MERITT. No, sir.

The CHAIRMAN. The next item is:

For the expenditure of \$4,000 of the tribal funds of the Chippewa Indians, or so much thereof as may be required for employment of high-school teachers in the White Earth Indian School, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, to be used under rules to be prescribed by the Secretary of the Interior: *Provided*, That not to exceed \$1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fourteen," approved June thirtieth, nineteen hundred and thirteen: *And provided further*, That the unexpended balance of \$555.43 remaining from the appropriation of \$4,000 for the higher education of Chippewa boys appointed under the provisions of the said act is hereby reappropriated and made immediately available, and to remain available until expended, under the same provisions as those contained in the original act.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

EDUCATION, CHIPPEWAS OF MINNESOTA (REIMBURSABLE).

| | |
|--|---------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4,000 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 4,000 |
| Amount expended..... | 1,000 |
| Unexpended balance..... | 3,000 |
| Analysis of expenditures, tuition, maintenance, etc., of pupils..... | 1,000 |

For the expenditure of \$4,000 of the tribal funds of the Chippewa Indians, or so much thereof as may be required for employment of high-school teachers in the White Earth Indian School, Minnesota, for instruction of children of the Chippewa Indians in the State of Minnesota, to be used under rules to be prescribed by the Secretary of the Interior: *Provided*, That not to exceed \$1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled, "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fourteen," approved June thirtieth, nineteen hundred and thirteen: *And provided further*, That the unexpended balance of \$555.43 remaining from the appropriation of \$4,000 for the higher education of Chippewa boys appointed under the provisions of the said act, is hereby reappropriated and made immediately available and to remain available until expended, under the same provisions as those contained in the original act.

Seven Indian boys attended high schools or college under the provisions of the item in the 1914 act providing \$4,000 for the higher education of 10 Chippewa boys. The item was changed in the 1915 act so as to provide high-school teachers at the White Earth School in the hope that more boys would be benefited in that way. However, \$1,000 of the appropriation was allowed for con-

tinuing the education of these boys in order that any who had already enrolled at some school could complete their courses. The present item is intended to accomplish the same purpose, and in addition makes available the sum of \$555.43 remaining unexpended at the end of the fiscal year 1914. It appears that several of the boys returned to school in the expectation that their expenses would be paid during the school year 1915 before they were notified of the provisions of the 1915 act allowing only \$1,000 for the higher education of Chippewa boys. Good reports have reached the office in regard to the conduct and scholarship of these young men, and it is desired not to lose the use of the unexpended balance of \$555.43.

The CHAIRMAN. Do you desire to add anything to your justification by way of explanation?

Mr. MERITT. No, sir; except that we would be glad to have this appropriation.

The CHAIRMAN. What is the necessity for a change of language? Are the same objects sought and accomplished by the amendment?

Mr. MERITT. This is payable out of the tribal funds of the Chippewa Indians.

The CHAIRMAN. And the other was a gratuity or reimbursable?

Mr. MERITT. I think the other item was reimbursable.

The CHAIRMAN. And this is a gratuity?

Mr. MERITT. The Chippewa Indians have more than \$5,000,000 in the Treasury of the United States, and it is thought that they should pay this out of their funds.

The CHAIRMAN. The next item is:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$185,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section seven of the Act of January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. MERITT. The following justification is offered for this item, Mr. Chairman:

TRIBAL FUNDS (CHIPPEWA INDIANS OF MINNESOTA), \$185,000 WITHDRAWN.

The Chippewa in Minnesota fund was created by the act of January 14, 1889. It is derived from the proceeds of timber on ceded lands sold by agreement for the benefit of the Indians. A provision in this act provides that after the United States has been reimbursed for moneys advanced to the Indians, a certain amount, not to exceed 5 per cent of the principal fund, may be withdrawn for the support and civilization of the Indians. The United States has been reimbursed for all advances made, and during the past five years Congress has put aside a part of the fund for the carrying out of the office policy toward these Indians. The principal of this fund is increasing and the Chippewas have to their credit in the Treasury over \$6,000,000 at the present time.

On the six Chippewa reservations using this fund there are 11,532 Indians under Federal supervision; about 6,000 of this number are not allotted and about 2,000 are holding trust patents—approximately 3,500 have been given patents in fee.

The reservations using this fund are Nett Lake, Grand Portage, White Earth, Red Lake, Fond du Lac, and Leech Lake.

From this fund, in addition to paying all the agency employees on the reservations, the cost of wearing apparel for the benefit of the Indians, transportation, traveling expenses, forage, and the purchase of a great deal of miscellaneous material for the needs of these Indians will be allowed; office equipment, horses for agency work, agency farming machinery, machinery for the farmers to teach the Indians how to cultivate the soil; all these and many other necessary items

have to be charged to this fund. Some of the reservations using this fund are situated in places quite remote from good railroad facilities, hence the cost of transportation must necessarily be high.

There are only about 5,000 acres of land cultivated by the Indians living on these reservations at the present time, and money can be used to excellent advantage in securing industrial results which will show an improvement over the present figures. At the present time there are about 324,000 acres of allotted and unallotted agricultural lands on the above mentioned reservations. With the assistance of the money asked for the office will be free to adopt a more extensive plan for the industrial development of these Indians, and carry out to better advantage the plans that are being followed toward raising the standard of the Chippewa Indians.

The CHAIRMAN. Why is this provision stricken out, beginning on line 25?

Mr. MERITT. That legislation is not necessary; it is permanent legislation.

The CHAIRMAN. It is not necessary for the benefit of these Indians, then?

Mr. MERITT. No, sir.

The CHAIRMAN. The next item is:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of \$1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June fourteenth, nineteen hundred and sixteen, out of the funds belonging to said band.

Mr. MERITT. The following justification is submitted for that item:

TRIBAL FUNDS, CHIPPEWA INDIANS OF MINNESOTA (WHITE EARTH CELEBRATION, \$1,000).

For several years Congress has appropriated \$1,000 from the tribal funds of the Chippewa Indians to defray the expenses of the annual treaty celebration of the White Earth Indians. Apparently it has been the intention of Congress to leave the manner in which this money shall be expended to the executive committee of the White Earth Indians, that committee making the expenditures and assuming responsibility therefor. The executive committee is elected by the tribal council, composed of the chiefs and the head men of the different bands of Chippewa Indians, who usually assemble in a large tent on the celebration grounds for the purpose of discussing the expenditure of this money.

The Indians insist upon this item being incorporated in the bill each year, and the treaty celebration is an annual event of great importance to them. As the money is advanced from their tribal funds on deposit in the Treasury of the United States, this item has been included in the bill.

Mr. CAMPBELL. How did they get on this year without that money? What are you going to do for them this time?

Mr. MERITT. The Congress extended this appropriation by joint resolution.

The CHAIRMAN. The next item is:

That the Secretary of the Interior, under such rules and regulations as he may prescribe, is hereby authorized to use for or advance to any individual Chippewa Indian in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota who is blind, crippled, decrepit, or helpless from old age, disease, or accident, and such other Indian as the Secretary of the Interior may deem proper, in the aggregate not to exceed one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That any money received hereunder by any member of said tribe or used for his or her benefit shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled: *Provided further*, That no funds paid hereunder to Indians shall be available for paying the debts of said Indians incurred prior to the passage of this act.

What justification have you to offer for this item?

MR. MERITT. We offer the following justification for this item, Mr. Chairman:

TO AUTHORIZE THE ADVANCE TO CHIPPEWA INDIANS OF A PORTION OF THE TRIBAL FUNDS IN THE TREASURY.

On January 14, 1889 (25 Stat. L., 642), Congress passed a law for the relief and civilization of the Chippewa Indians in the State of Minnesota and provided for the sale of certain lands.

Section 7 of the act cited provided that all money accruing from the disposition of the lands shall, after deducting all expenses, be placed in the Treasury of the United States to the credit of the Chippewa Indians of Minnesota as a permanent fund and draw interest at the rate of 5 per cent per annum, payable annually for 50 years after completion of allotments as provided by the act, and the interest and permanent fund during the period of 50 years, as stated, shall be used for the benefit of the Indians in the following manner:

One-half of the interest during the period of 50 years, except as otherwise provided in the act, shall be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use, and one-fourth of the interest shall during the same period, and with like exception, be annually paid in cash in equal shares per capita to all other classes of Indians, and the remaining one-fourth of the interest shall, during the period of 50 years under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among the Indians; and at the expiration of the period of 50 years the permanent fund shall be divided and paid in cash in equal shares to all Chippewa Indians entitled and their issue then living.

Section 7 of the act cited also provided that Congress may, in its discretion, from time to time during the period of 50 years, appropriate for the purpose of promoting civilization and self-support among the Chippewa Indians a portion of the principal sum not exceeding 5 per cent thereof.

From the above recital of facts it will be seen that the principal fund except the 5 per cent thereof which Congress may appropriate from time to time is not available for payment or expenditure until after the expiration of 50 years after allotment. The amount which Congress appropriates annually under the 5 per cent provision is inadequate to enable the inauguration of industrial programs or the giving of proper relief to the disabled, and the per capita payments made to the Indians from the interest on the principal fund usually amounts to but \$18 per capita, which amount, of course, does not go very far.

The permanent fund of the Chippewa Indians of Minnesota now amounts to approximately \$6,220,000. The number of Chippewa Indians interested in this fund is approximately 10,471, so that if a per capita segregation of the fund were made at this time each Indian would receive about \$594. The proposed item provides that not exceeding one-fourth of any Indian's share in the fund shall be advanced to him or used for him, and this would therefore limit the amount for each Indian to about \$148. Many of these Indians are inclined to

become active in industrial pursuits and get ahead, but they are handicapped and practically in destitute circumstances because they have no way to procure implements with which to work. Furthermore, the Indians need material for the improvement of homes, and there is also such a great need for clothing and subsistence for the aged and sick that there is every reason why a portion of their funds should be advanced to them at this time. The reimbursable appropriations have been used to some extent, but the Indians are reluctant, and some even refuse to use such appropriations because of doubtful ability to make enough from their lands for the support of themselves and families in addition to the amount needed to repay what might be loaned to them. The proposed item does not provide for a gratuitous appropriation, but it is simply a withdrawal of funds to the credit of the Indians, which, under existing law, can not be so withdrawn. There is no possibility of inequitable or excessive distributions under the wording of the act, and there should be no reasonable objection thereto because of such a contingency.

This money can not be paid out under the provisions of the act of March 2, 1907 (34 Stat. L., 1221), which authorizes the payment of trust funds to competent Indians, and also to those who are blind, crippled, decrepit, or helpless from old age, disease, or accident because of the existence of the provisions of section 7 of the act of January 14, 1889, supra, requiring that the money be retained in the Treasury for a period of 50 years after allotment. The provision made by Congress for the relief of distress among Indians could be used, but that appropriation is so limited and the demands upon it are so heavy throughout the country, and these Indians have such a large amount of money in the Treasury it would seem proper and wise that an advancement should be made to them so that they might get some benefit therefrom before they die.

The CHAIRMAN. Do you desire to add anything?

Mr. MERITT. Nothing, except to say that this is important legislation. The Chippewa Indians have in the treasury now more than \$5,000,000. Under the terms of the act of January 14, 1889 (25 Stat. L., 642), we are now without authority to pay to any of those Indians a pro rata share of the tribal funds. There are a great many Indians there who are old and decrepit and who will not live until the expiration of 50 years when the funds may be distributed, as provided in the act of January 14, 1889. Therefore we feel that those Indians, who are entitled to share in this fund, should get some of the benefits now. It will be very helpful in relieving their distress and providing them with some of the comforts in their old age.

The CHAIRMAN. Have the Indians made any request for this legislation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do you not think this should be made a general law and that all Indians under similar conditions should have the same benefits that would accrue to the Indians under this special law?

Mr. MERITT. We are asking, in the first part of the bill, legislation which will enable us to do that, unless there is special law applying to a particular tribe, as in the case of the Chippewa Indians of Minnesota.

The CHAIRMAN. I think it is good legislation, and should be in all reservations of similar nature. The next item is:

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, the minerals in and mineral rights pertaining to any of the lands the cession of which was provided for in said act and for which the United States has not conveyed title shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota.

What justification have you to offer for that item?

Mr. MERITT. We offer the following justification for this item:

MINERAL RIGHTS, CHIPPEWA LANDS, MINNESOTA.

Under the act of January 14, 1889 (25 Stat. L., 642), the surplus unallotted lands within the ceded Chippewa country were to be divided into two classes, viz, agricultural and pine lands. The agricultural lands were subject to entry under the homestead laws at the time of opening, but the pine lands were not subject to entry until after the timber had been sold and removed therefrom. A considerable quantity of pine land, on which this timber is still standing, remains undisposed of, and the Indians of the Chippewa Tribe have repeatedly insisted that valuable deposits of iron ore are to be found within their country, and as a matter of right they are entitled to and should be given adequate compensation for these mineral deposits.

Geological investigations have not been made to such an extent as to say with certainty just where these mineral deposits, if any, may lie, but there has been a growing tendency within recent years to recognize the right of Indians to the mineral deposits within their territory just as freely and to the same extent as we recognize their right to standing timber on the surface of the ground.

It is believed, therefore, that the Indians are justified in their request that future entries of lands within the ceded part of their country should apply to the surface only for agricultural or grazing purposes and that the mineral deposits therein should be reserved for the benefit of the tribe, subject to future disposition by Congress.

Mr. CAMPBELL. That is new legislation and does not make an appropriation.

Mr. MERITT. We will include that in the omnibus bill, Mr. Campbell.

The CHAIRMAN. The next item is:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States \$500, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section seven of the act of January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use said withdrawn sum in the purchase and fencing of burial grounds for the Fond du Lac Band of Chippewa Indians of Minnesota.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

The superintendent reports that a permanent cemetery for the Indians of the Fond du Lac Reservation is urgently required; that those living in the vicinity of Sawyer, Minn., have been burying their dead on the allotment of Kato Zoway, and that this site, comprising about 6 acres, should be purchased and retained as a tribal cemetery; that the Indians living near Cloquet have appropriated for burial purposes a part of the allotment of Z. Burton Coffey, and that 10 acres of this allotment should be likewise purchased, said area covering all the bodies already buried and furnishing room for further burials. This tract he reports can be purchased for \$30 an acre, and the 6 acres on the other allotment for \$20 an acre. He estimates the cost of fencing at \$80.

For the reason that no appropriation is available for these purposes legislation has been prepared.

The CHAIRMAN. Have the Indians requested this legislation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee for five acres, to be legally described, in the southeast corner of lot one, section nineteen, township sixty-five north, range twenty-one west of the fourth principal meridian, on the Nett Lake Indian Reservation, Minnesota, said action to be in lieu of that authorized and directed in the act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page five hundred and ninety-one).

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

The act of August 1, 1914 (38 Stat. L., 582, 591), contained the following provision:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee to lot one, section nineteen, township sixty-five north, range twenty-one west of the fourth principal meridian, State of Minnesota: *Provided*, That any persons who were residing upon said land on January first, nineteen hundred and fourteen, shall not be required to remove therefrom except upon terms approved by the Secretary of the Interior."

The record indicates that this 40-acre tract is the site of Government improvements erected for indigent Indians and also the site of Indian homes, the value of the homes being estimated at \$2,430.

The Indians living on this tract are either agency employees, are without homes, or have located thereon in order that their children may attend the Government day school. If the patent be issued their continuance would be at the will of the mission authorities. The superintendent's control over them would be seriously hampered for the reason that the jurisdiction of the land would pass with the issuance of the patent. There are also on the tract the tribal cemetery and a school garden of about 1½ acres. The land is reported to be the choicest part of the agency tract and its loss a detriment to efficient Government administration. No educational features are contemplated by the mission authorities. Five acres, it is believed, would be more than sufficient for a church and parsonage site. The Indians living on this tract have only small gardens, but other parts of the agency tract are used as common pasture, which pasture would be available for the missionary's use. A parsonage has been erected, but could be moved to the tract described in the proposed legislation.

The mission authorities propose, on receipt of a patent for the whole 40 acres, to reconvey to the United States 10 acres along the north border of the tract on which are situated, as they believe, all the Government buildings and the Indian homes; but this would still be unsatisfactory for the following reasons:

1. The greater part of the tract is needed for agency purposes.
2. The cemetery situated on the tract should remain the possession of all the Indians and not be under the control of any church or part of the tribe.
3. Data on file in the Indian Office show the Indian homes to be scattered over the tract, only a part being in the northern quarter of the lot.
4. Although the mission authorities agree not to require any Indians to move off the tract, their continuance would be on sufferance.
5. Loss of jurisdiction over the tract and over the Indians who would remain thereon after issuance of a patent might be the cause at any time of conflict with the missionary and of serious embarrassment to the Government administration.
6. No educational or other features are proposed in connection with the mission which would require more than a few acres of land.
7. Five acres should be amply sufficient for church, parsonage, and garden purposes.

We very much desire the enactment of this legislation. This provision was incorporated in the act of August 1, 1914, and it gave to this church land that is now being used for administrative purposes

at the Nett Lake Indian School, and also land on which Indians have homes. Inasmuch as the church does not need all of this land for mission purposes and inasmuch as the Government needs this land for administrative purposes and the Indians need it for home purposes, we feel that this legislation, which has been passed heretofore, should be modified, in justice to the Government and the Indians.

The CHAIRMAN. Have the Indians been consulted about the passage of this?

Mr. MERITT. Yes, sir.

The CHAIRMAN. It is satisfactory to them?

Mr. MERITT. It will be very satisfactory to the Indians.

The CHAIRMAN. The next item is:

MISSISSIPPI.

SEC. 11. To enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of next December as to their need for additional land and school facilities, \$1,000, to be immediately available.

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

The Indian Office is in possession of information showing that there are several hundred persons of Indian blood, many of whom are full-blood Indians who live in the State of Mississippi and are not affiliated with any tribe. Many complaints and statements have been received that the Indians in said State are living in an unfortunate condition of extreme poverty and ignorance, and that they are without homes of their own and without educational facilities. It is believed that an investigation should be made for the purpose of furnishing Congress information as to the condition of said Indians in order that Congress with such information before it may take such action as may then be deemed appropriate.

An appropriation of \$1,000 is therefore asked, to enable the Secretary of the Interior to investigate the condition of said Indians, and to report to Congress in the matter of their need for land and school facilities.

The CHAIRMAN. Do you desire to make a further statement in addition to what you have in your justification?

Mr. MERITT. Nothing, except to say that we have not accurate information regarding the conditions of the Indians living in the State of Mississippi. It has been reported to the office that those Indians have not adequate school facilities and that their general condition is not as desirable as it should be. This appropriation will enable us to get accurate information and furnish that information to Congress.

The CHAIRMAN. About how many Indians are there?

Mr. MERITT. There are 1,253 Indians living in the State of Mississippi.

The CHAIRMAN. About how many of these Indians are citizens of the State of Mississippi and voters and taxpayers?

Mr. MERITT. It is my information that not very many of them are taxpayers and voters.

The CHAIRMAN. Have they not heretofore received something from the United States Government?

Mr. MERITT. Yes, sir; they have received scrip, which has enabled them to take up certain lands in that State.

The CHAIRMAN. To that extent they differ from the Seminoles of Florida and the Alabama and Texas Indians, whom we have been discussing this morning?

Mr. MERITT. Yes, sir.

Mr. CARTER. What does the department propose to do for these Indians after it has spent this \$1,000?

Mr. MERITT. We want to get definite and accurate information regarding their condition, and then we will transmit that information to Congress and it can then be determined by Congress what is desired to be done for these Indians.

Mr. CARTER. Did you say that the Government had furnished them scrip?

Mr. MERITT. In the past they have taken up lands with certain scrip. I will be glad to furnish for the record exact information in regard to this.

The CHAIRMAN. It will be inserted at this point.

Mr. MERITT. The information requested is as follows:

From the statement of facts set forth in the case of the Choctaw Nation *v.* United States (119 U. S., 1) it seems that the Court of Claims found that 143 heads of families had received land under the sixteenth article of the treaty, and that the number who established their rights under the act of Congress of August 23, 1842, was 1,150, and that the number disallowed by the commissioner under that act was 292. The court found that 191 families whose claims had been rejected had complied, or attempted to comply, with the requirements of said article 16, but were deprived of their rights under it by the agents of the United States, and that they were entitled to reservations amounting to 225,760 acres. It was also found by the Court of Claims that under the provisions of said act of Congress of August 23, 1842, the United States having failed to grant to said Choctaw heads of families the lands to which they and their children claimed under the treaty, and having disposed of said lands so that it was impossible to give said Choctaw heads of families the lands whereon they resided on the date of the treaty of 1830, did, between June, 1843, and November, 1851, issue and deliver to 1,155 heads of families and to their children the certificates or scrip provided for in said act for 1,404,640 acres of land, which certificates or scrip the said Choctaw heads of families and their children were required by the United States to receive and accept in lieu of the reservation of land which, under the said article 16 of the treaty, they claimed. It further appears that the United States refused to deliver to the said Choctaw heads of families and their children the last one-half of the scrip which might have been delivered to them, under the provisions of said act of Congress, east of the Mississippi River until the said Choctaw heads of families and their children had either started for or actually arrived in Choctaw territory west of the Mississippi River.

Under the act of Congress approved March 3, 1845, 697,600 acres in the said scrip so directed to be delivered to the 1,155 heads of families and their children, were funded at the value of \$1.25 per acre, with interest thereon annually at the rate of 5 per cent per annum, which number of acres in certificates funded under said act was that part of said certificates which was not deliverable east to the said Choctaw heads of families and children, and not until their arrival in Choctaw territory west of the Mississippi River. This scrip, which was funded for the benefit of said Choctaw heads of families and their children under the act of Congress of March 3, 1845, amounted to the sum of \$872,000, which sum was paid to the said heads of families and their children or their legal representatives, under the provisions of the act of Congress of July 21, 1852.

Mr. CARTER. As a matter of fact, did not the Federal Government furnish this scrip in two different installments; or, to be specific, scrip once and money in lieu of scrip on the second occasion?

Mr. MERITT. The statement we will prepare in the office will give that information.

The CHAIRMAN. The next item is as follows:

MONTANA.

SEC. 12. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, \$20,000.

Mr. MERITT. We offer the following justification for this item:

SUPPORT OF INDIANS OF FORT BELKNAP AGENCY, MONT.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$20,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 20,000.00 |
| Amount expended..... | 18,626.13 |
| <hr/> | |
| Unexpended balance..... | 1,373.87 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 9,741.94 |
| Traveling expenses..... | 47.03 |
| Transportation of supplies..... | 475.68 |
| Telegraph and telephone service..... | 1.36 |
| Subsistence supplies..... | 5,651.77 |
| Dry goods, clothing, etc..... | 72.77 |
| Forage..... | 15.63 |
| Fuel..... | 794.64 |
| Stationery and office supplies..... | 26.01 |
| Medical supplies..... | 481.76 |
| Equipment, material, etc..... | 952.54 |
| Hospital expenses..... | 365.00 |
| <hr/> | |
| | 18,626.13 |

There are approximately 1,205 Indians on the Fort Belknap Reservation. The climate is very cold and the Indians live very largely in small log houses and even in tepees, neither of which furnish adequate protection from the rigors of winter. For want of proper housing the sanitary conditions are very bad, and this, combined with exposures, have created a large amount of sickness, and large number of Indians are so broken in health as to be unable to support themselves, necessitating issues to them. Two physicians at \$1,200 per annum are employed to aid in the alleviation of their physical ills. The amount asked for is needed for the purchase of subsistence, clothing, etc., for issues to the needy; in supplying fuel for the agency, feed for live stock, traveling expenses, etc.; and for the payment of the necessary employees.

The proposed extension of agricultural work and live-stock industry among these Indians, with a view to making them self-sustaining, will necessitate for a few years increases in the cost of administration.

The CHAIRMAN. The next item is as follows:

For support and civilization of Indians at Flathead Agency, Montana, including pay of employees, \$20,000.

Mr. MERITT. We offer the following justification for that item:

SUPPORT OF INDIANS OF FLATHEAD AGENCY, MONT.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$12,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 12,000.00 |
| Amount expended..... | 11,450.79 |
| <hr/> | |
| Unexpended balance..... | 549.21 |
| <hr/> | |

Analysis of expenditures:

| | |
|---|-----------|
| Salaries, wages, etc..... | \$4,606.7 |
| Traveling expenses..... | 976.4 |
| Transportation of supplies..... | 72.7 |
| Telegraph and telephone service..... | 50.9 |
| Printing, binding, and advertising..... | 47.5 |
| Subsistence supplies..... | 848.1 |
| Forage..... | 1,314.2 |
| Fuel..... | 732.3 |
| Stationery and office supplies..... | 390.4 |
| Medical supplies..... | 192.1 |
| Equipment, material, etc..... | 1,847.7 |
| Seed and trees..... | 371.3 |
| Total..... | 11,450.7 |

There are approximately 2,302 Indians under the jurisdiction of the Flathead Agency, Mont., most of whom have been allotted, and help must be extended to establish them on their allotments on a self-supporting basis. The amount asked for is needed to provide food, clothing, and other supplies for the Indians; for forage for agency stock, fuel, light, traveling expenses, etc.; and for pay of the necessary employees.

The increase in the amount is required for additional subsistence supplies, etc for Indians, the need for which was shown in the hearings before the Senate Committee on Indian Affairs last winter. See pages 108 to 112 of the printed report.

During the hearings before the Senate Committee on Indian Affairs last January, Senator Myers told of reports received by him about the pitiable condition of many aged, insane, indigent, sick, and poverty-stricken Indians at that agency; that the Catholic Church was aiding in the alleviation of suffering and that the annual appropriation made by Congress for these Indians should be increased to properly care for the needs. Reports have also been received from the superintendent relative to the old and indigent, and the larger number of those requiring help because of their inability to obtain work. During the past year some tribal funds have been used for this purpose to supplement the amount appropriated by Congress.

The CHAIRMAN. What justification have you for this increase of \$8,000?

Mr. MERITT. There are a number of old and decrepit Indians on this reservation who need more careful attention from the Government. It will be necessary for us to furnish them with rations and to give them closer attention than we have been giving them heretofore. It is, therefore, desirable that we have an increase in the appropriation for these Indians.

The CHAIRMAN. Does your justification show those facts specifically?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

For support and civilization of Indians at Fort Peck Agency, Montana, including pay of employees, \$30,000.

Mr. MERITT. We offer the following justification for this item:

SUPPORT OF INDIANS OF FORT PECK AGENCY, MONT.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$30,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 30,000.00 |
| Amount expended..... | 29,970.00 |
| Unexpended balance..... | 29.00 |

Analysis of expenditures:

| | |
|--------------------------------------|-------------|
| Salaries, wages, etc..... | \$16,274.21 |
| Traveling expenses..... | 315.90 |
| Transportation of supplies..... | 130.55 |
| Telegraph and telephone service..... | 54.00 |
| Subsistence supplies..... | 8,414.07 |
| Dry goods, clothing, etc..... | 7.80 |
| Forage..... | 1,315.50 |
| Fuel..... | 1,345.22 |
| Stationery and office supplies..... | 156.05 |
| Medical supplies..... | 621.96 |
| Equipment, material, etc..... | 1,311.09 |
| Miscellaneous..... | 24.00 |
| Total..... | 29,970.35 |

The amount asked for is the same as appropriated last year. There are approximately 1,938 Indians, most of whom are allotted. They have recently been allotted and the surplus lands have been thrown open to settlement. Therefore the Indians will have to be diverted from their old manner of living on the open ranges to more fixed habits, as they will be restricted to their individual holdings and will have to depend quite largely upon agriculture for their support. The amount asked for is needed to continue the efforts of the Government along these lines; for the purchase of subsistence for issue to sick, helpless, and dependent; for labor in lieu of rations; for pay of necessary employees, and for miscellaneous agency expenses, such as forage for live stock, fuel for the agency buildings, traveling expenses, etc.

The CHAIRMAN. Do you desire to make any further statement in regard to this item?

Mr. MERITT. No, sir.

The CHAIRMAN. The next item is as follows:

For support and civilization of Indians at Blackfeet Agency, Montana, including pay of employees, \$25,000.

Mr. MERITT. We offer the following justification:

SUPPORT OF INDIANS OF BLACKFEET AGENCY, MONT.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$15,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 15,000.00 |
| Amount expended..... | 14,348.19 |
| Unexpended balance..... | 651.81 |

Analysis of expenditures:

| | |
|--------------------------------------|----------|
| Salaries, wages, etc..... | 8,113.05 |
| Traveling expenses..... | 21.40 |
| Transportation of supplies..... | 167.41 |
| Telegraph and telephone service..... | 93.81 |
| Subsistence supplies..... | 1,961.58 |
| Dry goods, clothing, etc..... | 142.74 |
| Forage..... | 85.00 |
| Fuel..... | 611.80 |
| Stationery and office supplies..... | 78.60 |
| Medical supplies..... | 1,085.60 |
| Equipment, material, etc..... | 1,512.20 |
| Seed..... | 450.00 |
| Miscellaneous..... | 25.00 |

14,348.19

Amount allowed in last appropriation act, \$15,000.

Indian population, approximately 2,724, mostly allotted.

This amount is needed for the purchase of food, clothing, etc., for the needy, fuel for agency buildings, traveling expenses, etc., and the pay of the agency

force of employees. Effort is being made to get the Indians to establish themselves on their allotments, build houses and other permanent improvements, put their allotments under cultivation, and so develop them as to make them productive and capable of supporting a family, as well as comfortable homes. Considerable help must be given them, however, to accomplish that end.

The increase in amount is required to provide additional food, clothing, etc., for these Indians, the need for which was shown in the hearings before the Senate Committee on Indian Affairs per pages 112 to 116 of the published report.

The CHAIRMAN. You ask an increase in that item of \$10,000; what is the reason for that?

Mr. MERITT. The Blackfeet Indians live on the border of Canada, and there has been a need during the last few years for additional funds to enable us to furnish rations to the old and indigent Indians on that reservation.

The CHAIRMAN. They have no funds of their own?

Mr. MERITT. Their own funds are somewhat limited. We have invested a part of their funds in a tribal herd, and we need the additional appropriation to provide rations for the old Indians on that reservation.

The CHAIRMAN. The next item is as follows:

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, \$25,000, reimbursable in accordance with the provisions of the Act of April 4, 1910.

Mr. MERITT. We offer the following justification for this item:

MAINTENANCE AND OPERATION, MILK RIVER IRRIGATION SYSTEM, FORT BELKNAP RESERVATION, MONT. (REIMBURSABLE).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$20,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 20,000.00 |
| Amount expended..... | 19,820.01 |
| <hr/> | |
| Unexpended balance..... | 179.99 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 14,751.06 |
| Traveling expenses..... | 283.28 |
| Transportation of supplies..... | 415.26 |
| Telegraph and telephone service..... | 5.72 |
| Forage..... | 105.36 |
| Fuel..... | 314.53 |
| Stationary and office supplies..... | 11.71 |
| Equipment, material, etc..... | 3,422.49 |
| Repairs (to plant)..... | 438.27 |
| Miscellaneous..... | 72.33 |
| <hr/> | |
| | 19,820.01 |

FORT BELKNAP RESERVATION PROJECT.

Indian tribes, Gros Ventres and Assinaboine.
 Number of Indians, 1,224.
 Area of reservation, 546,960 acres.
 Area irrigable from constructed works, 18,000 acres.
 Area actually irrigated, 10,390 acres.
 Area farmed by Indians, 10,390 acres.
 Area of whole project, 30,000 acres.
 Cost of irrigation construction, \$218,315.38.
 Cost of irrigation operation, maintenance and miscellaneous, \$42,056.51.
 Estimated additional cost to complete project, \$70,000.
 Estimated total cost of irrigation, \$11 per acre.

Average value of irrigated lands, \$30 per acre.

Average annual precipitation, 10 inches.

Source of water supply, Milk River and tributaries. Market for produce, local (fair). Distance from railroad, 2 to 40 miles.

This estimate includes not only the Milk River project, but also the other projects on the reservation, and covers maintenance and repairs and replacements, which are necessary as the old timber structures give out; salaries and wages, new construction, traveling expenses, transportation of supplies, telegraph service, fuel, equipment, material, and miscellaneous supplies.

The area of the reservation is 537,000 acres and the population is 1,224. An encouraging increase in the use of irrigation facilities is reported.

The projects are Milk River system, White Bear system, Three Mile Coulee system, Peoples' Creek system, Lodge Pole and Big Warm systems.

The area which can be irrigated on these projects in all approximates 18,000 acres, and more than 10,000 acres are being farmed by the Indians, who are making commendable progress in their agricultural advance. The total area which will eventually be placed under ditches is approximately 30,000 acres, and the funds here requested will not only cover the repairs and maintenance, but extend the lateral system to new lands.

The CHAIRMAN. Why is this increased \$5,000?

Mr. MERITT. The laterals on that irrigation project have been constructed for a number of years, and we feel that an additional appropriation of \$5,000 is necessary to improve the lateral system.

The CHAIRMAN. Was it caused by washouts?

Mr. MERITT. No, sir; it is simply the general condition of the project.

The CHAIRMAN. Do you mean by that that it has been filled up by timber growth, such as willows and other obstructions, so that the ditches will not carry water to the land?

Mr. MERITT. We have had wood construction in some places on this project, and it is necessary to replace it with concrete construction.

The CHAIRMAN. The wood has rotted out?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice that this item originally applied to only the Milk River irrigation system, and now you have it for repairs to the irrigation systems; have you some other systems there?

Mr. MERITT. I would like for Mr. Reed to explain that.

Mr. REED. Yes, sir. Some of the systems are located back from the Milk River on subsidiary streams—small streams. Heretofore this appropriation has not reached those systems at all, and some of them have depreciated and gone into a bad state of repair on account of there being no funds with which to keep them up.

Mr. CARTER. How have you maintained and operated them in the past?

Mr. REED. They have practically not been maintained and operated since they were constructed. There has been very little done to them except by the agency forces who go out and do a little work on them.

Mr. CARTER. Then, this contemplates the opening up of an irrigation project that had been abandoned?

Mr. REED. No, sir; it has never been abandoned, but it has never been properly maintained. They have been using them the best they could, but they have gradually gotten into a state of bad repair, and they need repair now.

Mr. CARTER. How have they been using them if you had no appropriation to maintain or operate them?

Mr. REED. The Indians themselves take care of them as far as they can, and the agency employees, such as the subagency farmers and the regular employees, keep them up in a desultory sort of way, but they have gotten into such a condition now that they need more and better work and, as Mr. Meritt says, some of the wooden structures that have been there for a number of years must be replaced. In addition, in that country for some reason the willow growth is immense, and the willows have encroached in places on the cross sections of channels and they have to be removed.

The CHAIRMAN. Please give us the unexpended balance under these items.

Mr. MERITT. We have an unexpended balance of \$179.99.

The CHAIRMAN. Put a statement of the unexpended balance in the record. Give the unexpended balance under each item.

Mr. MERITT. That shows in the justifications.

The CHAIRMAN. Mr. Meritt, heretofore they have been putting these large items that follow on the bill in the Senate after the House has passed upon the bill; is that contemplated again?

Mr. MERITT. We have already submitted our estimates for the three projects—the Flathead, Blackfeet, and Fort Peck projects. We had an understanding with the delegation from Montana that these items were not to go into the Indian bill, in view of the fact that these projects are to a considerable extent for the benefit of white people as well as Indians. The estimates have gone to the Committee on Appropriations to be included in the sundry civil bill with the regular reclamation project appropriations.

The CHAIRMAN. I am glad you have taken that course in the matter, because it always gives a great deal of trouble, and I hope you will follow out that plan.

Mr. MERITT. It is understood that these items will not be incorporated in the Indian bill.

Mr. CARTER. You have an understanding with the Montana delegation that they will be taken up by the Committee on Appropriations?

Mr. MERITT. Yes, sir.

Mr. CARTER. And that they will not be put on the Indian bill in the Senate?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

For fulfilling treaties with Crows, Montana: For pay of physician, \$1,200; and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), \$3,600; for pay of second blacksmith (article 8, same treaty), \$1,200; in all, \$6,000.

Mr. MERITT. This is a treaty item and I offer the following justification:

FULFILLING TREATIES WITH CROWS, MONTANA.

| | |
|--|---------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$6,000 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 6,000 |
| Amount expended..... | 5,975 |
| Unexpended balance | 25 |
| Analysis of expenditures, salaries, wages, etc..... | 5,975 |

Amount allowed in last appropriation act, \$6,000.

Indian population, 1,699.

This is the amount appropriated annually to fulfill the obligations of the United States to provide certain employees for the Crow Indians under the treaty of May 7, 1868, ratified July 25, 1868 (15 Stat. L., 649). Article 10 of said treaty provides:

"The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons."

Article 8 of the treaty mentioned provides, inter alia, that "such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of soil a second blacksmith shall be provided, with such iron, steel, and other material as may be required."

There appears to be no limitation in time, and said provisions continue in force.

The CHAIRMAN. The next item is as follows:

For subsistence and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article 7, treaty of May 10, 1868), \$85,000.

Mr. MERITT. We offer the following justification for that:

SUPPORT OF NORTHERN CHEYENNES AND ARAPAHOES, MONTANA.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$85,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 85,000.00 |
| Amount expended..... | 77,293.21 |
| <hr/> | |
| Unexpended balance..... | 7,706.79 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 22,479.21 |
| Traveling expenses..... | 826.99 |
| Transportation of supplies..... | 3,883.30 |
| Telegraph and telephone service..... | 106.34 |
| Printing, binding, and advertising..... | 15.00 |
| Subsistence supplies..... | 28,595.75 |
| Dry goods, clothing, etc..... | 10.94 |
| Forage..... | 997.65 |
| Fuel..... | 1,507.78 |
| Stationery and office supplies..... | 259.22 |
| Medical supplies..... | 619.03 |
| Equipment, material, etc..... | 6,619.53 |
| Seed, trees, and plants..... | 857.96 |
| Care of insane..... | 255.50 |
| Payment to Indians for diseased horses killed..... | 130.00 |
| Care and maintenance of pupils in mission school..... | 10,126.41 |
| Miscellaneous..... | 2.60 |
| <hr/> | |
| | 77,293.21 |

This is the same amount as has been granted in previous years and is for the purpose of fulfilling the requirements of the treaty with the Indians. Of the amount asked for approximately \$20,000 is for pay of employees, including three physicians; approximately \$45,000 is for issuance of subsistence, etc., to Indians, labor in lieu of rations, and other supplies; \$11,000 for contracts with mission schools; balance for forage for Government animals, fuel, traveling expenses of superintendent, physicians, and other employees, etc.

The population of these two tribes aggregates 2,327 members, of whom 1,456 are Northern Cheyennes under the jurisdiction of the Tongue River Agency, Mont., and 871 are Arapahos under the jurisdiction of the superintendent of the Shoshone Indian School, Shoshone Reservation, Wyo.

Article 7, treaty of May 10, 1868 (15 Stat. L., 655), reads as follows:

"The United States hereby agrees to furnish annually to the Indians who settle upon the reservation a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons."

In the fifth article of the agreement of February 28, 1877, the United States agrees to provide all necessary aid to assist the Indians in the work of civilization and to furnish subsistence and certain specified rations. As will be seen, no amount is mentioned or specific period fixed.

Article 5, agreement of February 28, 1877 (19 Stat. L., 254), reads as follows:

"In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization, to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868. Also, to provide said Indians with subsistence consisting of the ration for each individual of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every one hundred rations four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof in the discretion of the Commissioner of Indian Affairs. Said rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves. Rations shall in all cases be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians no rations shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted) unless such children shall regularly attend school. Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor (the aged, sick, and infirm excepted), and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life. The Government will aid said Indians as far as possible in finding a market for their surplus productions and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to the agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservations."

The CHAIRMAN. Have you any additional statement to make in regard to that item?

Mr. MERITT. No, sir; except that we felt that the language stricken out in line 18 was unnecessary in view of the same language in line 15.

The CHAIRMAN. It is a repetition, then?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And this will comply with the agreement or treaty with the Indians?

Mr. MERITT. Yes, sir.

The CHAIRMAN. State whether or not any of these treaties have expired? We do not want to be appropriating money for treaties that have expired.

Mr. MERITT. No, sir; none of the treaties that we are asking appropriations for have expired, except where it is specifically stated in the bill.

The CHAIRMAN. The next item is as follows:

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, \$1,500.

Mr. MERITT. We offer the following justification for that:

LINE RIDERS, NORTHERN CHEYENNE RESERVATION, MONT.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$1,500.00 |
| <hr/> | |
| Fiscal year ending June 30, 1915: | |
| Amount appropriated..... | 1,500.00 |
| Amount expended..... | 1,236.00 |
| <hr/> | |
| Unexpended balance..... | 264.00 |
| <hr/> | |
| Analysis of expenditures, salaries, wages, etc..... | 1,236.00 |

The two men employed under this appropriation have previously been used along the boundary of the southeastern portion of the reservation to protect the interests of the Indians and prevent their live stock from leaving the reservation and going onto adjoining lands. They have also been used to some extent for the purpose of apprehending persons stealing and killing live stock on the reservation and in work of a general character in connection with the live-stock interests of the Indians. The amount requested is the same as has been appropriated in previous years.

The CHAIRMAN. The next item is:

For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$10,000.

Mr. MERITT. We offer the following justification for that:

SUPPORT OF ROCKY BOY'S BAND OF CHIPPEWAS AND OTHER INDIANS, MONTANA.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 10,000.00 |
| Amount expended..... | 5,198.30 |
| <hr/> | |
| Unexpended balance..... | 4,801.70 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 110.00 |
| Traveling expenses..... | 217.32 |
| Transportation of supplies..... | 57.73 |
| Subsistence supplies..... | 4,252.20 |
| Forage..... | 138.00 |
| Equipment, material, etc..... | 241.85 |
| Seed..... | 181.70 |
| <hr/> | |
| | 5,198.30 |

The needs of this nomadic and practically destitute band of Indians have been constantly before the department and the Indian Office, in various forms, for the past 10 years. Finally, the act of April 30, 1908 (35 Stat. L., 84), resulted in an appropriation of \$30,000 for their benefit as follows:

"That the Secretary of the Interior be, and he is hereby, authorized to expend not to exceed thirty thousand dollars for the purpose of settling Chief Rocky Boy's Band of Chippewa Indians, now residing in Montana, upon public lands, if available, in the judgment of the Secretary of the Interior, or upon some suitable existing Indian reservation in said State, and to this end he is authorized to negotiate and conclude an agreement with any Indian tribe in said State, or, in his discretion, to purchase suitable tracts of lands, water, and water rights in said State of Montana and to construct suitable buildings upon said lands and to purchase for them such necessary live stock and implements of agriculture as he may deem proper. And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of thirty thousand dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this section."

Pursuant thereto persistent efforts were made either to purchase suitable land for these Indians or to locate them upon one of the Montana reservations, but without success. Owing to this fact the act of June 30, 1913 (38 Stat. L., 91), made the unexpended portion of the original \$30,000 appropriation available for the support and civilization of these Indians in addition to which the Indian act for the fiscal year 1915 (38 Stat. L., 593) appropriated \$10,000 for the support and civilization of Rocky Boy's Band, and other indigent and homeless Indians in the State of Montana, making a total of \$40,000 appropriated for these Indians to June 30, 1915. Of this amount \$23,313.21 had been expended to the close of the fiscal year 1915, of which approximately \$25,000 was for subsistence supplies. Finally, most of these Indians drifted to the southern portion of the abandoned Fort Assiniboine Military Reserve, near Box Elder, Mont., where they are now located. An effort will probably be made during the present session of Congress to have the four southern townships of this reserve set apart as a permanent reservation for these Indians.

Under present conditions Congress is appropriating \$10,000 annually for the support of this band, most of which is expended for subsistence supplies, issued gratuitously and with no prospect of the Government ever being relieved of this burden, unless a permanent reservation is set aside for them so that they may become self-supporting, by developing the resources thereof. In the meantime permission was granted for these Indians to cultivate about 120 acres of land on the reserve, to utilize the necessary pasture for their stock, and to cut unmerchantable green timber for personal use in constructing cabins and as fire wood; the position of farmer has been authorized for their benefit; and seeds, implements, etc., purchased, so that they might at least have the opportunity of making an effort toward self-support, pending a final decision as to their permanent location. They were fairly successful with their crops in the past season and seem to be making a conscientious effort to become self-supporting, as indicated in the following letter from Little Bear, one of their chiefs.

"I and my people are anxious to have a home; to settle down and become self-supporting. Other tribes have their own land and homes; we are homeless wanderers. You have kindly given us permission to use part of the Fort Assiniboine Reservation to experiment in farming. It is like a child learning to take his first steps, and of course our attempts may be rather of a failure the first season. However, we are anxious to learn to farm, and if given land that can be farmed and which will be our own, we will soon be self-supporting."

However, as they have absolutely no resources excepting a few head of stock, it will be necessary to continue the issuance of rations to them for the present, for which the appropriation we have asked for will be partly used. Should the land be permanently set aside for them, part of the money will be used to purchase teams, implements, and other farming equipment, and to assist them in the erection of homes. However an appropriation will be needed regardless of whether or not the proposed reservation is set aside for them, as it is absolutely essential to issue rations to them in order to prevent them from resuming their former nomadic habits in search of food, by reason of which they become a nuisance to the citizens of towns in that section.

There are now about 400 Indians in this band, temporarily encamped on the Fort Assiniboine Reserve, as set forth herein

The CHAIRMAN. The next item is as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of \$100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Blackfeet Reservation in Montana, for the purpose of purchasing and caring for cattle for the use of said Indians, seeds and necessary farming equipment, to enable them to become self-supporting, under such rules, regulations, and conditions as said Secretary of the Interior may prescribe.

Mr. MERITT. We offer the following justification for that item:

The amount of \$100,000 requested to be set aside from the principal sum on deposit to the credit of the Indians of the Blackfeet Reservation is for the purpose of purchasing live stock to assist the Indian in embarking in the livestock industry. There are at the present time about 2,500 Indians living on that reservation, a number of whom are already successful stockmen and have good herds, but there is also quite a number who have no stock at all.

The land on the Blackfeet Reservation is especially adapted to the grazing of live stock, and, owing to the shortness of the summer season, is not especially suitable for agricultural purposes. The allotments of this reservation comprise 280 acres of grazing land and 40 acres of irrigable land each. Owing to the impracticability of conducting successful farming operations a large portion of these Indians seek employment elsewhere at day labor and their homes and allotments are therefore badly neglected.

If the reservation is properly stocked with cattle, beneficial use can be made of the grazing facilities available and the general conditions of the Indians can be improved by harvesting hay and raising alfalfa and other forage which can be utilized in feeding the live stock and for which a ready market can be had at home on account of the need of providing winter feed for them. During the past year 1,800 heifers and 60 bulls were purchased and placed on the range as a tribal herd in accordance with the plan of stocking the reservation for the benefit of the Indians and it is now proposed to further increase the size of that herd by the purchase of additional animals. It is estimated that the grazing lands on that reservation will support about 50,000 head of live stock and the total number now owned by the Indians is about 25,000 head. It is proposed to gradually reduce the number of outside cattle grazing on the range as the stock belonging to the tribal herd and individual Indians increases.

A little over two years ago the office endeavored to make arrangements to purchase live stock from the Blackfeet Reservation 4 per cent fund, but the comptroller ruled that under the provisions of the act of June 10, 1896 (29 Stats. L., 354), only one-third of the amount available could be used for that purpose under the law, and after the purchase of stallions needed to develop the horse industry, the balance available was so limited that it was considered inadvisable to make the purchase at that time. Many of the Indians are without resources to provide for their own needs and it is necessary, to a large extent, to expend funds to provide for them; a condition which is inexcusable in view of the grazing resources of the reservation.

The balance of this fund available July 1, 1915, including refunds, was \$162,933.47, which, after deducting the sum of \$26,850.62 already hypothecated for the present year, leaves a balance of \$136,082.85.

Mr. Chairman, the printer left out on line 24, after the word "Indians," the words "seeds and necessary farming equipment."

The CHAIRMAN. Do you desire that inserted in the bill?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Would not that be included under the language you have here?

Mr. MERITT. I doubt if it would, and we think it would be well to make it more definite.

The CHAIRMAN. Is there any further explanation you desire to make in regard to that item?

Mr. MERITT. None in addition to the justification.

The CHAIRMAN. The next item is as follows:

For the purchase of a strip of land containing sixteen acres, more or less, lying between the Flathead River and the Flathead Indian Agency reserve, Montana, for an addition to said reserve, \$320, and said amount shall be reimbursed to the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

Mr. MERITT. We offer the following justification for that item:

The strip of land desired lies between the Flathead River and that part of the present reserve that will be converted into a pasture, and its acquisition will give a river frontage along the west line of the reserve and furnish better facilities for the stock to obtain water.

On the agency reserve there are approximately 20 acres that are unproductive, due to a sharp hill in the southeastern part and some low places along the southwestern boundary line. Eliminating the low spots and the hill above referred to and the part covered by the agency buildings, very little remains for pasturage after plowing and sowing into crops about 45 acres.

It is desirable to have, immediately in connection with the barn and corral, a grazing area for stock. This tract not only lies adjacent to the barn and

corral, but affords an ideal pasture by reason of its being covered with a few large trees and lying along the river.

The strip of land is owned by Eli Palin, an Indian, and was patented to him under date of September 17, 1914, patent No. 431953. Mr. Palin offers to sell this piece of land, consisting of 16 acres, more or less, for \$320, which the superintendent states he believes to be fair and just.

Mr. CAMPBELL. I see that you have changed the language in these items.

Mr. MERITT. This is a new item.

Mr. CAMPBELL. A new item entirely?

Mr. MERITT. The other was not a new item. The one preceding this was a new item.

Mr. CAMPBELL. It is a modification of the former use of that fund?

Mr. MERITT. We are asking for the use of \$100,000 from the tribal funds in the Treasury for the purchase of cattle, seed, and farming equipment.

Mr. CAMPBELL. In the former appropriation bill you had \$25,000 for the purchase of cattle, etc.

Mr. MERITT. That was for the Northern Cheyenne Indians, but this appropriation of \$100,000 is for the Blackfeet Indians.

The CHAIRMAN. Have these Indians asked for this appropriation?

Mr. MERITT. They have expressed their approval of it to the office.

The CHAIRMAN. Have they recommended this amount?

Mr. MERITT. They did not state the amount that they wished to expend, but there is a general belief among the Blackfeet Indians that their funds can be better used if invested in cattle to graze on the reservation rather than to remain in the Treasury drawing a small interest. The Blackfeet Reservation is a splendid grazing reserve, and we think that we could make a very good showing if this money were invested in cattle to be grazed on their reservation.

The CHAIRMAN. I think it very desirable in the case of all these appropriations made out of the Indians' funds that the department should, before recommending them to Congress, take into consideration the wishes of the Indians, and I hope you have followed that rule.

Mr. MERITT. The Indians are in favor of this legislative item, so far as we are advised as to their views.

The CHAIRMAN. What steps have you taken to get their views on the matter?

Mr. MERITT. We have had an inspector on the reservation recently, in fact, we have an inspector on the reservation at this particular time, and we have also been in conference with the superintendent of the reservation and have received letters from the Indians on the reservation. I have also visited the reservation and conferred with the Indians.

The CHAIRMAN. That justifies you in saying that the Indians are willing for their money to be appropriated in this way?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I desire to ask the same question in reference to the next item, although the amount involved in it is only \$320.

Mr. MERITT. No, sir; we have not consulted the Indians about that. It is very desirable, however, from an administrative stand-

point that this strip of land be purchased. There is a small tract of land between the agency on the reservation and the river, and it is very desirable to purchase it.

The CHAIRMAN. For administrative purposes by the department?

Mr. MERITT. Yes, sir; and the Indian who owns the land has offered to sell it to the Government at this price.

The CHAIRMAN. The next item is as follows:

That lands on the Flathead Indian Reservation in Montana valuable for agricultural or horticultural purposes, heretofore classified as timber lands, may, in the discretion of the Secretary of the Interior, be appraised and opened to homestead entry under regulations prescribed by him, upon condition that homestead entrymen shall at the time of making their original homestead entries pay the full value of the timber found on the land at the time that the appraisal of the land itself is made, such payment to be in addition to the appraised price of the lands apart from the timber.

Mr. MERITT. We offer the following justification for that item:

The present law requires that the timber must be removed from lands classified as timberlands before such lands can be opened to entry. The market for timber is poor in the Flathead region at this time, and there are many tracts of land suitable for agriculture and horticulture on which there are stands of merchantable timber. If this item of legislation were enacted, the department would be able to permit such lands to be homesteaded at once upon the payment of the estimated value of the timber.

Mr. CAMPBELL. It would be a good idea to put that on the omnibus bill.

Mr. MERITT. Yes, sir; we will include that in the omnibus bill.

The CHAIRMAN. The next item is as follows:

NEBRASKA.

SEC. 13. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebraska, including pay of superintendent, \$68,000; for general repairs and improvements, \$10,000; for new boilers at power plant, extension of water and sewer main, and for construction of septic tank, \$10,800; in all, \$89,600.

Mr. MERITT. We offer the following justification for that item:

Indian school, Genoa, Nebr.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$60,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 60,000.00 |
| Amount expended..... | ¹ 59,757.79 |
| Unexpended balance | 242.21 |
| Analysis of expenditures: | |
| Salaries, wages, etc | 27,842.76 |
| Traveling expenses..... | 5.82 |
| Transportation of supplies..... | 870.11 |
| Telegraph and telephone service | 38.60 |
| Subsistence supplies | 13,254.48 |
| Dry goods, clothing, etc | 7,116.62 |
| Forage | 356.10 |
| Fuel | 4,046.86 |
| Stationery and office supplies..... | 246.15 |
| Educational supplies..... | 848.90 |
| Medical supplies | 320.81 |
| Equipment, material, etc..... | 4,499.08 |
| Miscellaneous | 311.50 |
| Total | 59,757.79 |

¹ This is not a final balance as there may be outstanding obligations yet to be charged against the appropriation.

| | |
|---|----------------------|
| Repairs and improvements: | |
| Fiscal year ending June 30, 1916, amount appropriated | \$4, 500. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 11, 000. 00 |
| Amount expended | 10, 469. 54 |
| Unexpended balance | ¹ 530. 46 |
| Analysis of expenditures— | |
| Telegraph and telephone service | 4. 10 |
| Construction | 5, 535. 13 |
| Repairs to plant | 4, 930. 31 |
| Total | 10, 469. 54 |

Expended during year from appropriation "Indian school, Genoa, Nebr., laundry," \$3,006.08; from appropriation "Indian school, Genoa, Nebr., industrial building," \$2,605.71.

Statistical statement for year ending June 30, 1915:

| | |
|---|------------------------|
| Value of school plant, real property | \$262, 075. 00 |
| Number of buildings | 39 |
| Number of employees | 41 |
| Average attendance of pupils | 391. 4 |
| Enrollment | 435 |
| Capacity | 375 |
| Cost per capita based on enrollment | ² \$160. 51 |
| Cost per capita based on average attendance | ² \$178. 25 |
| Area of school land (acres) | 320 |
| Area of school land (acres cultivated) | 183 |
| Value of products of school | \$13, 388. 70 |

Superintendent's estimate of absolute needs for 1917:

| | |
|--------------------------|-----------|
| Support | \$75, 000 |
| Repairs and improvements | 13, 400 |
| New buildings | 17, 800 |
| Total | 106, 960 |

Amount requested in proposed bill:

| | |
|--|---------|
| Support and education of 400 Indian pupils at the Indian school, Genoa, Nebr., and superintendent's salary | 68, 800 |
| Repairs and improvements | 10, 000 |
| New construction | 10, 800 |
| Total | 89, 600 |

Salaries:

| | |
|-------------------------|----------|
| Superintendent | \$2, 000 |
| Clerk | 1, 000 |
| Assistant clerk | 780 |
| do | 600 |
| Physician | 660 |
| Disciplinarian | 840 |
| Principal teacher | 1, 000 |
| Teacher | 720 |
| Do | 750 |
| Do | 660 |
| Do | 600 |
| Do | 600 |
| Do | 600 |
| Matron | 840 |
| Assistant matron | 600 |
| Do | 600 |
| Do | 540 |
| Teacher of housekeeping | 720 |
| Nurse | 720 |
| Seamstress | 600 |
| Assistant seamstress | 300 |

Salaries—Continued.

| | |
|------------------------|---------|
| Laundress | \$500 |
| Baker | 540 |
| Cook | 600 |
| Assistant cook | 500 |
| Farmer | 900 |
| Carpenter | 780 |
| Tailor | 900 |
| Shoe and harness maker | 780 |
| Blacksmith | 780 |
| Gardener | 600 |
| Dairyman | 780 |
| Engineer | 1, 000 |
| Assistant engineer | 720 |
| Laborer | 720 |
| Assistant | 300 |
| Do | 300 |
| Do | 300 |
| Do | 300 |
| Assistant clerk | 600 |
| Total | 27, 630 |

¹ This is not a final balance as there may be outstanding obligations yet to be charged against the appropriation.

² This includes \$2,798.71 used in the transportation of pupils and \$7,209.34 in the transportation of goods. There was also expended \$4,619.53, miscellaneous receipts, Class IV.

A number of buildings at this school have been in use for 25 years, and some of them have received only minor repairs in the past. New floors are required for the two girls' dormitories, as well as in the building used for kitchen, dining hall, and gymnasium. New plastering and exterior repair work, repairs to roofs and new paint are needed for many of the buildings, and, in particular, the seven frame buildings occupied by industrial employees require repairs. Sleeping porches should be provided on the girls' dormitories.

The buildings, heat, and water systems, etc., are valued at \$208,955, and the \$10,000 required for repairs and improvements is only about 4½ per cent of the value, or about 3½ per cent of the value of the total school plant, including land.

The present heating, lighting, and power plant was installed 12 years ago, using old machinery as a part of the equipment. The number of buildings has since increased, and the old heating and lighting systems are taxed beyond their capacity. The present disposal of the school sewage is unsatisfactory, and a septic tank is required. It is estimated that new boilers at the power plant, extension of the heating and lighting systems, and a septic tank, can be provided for \$10,000.

This is a nonreservation boarding school, located on 320 acres of land formerly within the Pawnee Reservation. It is now the only Government Indian school in Nebraska. There is no existing reservation under the supervision of the school, and no Indian population other than the pupils of the school.

The CHAIRMAN. Do you desire to make any further statement in regard to that item?

Mr. MERITT. This is one of our good Indian schools, located near a large number of Indians, and it can be used to advantage for a number of years. Some of the buildings there are old and have been constructed for a great many years, and some of them are in a bad state of repair. For that reason we are asking a much larger appropriation for general repairs and improvements.

The CHAIRMAN. I see you change from 375 pupils to 400, making an increase of 25 pupils: what is the present enrollment there?

Mr. MERITT. We have an enrollment at this time of 435, but the average attendance is 391. We are really supporting more pupils at that school than we have appropriations for, and we would like very much to bring the appropriation up to take care of 400 pupils, because we have ample facilities to take care of that number.

The CHAIRMAN. Is this a new school with new buildings, etc.?

Mr. MERITT. No, sir. Congress has authorized in the last two or three years additional buildings and has increased the capacity of that school. Most of the buildings there are old and some of them are badly in need of repair.

The CHAIRMAN. Are they constructed of lumber or brick?

Mr. MERITT. We have both classes—we have both brick and wooden buildings there.

The CHAIRMAN. I see that you ask for new boilers at the power plant, extension of the water and sewer mains, and for the construction of a septic tank, at a cost of \$10,800. Have you covered that in your justification?

Mr. MERITT. Yes, sir. That appropriation is very much needed by the school. It is really dangerous to the health of the pupils to permit the present sewer system to remain there without improving it. It is old and entirely inadequate to meet the requirements of the present enrollment at the school.

The CHAIRMAN. How far is this from any Indian reservation?

Mr. MERITT. As you know, Nebraska is just south of the Sioux Reservations.

The CHAIRMAN. The main Sioux Reservations?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How far is it?

Mr. MERITT. It is also near the Winnebago, Omaha, and Yankton Reservations. It is not more than 100 miles from the Rosebud and Pine Ridge Reservations; it is within a few miles of the Omaha and Winnebago Reservations, and probably 50 miles from the Yankton Reservation.

The CHAIRMAN. What is the per capita cost there?

Mr. MERITT. The per capita cost is \$178.

The CHAIRMAN. What is your unexpended balance?

Mr. MERITT. The unexpended balance amounts to \$242.21.

The CHAIRMAN. The next item is as follows:

For maintenance of the hospital at Winnebago Agency, Nebraska, for equipment and for all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting Indians to and from said hospital, \$15,000.

Mr. MERITT. We offer the following justification for this item:

A dormitory building has been remodeled for hospital purposes during the present fiscal year and a partial equipment is being purchased. The building has six wards and a capacity of easily 50 patients. It has been found that the United States is expending for the Indians, where tribal money is available, a considerable sum every year in the neighborhood of Winnebago for surgical work. It is expected that in the Winnebago Hospital considerable surgical work will be done for the Winnebago, Yankton, and other near-by Indians. It is also expected to do considerable work at this hospital in the treatment of tuberculosis and trachoma as soon as the institution can be put into running order and the work systematized.

For the payment of salaries for employees, necessary repairs, improvements, expense of transferring Indians to and from said hospital and other incidental expenses the sum of \$15,000 is asked, which is believed to be a very conservative estimate. A special appropriation is asked as it appears that the amount necessary for the maintenance of this institution can not be spared from the general appropriation "Relieving distress and prevention, etc., of diseases among Indians," without detriment to other projects and needs. There will be completed during the present fiscal year hospitals at Mescalero, Pima, Black-foot, Carson, Turtle Mountain, and Cheyenne and Arapaho, which it is expected must be supported from the general appropriation, as well as hospitals at Red Lake and Fond du Lac. It is therefore evident that unless the general appropriation is made much larger, it will be necessary to relieve it of the support of the Winnebago Hospital.

We have converted an old building at this agency into a hospital in order to take care of the sick Indians in that immediate vicinity, and it will be necessary to have an appropriation to maintain the institution for the ensuing year.

The CHAIRMAN. What kind of building is it—is it constructed of stone, lumber, or brick?

Mr. MERITT. It was an old brick building.

The CHAIRMAN. And this is for the purpose of putting it in a condition to be used for hospital purposes?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Instead of the purpose for which it was originally intended?

Mr. MERITT. Yes, sir. This hospital is very much needed and it is conveniently located to a large number of Indians.

The CHAIRMAN. Is it near the Winnebago Agency?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

NEVADA.

SEC. 14. For support and civilization of Indians in Nevada, including pay of employees, \$18,500.

Mr. MERITT. We offer the following justification for that item:

SUPPORT OF INDIANS IN NEVADA.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$18,500.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 18,500.00 |
| Amount expended..... | 17,528.07 |
| <hr/> | |
| Unexpended balance..... | 971.93 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 6,405.04 |
| Traveling expenses..... | 295.88 |
| Transportation of supplies..... | 1,305.50 |
| Heat, light, and power service..... | 10.50 |
| Telegraph and telephone service..... | 109.17 |
| Subsistence supplies..... | 4,063.54 |
| Dry goods, clothing, etc..... | 15.96 |
| Forage..... | 653.03 |
| Fuel..... | 611.76 |
| Stationery and office supplies..... | 168.11 |
| Medical supplies..... | 913.67 |
| Equipment, material, etc..... | 2,698.82 |
| Rent..... | 60.00 |
| Miscellaneous..... | 217.09 |
| <hr/> | |
| Total..... | 17,528.07 |

The Indian population is approximately 7,800, about one-third located on reservations and the remainder scattered over the public domain; but during the last few years numbers of white settlers have come into the State occupying land formerly occupied by Indians, thus depriving many of them of their former means of livelihood. Much of their reservation land, however, formerly almost worthless, has been improved by irrigation, and the Indians are struggling to cultivate these reclaimed lands with the aid of such agricultural implements and resources as they are able to obtain. The appropriation, however, has so far covered principally the administrative work; rations for the extremely destitute, absolutely necessary agency needs, and traveling expenses for supervisory officials. The total value of crops raised during the past fiscal year approximates \$47,076, and the income from leases, \$10,898.

The CHAIRMAN. The next item is as follows:

For support and education of three hundred Indian pupils at the Indian School at Carson City, Nevada, including pay of superintendent, \$52,100; for general repairs and improvements, \$8,000; for irrigating school farm, \$4,000; for new dormitory building, \$25,000; in all, \$89,100.

Mr. MERITT. We offer the following justification for that item:

INDIAN SCHOOL, CARSON CITY, NEV.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$41,700.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 41,700.00 |
| Amount expended..... | 40,718.11 |
| <hr/> | |
| Unexpended balance..... | ¹ 981.89 |
| <hr/> | |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Analysis of expenditures:

| | |
|--------------------------------------|-------------|
| Salaries, wages, etc..... | \$18,890.72 |
| Traveling expenses..... | 178.08 |
| Heat, light, and power service..... | 936.66 |
| Telegraph and telephone service..... | 104.89 |
| Subsistence supplies..... | 9,357.21 |
| Dry goods, clothing, etc..... | 5,033.13 |
| Forage..... | 826.35 |
| Fuel..... | 2,374.38 |
| Stationery and office supplies..... | 3.56 |
| Educational supplies..... | 294.28 |
| Medical supplies..... | 505.73 |
| Equipment, material, etc..... | 1,991.41 |
| Miscellaneous..... | 221.71 |
| | <hr/> |
| | 40,718.11 |
| | <hr/> |

Repairs and improvements:

| | |
|--|----------|
| Fiscal year ending June 30, 1916, amount appropriated..... | 8,000.00 |
| | <hr/> |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 8,000.00 |
| Amount expended..... | 7,397.19 |
| | <hr/> |
| Unexpended balance..... | 602.81 |
| Analysis of expenditures, repairs (to plant)..... | 7,397.19 |
| | <hr/> |

Statistical statement for year ending June 30, 1915:

| | |
|--|-----------------------|
| Value of school plant, real property..... | \$8,406,820 |
| Number of buildings..... | 51 |
| Number of employees..... | 26 |
| Average attendance of pupils..... | 256 |
| Enrollment..... | 292 |
| Capacity..... | 286 |
| Cost per capita based on enrollment..... | ¹ \$162.76 |
| Cost per capita based on average attendance..... | ² \$185.65 |
| Area of school land (acres)..... | 687 |
| Area of school land (acres cultivated)..... | 50 |
| Value of products of school..... | \$2,166.05 |
| | <hr/> |

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|----------|
| Support..... | \$52,350 |
| Repairs and improvements..... | 8,000 |
| New buildings..... | 36,000 |
| | <hr/> |
| Total..... | 96,350 |
| | <hr/> |

Requested in proposed bill:

| | |
|---|--------|
| Support and education of 300 Indian pupils and superintendent's salary..... | 52,100 |
| Repairs and improvements..... | 8,000 |
| New buildings (dormitory)..... | 25,000 |
| Irrigating school farm..... | 4,000 |
| | <hr/> |
| Total..... | 89,100 |
| | <hr/> |

¹This includes \$1,740.16 used in the transportation of pupils and \$5,069.87 in the transportation of goods and supplies. There was also expended \$559.09, miscellaneous receipts, Class IV.

Positions.

| | | | |
|-----------------------|----------|-----------------------------|---------|
| Salaries: | | Salaries—Continued. | |
| Superintendent----- | \$2, 000 | Seamstress----- | \$540 |
| Principal----- | 1, 000 | Laundress----- | 520 |
| Clerk----- | 1, 000 | Baker----- | 500 |
| Assistant clerk----- | 600 | Cook----- | 600 |
| Disciplinarian----- | 800 | Farmer----- | 900 |
| Teacher----- | 630 | Carpenter----- | 720 |
| Do----- | 600 | Laborer----- | 600 |
| Do----- | 600 | Shoe and harness marker.... | 660 |
| Kindergartner----- | 660 | Engineer----- | 800 |
| Matron----- | 720 | Laborer----- | 600 |
| Assistant matron----- | 500 | Assistant----- | 300 |
| Do----- | 480 | | |
| Housekeeper----- | 660 | Total----- | 17, 710 |
| Nurse----- | 720 | | |

Fifty-two thousand one hundred dollars is estimated to provide for the support and maintenance of 300 pupils, including the salary of the superintendent. This amount, based on \$167 per capita cost, is the same as that for previous years.

In 1913 the appropriation for this school was decreased from an amount sufficient for the support of 300 to that for 250 pupils. This was done because there was a falling off in the attendance. Recently the attendance has largely increased, and there is a very strong demand for admittance of many more than 300. As Carson School is the only nonreservation school in the State, and as there is a large number of Indian children without school facilities, it is important that the appropriation for 300 be made as it was in former years.

Eight thousand dollars for repairs and improvements will be needed to keep the buildings, which are old and worn with usage, in proper condition. Much painting, kalsomining, and ordinary repairs, including plumbing, will be required to keep the buildings, sewer and water systems in proper condition. This school is easily filled to its capacity, and it should be maintained for many years.

Twenty-five thousand dollars is estimated for the construction of a new dormitory building. The present building was erected in 1880. It is in such bad condition that it is deemed advisable and economical to tear it down and construct a new dormitory building in its stead.

We have very materially improved the conditions at this school during the last year. There are probably about 8,000 Indians in that State, and this is the only large boarding school in the State.

The CHAIRMAN. Is it a nonreservation school?

Mr. MERITT. Yes, sir.

The CHAIRMAN. I see you want a new dormitory, at a cost of \$25,000; have you had any dormitory there heretofore?

Mr. MERITT. The attendance has increased at this school so much that it is necessary to provide additional dormitory space.

The CHAIRMAN. You ask \$25,000 for that?

Mr. MERITT. Yes, sir; and we very much need that on account of the increased attendance at the school. We are unable to provide adequately for the pupils without this increase in the dormitory facilities.

The CHAIRMAN. What is the necessity for this additional appropriation? You propose to increase the capacity from 250 to 300 pupils?

Mr. MERITT. We find that we have need for a 300-pupil capacity dormitory at that school in order to take care of all the children who desire to attend the school.

The CHAIRMAN. What is the per capita cost there?

Mr. MERITT. One hundred and eighty-five dollars.

The CHAIRMAN. What is your unexpended balance?

Mr. MERITT. It is \$981.

The CHAIRMAN. I see you are asking \$4,000 for irrigating the school farm. Is this an industrial school?

Mr. MERITT. Yes, sir; it is an industrial school, and the land there has practically no value without irrigation.

The CHAIRMAN. Where do you get water for it?

Mr. MERITT. We propose to purchase or develop the water.

The CHAIRMAN. Is there a ditch there that you can purchase water from?

Mr. MERITT. Yes, sir.

The CHAIRMAN. A ditch that can supply this land with sufficient water?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How much land do you propose to have in the school farm?

Mr. MERITT. I think about 160 acres.

The CHAIRMAN. You say that this land is of little value unless water is furnished for its irrigation?

Mr. MERITT. Yes, sir; that school is in an arid country and irrigation is absolutely necessary.

Mr. CARTER. What Indians attend this school?

Mr. MERITT. Different tribes of Indians in the State of Nevada. We have quite a large number of Indians in that State.

Mr. CARTER. I notice that you have an increase here of \$39,000, all told?

Mr. MERITT. Yes, sir.

Mr. CARTER. Consisting of an increase of 50 pupils, \$4,000 for irrigating the school farm, and \$25,000 for a new dormitory building?

Mr. MERITT. Yes, sir.

Mr. CARTER. This is the largest increase you are asking for in any school, is it not?

Mr. MERITT. That is probably the largest increase we are asking for. This school was allowed to run down for a number of years, and we ask for this additional equipment in order to place that school on its feet to serve the attendance there.

Mr. CARTER. Now, you say you have just placed it in a very fine condition, and why is it now necessary to spend all of this additional money just after you have put it in such elegant shape?

Mr. MERITT. We have placed it in as good condition as possible with the appropriations available. We have placed a new superintendent in charge and the attendance has increased. We feel that with this new dormitory and the appropriation for irrigating the school farm we can increase the attendance to 300 pupils instead of 250, and that would be economical administration from the Government's standpoint.

Mr. CARTER. You not only ask for an increase in the attendance, but a new dormitory to take care of that increase?

Mr. MERITT. Yes, sir.

Mr. CARTER. And your capacity last year was 286 pupils?

Mr. MERITT. The attendance was 256 pupils.

Mr. CARTER. But your capacity now is 286 pupils?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you think that this committee would be justified in reporting and this increase of \$39,000 in order to take care of 14 more pupils?

Mr. MERITT. With this additional dormitory we can provide for the full capacity of 300 pupils, whereas we now have only 256.

Mr. CARTER. But you have capacity for 286 pupils?

Mr. MERITT. Yes, sir.

Mr. CARTER. So that, in order to take care of the 300 pupils, it would only be necessary to provide for 14 more pupils. Don't you think that is a pretty big amount to spend—\$25,000 for the housing of 14 pupils?

Mr. MERITT. In order to improve the general dormitory facilities of this school, it will be necessary to have a new building. The present dormitory facilities are inadequate.

Mr. CARTER. But you have dormitory facilities for 286 pupils?

Mr. MERITT. Yes, sir; we can crowd them in there in an inadequate way, but the dormitory facilities there are not what they should be.

The CHAIRMAN. The next item is as follows:

For beginning improvement, enlargement, and extension of the irrigation diversion and distribution system to irrigate approximately three thousand three hundred acres of Indian land on the Pyramid Lake Reservation, Nevada, \$30,000, reimbursable from any funds of said Indians now or hereafter available, and to remain available until expended: *Provided*, That the cost of said entire work shall not exceed \$85,000.

Mr. MERITT. This is a new item, and we offer the following justification:

PYRAMID LAKE RESERVATION PROJECTS.

Indian tribe, Pah-Ute.

Number of Indians, 609.

Area of reservation, 322,000 acres.

Area at present irrigated (attempted), 1,000 acres.

Area at present irrigable, 600 acres.

Area at present farmed by Indians, 1,000 acres.

Area at present farmed by lessees, none.

Area at present farmed by white owners, none.

Area of whole project, 3,300 acres.

Cost of irrigation construction and maintenance to June 30, 1915 (largely maintenance), \$41,836.73.

Estimated additional cost of completed project, \$84,000.

Estimated total cost of completed project per acre, \$38.50.

Average value of irrigated lands per acre, \$60.

Average annual rainfall, 5 inches.

Source of water supply, Truckee River; market for crops, local (good); distance from railway, 1 mile.

The funds here requested are for the initiation of an irrigation project which will supply 3,300 acres. The Indians of this reservation number 609 and at present they are attempting to farm nearly 1,000 acres, but their irrigation system is very poor, and frequently the water supply is temporarily lost, due to the failure of some of the structures or the canals. It is proposed to build a permanent concrete diversion dam in the Truckee River, from which the water supply is drawn, and initiate the construction of the distributing system which will eventually supply the whole territory of this project. It is absolutely essential to the prosperity of these Indians that they be supplied with a properly constructed irrigation system, and during the past two years large amounts have been spent each year in attempting to maintain the makeshifts at present in use. The Indians of this reservation are comparatively industrious, and no doubt advantage will be taken by them of any facilities for increasing the irrigable area.

The CHAIRMAN. What further statement do you desire to make in regard to this item?

Mr. MERITT. Mr. Reed, do you wish to make a statement in regard to this item?

Mr. REED. I do not know that there is anything that I can say that is not in the justification. These Indians are very industrious. They have had a very old dilapidated system for some years, and it is now a complete wreck. The structures are all of wood. It was put in as a temporary system, and they have had but little money to spend from year to year in making temporary repairs. That kind of work is simply a waste of money, because it is not permanent. It is taken out in the next spring's floods. It is up to the point now to decide whether to go ahead and make some permanent improvements or practically abandon it, and let these Indians go back to the desert state.

The CHAIRMAN. I notice that you make this amount reimbursable. Have these Indians any funds out of which the amount asked for in this appropriation can be paid?

Mr. MERITT. They have no funds at this time, but ultimately they may have surplus lands to be disposed of, and the Government then can be reimbursed.

The CHAIRMAN. How much land have they under this proposition that you speak of?

Mr. REED. The total amount will be about 3,300 acres.

The CHAIRMAN. In order to complete it, how much money will be required?

Mr. REED. To complete the whole system, about \$85,000.

The CHAIRMAN. That is the amount asked for?

Mr. REED. We ask for a portion this year. That amount would be for completion.

The CHAIRMAN. Would the Indians farm this land if they had this appropriation?

Mr. REED. I think so. They have to make their living from the land, and they are very energetic.

The CHAIRMAN. Are they now living on the land?

Mr. REED. Yes, sir; they have been for years.

The CHAIRMAN. Have they been farming it?

Mr. REED. Not all of it, but some, as they could get the water, but it has been unsatisfactory on account of the temporary work.

The CHAIRMAN. Have the lands been allotted to them that they are living on now?

Mr. REED. I am not sure; I do not know.

The CHAIRMAN. Have the lands been allotted to these Indians living on this ditch that you propose furnishing water to?

Mr. MERITT. I think so.

Mr. REED. They have patches which they farm.

Mr. MERITT. They have received tentative allotments.

The CHAIRMAN. I would like to know whether they own the lands individually or as a tribe.

Mr. MERITT. They have not been permanently allotted, but simply tentatively.

The CHAIRMAN. Then the lands belong to the whole tribe?

Mr. MERITT. Yes, sir.

Mr. NORTON. Is there any existing legislation to authorize the commissioner to assess against Indian allotments the benefits accruing from the establishment of irrigation ditches?

Mr. MERITT. Yes, sir. The Indian appropriation act of August 1, 1914, carried that legislation.

Mr. CARTER. You spoke of the reimbursable feature of this item and said that these Indians might have some lands for sale. How much land have they?

Mr. MERITT. They have a reservation covering 322,000 acres. There are 609 Indians on this reservation. They have irrigated up to the present time approximately 1,000 acres, but the dam is very inadequate and is washed out frequently, and when the Indians most need the water they can not get it.

Mr. CARTER. Do you think there is any probability of the reimbursement to the Treasury of this \$85,000?

Mr. MERITT. Yes, sir. I think they have property adequate to reimburse the Government ultimately.

Mr. CARTER. No property but the land?

Mr. MERITT. That is the situation.

Mr. CARTER. Would it not be necessary for them to have this amount of land for stock purposes, etc.?

Mr. MERITT. They would probably utilize this land for grazing purposes for a while, but ultimately the land will be disposed of, and they will have the proceeds from the sale of the land.

The CHAIRMAN. How many Indians are there on this reservation?

Mr. MERITT. Six hundred and nine.

The CHAIRMAN. The next item is:

For the purchase of land and water rights for the Washoe Tribe of Indians, the title to which is to be held in the United States for the benefit of said Indians, \$10,000, to be immediately available and to remain available until expended; for the support and civilization of said Indians, \$5,000; in all, \$15,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Purchase of lands, etc., Washoe Indians, Nevada----- \$15,000

In justification for this item it may be said that it has been reported that there are about 600 Washoe Indians in Ormsby and Douglas Counties who make a precarious livelihood working at odd jobs, supplementing the little money they are able to earn for subsistence by gathering nuts and by fishing. Some of these Indians are said to be in a deplorable condition, and no doubt the older ones are quite helpless, and probably not well cared for. This matter was thoroughly discussed by the Senate Committee on Indian Affairs of the Sixty-third Congress, third session, and the item was agreed to. Senator Pittman, who presented the item, among other things said:

"These Indians have been at peace with the whites from the beginning. In the days when they had the Piute wars the Washoes sided with the whites and aided and assisted them. The result has been that the Piute Indians in that State are bitter against the Washoes. The Putes have received the assistance and protection of the Government, but the Washoe Indians have never received any assistance or protection whatever. They are the best Indians in our State. They are a splendid, high-class type of Indian. A number of years ago they were granted a little tract of land in the Carson Valley. That land, however, was on the shelf, as we term it in that country. It was not in the valley proper. It was on the slide rock which comes down from the mountains, and so it was impossible for agricultural purposes. The Indians were unable there to do anything. These Indians live just from hand to mouth. They will pitch a little bit of a tent around the edge of a town or mining camp. The women will try

to get washing and the men will try to get a job chopping some wood, but it is a very precarious living they earn at the outside. They have no reservation to live on, and no protection whatever, and it is an outrage. The people of the State are very much interested in that, and have for a long time been trying to do something for them. It is useless to go and appropriate for some public lands unless you can acquire water rights for them. The water rights in that State have been appropriated, or have been set aside for the Government projects, which places it beyond the reach of the Indian. Those who take the most interest in Indian affairs in our State think the best thing to do is to purchase a tract of real agricultural land, say, 100 acres, close to Carson City, with a water right, where these Indians can raise garden stuff and chickens and have a home and a market for their produce."

Further discussion of this item will be found on pages 252 and 306 of the Senate hearings.

The Nevada Indians have not heretofore received the attention from the Government that Indians in other States have received. We have a great many homeless Indians in Nevada, and it is very desirable that we place those Indians on lands that we can irrigate.

The CHAIRMAN. How many Indians are there in this Washoe Tribe?

Mr. MERITT. There are 600.

The CHAIRMAN. Are these Indians agriculturists—Indians who live by farming—or are they nomadic?

Mr. MERITT. At the present time they have no lands and they make their living by working at odd jobs; whatever they can get to do they do to make a living.

The CHAIRMAN. It there a reservation set apart for them?

Mr. MERITT. No, sir. They live in Washoe and Douglas Counties, Nevada, and travel from one place to another.

The CHAIRMAN. And heretofore have had no permanent home?

Mr. MERITT. No, sir.

The CHAIRMAN. Has the Government ever had supervision and control over them?

Mr. MERITT. They are supposed to be under the jurisdiction of the Government.

The CHAIRMAN. In what way have appropriations ever been made?

Mr. MERITT. You make a general appropriation for the support and civilization of Indians in Nevada, but the appropriation for that purpose has not been sufficient to purchase lands for them. In fact, we are without authority to purchase lands without specific provision of law authorizing us to do so.

The CHAIRMAN. Have these Indians any lands now to cultivate?

Mr. MERITT. Only small gardens and patches on lands they do not own.

The CHAIRMAN. On the public domain?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is there anything to prevent these lands from being allotted to the Indians under existing laws?

Mr. MERITT. They also live temporarily on lands owned by white men until the white people drive them off.

The CHAIRMAN. Would it not be possible and would it not be right for the Government to see that these Indians are located on homesteads on the public domain rather than by the appropriation proposed here?

Mr. MERITT. There is very little land in Nevada available for homestead entry that is desirable for the Indians simply because there is no water supply, and it will be necessary to purchase a water supply for the land that we buy for them.

The CHAIRMAN. Would it be good legislation, if they are living upon the public lands now, some of them, and making a living by using the water in the streams they are living on, to go ahead and buy other lands when they can homestead the lands they are now living on?

Mr. MERITT. We can not furnish a water supply to the lands that we might allot to them under the fourth section of the allotment act, for which we have authority now. The principal question is not so much one of land as it is of water.

Mr. NORTON. How many Indians are there in this band?

Mr. MERITT. Six hundred.

Mr. NORTON. How much land is it proposed to purchase?

Mr. MERITT. We will, of course, make the very best purchase that we can for them. That has not been definitely determined.

Mr. NORTON. With this \$10,000?

Mr. MERITT. Yes, sir. If this appropriation is made, Mr. Norton, I will see that none of it is used for paying salaries; but we will pay those salaries out of other general funds.

The CHAIRMAN. I notice, in line 2, you have this item, "For support and civilization of Indians in Nevada, including payment of employees, \$18,500"; and here you have the item, "For support and civilization of the said Indians, \$5,000," and you say they are in the State of Nevada. Why does not the general appropriation cover that?

Mr. MERITT. Because we have such a large call on this general item that we can not purchase lands out of the small appropriation.

The CHAIRMAN. You only ask for \$5,000. Why not add that to the \$18,500 you now have, and only have one item?

Mr. MERITT. We want to get this band located on the land that we propose to buy for them, and to build small homes for them out of this specific appropriation. We should prefer that the two appropriations should be kept separate; but, in order to make it perfectly clear, we should be glad to see a proviso added to this item: "Provided, That no part of this fund shall be used to pay the salaries of employees." We want to use all the appropriation for the benefit of the Indians.

The CHAIRMAN. Then these Indians would be supervised by the employees that are covered by the \$18,500 appropriation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

NEW MEXICO.

SEC. 15. For support and education of four hundred and fifty Indian pupils at the Indian school at Albuquerque, New Mexico, and for pay of superintendent, \$77,400; for general repairs and improvements, \$8,000; for the purchase of additional acreage adjoining the school farm, \$12,000; in all, \$97,400.

What justification have you to offer for this item, Mr. Meritt?

MR. MERITT. I offer the following justification for this item:

INDIAN SCHOOL, ALBUQUERQUE, N. MEX.

| | |
|---|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$68, 600. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 68, 600. 00 |
| Amount expended----- | 68, 292. 58 |
| <hr/> | |
| Unexpended balance----- | 307. 42 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc----- | 26, 698. 77 |
| Transportation of supplies----- | 442. 56 |
| Heat, light, and power (service)----- | 1, 428. 29 |
| Telegraph and telephone service----- | 76. 54 |
| Printing, binding, and advertising----- | 9. 00 |
| Subsistence supplies----- | 16, 715. 30 |
| Dry goods, clothing, etc----- | 9, 488. 01 |
| Forage----- | 2, 632. 31 |
| Fuel----- | 2, 548. 36 |
| Stationery and office supplies----- | 95. 28 |
| Educational supplies----- | 688. 45 |
| Medical supplies----- | 380. 06 |
| Equipment, material, etc----- | 6, 884. 79 |
| Miscellaneous----- | 204. 86 |
| <hr/> | |
| | 68, 292. 58 |
| <hr/> | |
| Fiscal year ending June 30, 1916, amount appropriated----- | 5, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915— | |
| Amount appropriated----- | 5, 000. 00 |
| Amount expended----- | 4, 991. 37 |
| <hr/> | |
| Unexpended balance----- | 8. 63 |
| <hr/> | |
| Analysis of expenditures— | |
| Repairs (to plant)----- | 4, 613. 37 |
| Construction----- | 378. 00 |
| <hr/> | |
| | 4, 991. 37 |
| <hr/> | |
| Statistical statement for year ending June 30, 1915: | |
| Value of school plant—real property----- | \$228, 805. 00 |
| Number of buildings----- | 35 |
| Number of employees----- | 41 |
| Average attendance of pupils----- | 427 |
| Enrollment----- | 441 |
| Capacity----- | 400 |
| Cost per capita based on enrollment----- | ¹ \$174. 90 |
| Cost per capita based on average attendance----- | ¹ \$180. 64 |
| Area of school land, acres----- | 72. 25 |
| Area of school land, acres cultivated----- | 35. 77 |
| Value of products of school----- | \$10, 172. 42 |
| <hr/> | |
| Superintendent's estimate of absolute needs for 1917— | |
| Support----- | \$76, 950. 00 |
| Repairs and improvements----- | 8, 000. 00 |
| New buildings----- | 10, 000. 00 |
| Purchase of land adjacent to or in vicinity of school farm----- | 12, 000. 00 |
| <hr/> | |
| Total----- | 106, 950. 00 |
| <hr/> | |

¹ This includes \$1,047.80 spent for the transportation of pupils and \$7,792.41 for the transportation of goods and supplies. There was also expended \$412.01 from miscellaneous receipts, class 4.

Amount requested in proposed bill, 1917—

| | |
|---|-------------|
| Support and education of 450 Indian pupils and superintendent's salary..... | \$77,400.00 |
| Repairs and improvements..... | 8,000.00 |
| Purchase additional acreage adjoining the school farm..... | 12,000.00 |
| Total..... | 97,400.00 |

Salaries :

| | |
|---------------------------------------|---------|
| Superintendent..... | \$2,250 |
| Clerk..... | 1,200 |
| Assistant clerk..... | 900 |
| Physician (6 months, at \$1,200)..... | 600 |
| Disciplinarian..... | 900 |
| Assistant disciplinarian..... | 720 |
| Teacher..... | 1,000 |
| Do..... | 750 |
| Do..... | 750 |
| Do..... | 750 |
| Do..... | 660 |
| Do..... | 660 |
| Do..... | 660 |
| Kindergartner..... | 780 |
| Teacher..... | 600 |
| Domestic science teacher..... | 600 |
| Matron..... | 720 |
| Assistant matron..... | 600 |
| Do..... | 540 |
| Do..... | 300 |
| Nurse..... | 720 |
| Seamstress..... | 600 |
| Assistant seamstress..... | 480 |

Salaries—Continued.

| | |
|-----------------------------------|--------|
| Laundress..... | \$600 |
| Tailor..... | 720 |
| Baker..... | 540 |
| Cook..... | 600 |
| Assistant cook..... | 480 |
| Carpenter..... | 800 |
| Assistant..... | 150 |
| Do..... | 150 |
| Superintendent of industries..... | 1,000 |
| Shoe and harness maker..... | 600 |
| Blacksmith and wheelwright..... | 840 |
| Gardner..... | 780 |
| Engineer..... | 720 |
| Assistant..... | 180 |
| Do..... | 180 |
| Do..... | 180 |
| Do..... | 180 |
| Laborer..... | 600 |
| Do..... | 480 |
| Total..... | 27,520 |

Since the passage of the last appropriation bill the enrollment at this school has increased from 365 to 441 and the average attendance from 336 to 427. The amount of \$77,400 asked for under the support item provides for 450 children and includes the salary of the superintendent. The products of the school amounted to \$10,172 for the last fiscal year, an increase of approximately 50 per cent over the products for the previous year and is double the amount for the year ending June 30, 1913. This assisted materially in caring for the increased attendance.

Eight thousand dollars is estimated for repairs and improvements. This amount is needed for repairing the water system and extending it to buildings not now connected, to make extension to the heating and pumping plant which it has been impossible to make for lack of funds, to improve the sewer system so as to give better results and make it more sanitary, and for repairs of a general nature at the school, including the replacing of the worn floors, stairs, and roofs. The amount asked for is only 3½ per cent of the value of the plant, or 3.86 of the value of the plant exclusive of the land, and is extremely low.

The amount of \$12,000 is requested for the purchase of additional land adjacent to or in the vicinity of the school farm. With an attendance of 400 pupils the school has available for the purposes of agricultural and dairy instructions only 40 acres of land. It is desired to add to this tract so as to provide adequate instruction for the pupils.

The Albuquerque school is a very fine Indian school and is located near the homes of the Pueblo Indians. We have Indians in New Mexico to the number of 21,000.

The CHAIRMAN. Pueblo Indians?

Mr. MERITT. We have probably 8,000 Pueblo Indians altogether and a total of 21,000 Indians in New Mexico.

The CHAIRMAN. The others are Apaches of different bands?

Mr. MERITT. Yes, sir; we have Apache Indians in New Mexico.

The CHAIRMAN. You have a general appropriation in the first part of the bill for the Arizona and New Mexico Indians—a lump-sum appropriation?

Mr. MERITT. That is for the agencies and schools not specifically provided for. This is a nonreservation school and all of them are specifically provided for in the Indian bill. Mr. Perry, the superintendent of the school, has been in the service a great many years and he is one of our best superintendents.

The CHAIRMAN. I notice that you want to buy additional acreage adjoining the school farm. Does not the land all around that farm belong to the Pueblo Indians?

Mr. MERITT. No, sir. This school is right on the outskirts of the city of Albuquerque, and it is necessary for us to purchase this land.

The CHAIRMAN. How much land do you propose to purchase?

Mr. MERITT. We expect to purchase a tract of about 40 acres of irrigated land.

The CHAIRMAN. Land that is under ditch now?

Mr. MERITT. Yes, sir; and that will include the water right.

The CHAIRMAN. Is it a perpetual water right or an annual water right?

Mr. MERITT. It is a perpetual water right.

The CHAIRMAN. What will it cost per acre?

Mr. MERITT. The cost will be about \$300 an acre. The land is irrigated land near Albuquerque and is very expensive.

The CHAIRMAN. Is that the value of land similarly situated under ditch in that neighborhood?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do you propose to buy the land in the town or in the suburbs?

Mr. MERITT. In the suburbs of the town adjoining the present school land. We are emphasizing the industrial feature at all of our nonreservation schools, and it is our desire to have an adequate farm so as to raise produce and teach the boys agriculture.

The CHAIRMAN. Have you any land for farming at this school?

Mr. MERITT. We have only a very small tract, entirely inadequate to meet the needs of the school, and for that reason we are required to purchase many things that we should raise for the school.

Mr. CARTER. What did you say it would cost per acre?

Mr. MERITT. About \$300. There will be no expense for salaries in connection with the purchase of this land.

The CHAIRMAN. The next item is:

For support and education of three hundred and fifty Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, \$60,700; for general repairs and improvements, \$8,000; for water supply, \$1,600; in all, \$70,300.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

INDIAN SCHOOL, SANTA FE, N. MEX.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$61, 150. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 61, 150. 00 |
| Amount expended..... | 60, 809. 31 |
| <hr/> | |
| Unexpended balance..... | 340. 69 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 25, 121. 74 |
| Traveling expenses..... | 7. 25 |
| Heat, light, and power (service)..... | 1, 109. 62 |
| Telegraph and telephone service..... | 113. 05 |
| Printing, binding, and advertising..... | 2. 50 |
| Subsistence supplies..... | 11, 682. 77 |
| Dry goods, clothing, etc..... | 6, 547. 52 |
| Forage..... | 1, 913. 28 |
| Fuel..... | 5, 763. 59 |
| Stationery and office supplies..... | 32. 00 |
| Educational supplies..... | 235. 42 |
| Medical supplies..... | 292. 67 |
| Equipment, material, etc..... | 6, 231. 79 |
| Irrigation water..... | 1, 600. 00 |
| Miscellaneous..... | 156. 11 |
| <hr/> | |
| | 60, 809. 31 |
| <hr/> | |
| Repairs and improvements: | |
| Fiscal year ending June 30, 1916; amount appropriated..... | 6, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915— | |
| Amount appropriated..... | 6, 000. 00 |
| Amount expended..... | 5, 513. 54 |
| <hr/> | |
| Unexpended balance..... | 1 486. 46 |
| <hr/> | |
| Analysis of expenditures, repairs (to plant)..... | 5, 513. 54 |
| <hr/> | |
| Statistical statement for year ending June 30, 1915: | |
| Value of school plant—real property..... | \$155, 276. 15 |
| Number of buildings..... | 28 |
| Number of employees..... | 36 |
| Average attendance of pupils..... | 354 |
| Enrollment..... | 380 |
| Capacity..... | 350 |
| Cost per capita based on enrollment..... | ¹ \$163. 72 |
| Cost per capita based on average attendance..... | ² \$175. 74 |
| Area of school land..... acres | 106 |
| Area of cultivated school land..... do | 46 |
| Value of products of school..... | \$10, 616. 88 |
| <hr/> | |
| Superintendent's estimate of absolute needs for 1917: | |
| Support..... | \$62, 300 |
| Repairs and improvements..... | 8, 000 |
| New buildings..... | 30, 000 |
| <hr/> | |
| Total..... | 100, 300 |
| <hr/> | |

NOTE.—Expended from appropriation "Indian School, Santa Fe, N. Mex., dairy barn," \$3,959.75.

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

²This includes \$1,402.74 spent for the transportation of goods and supplies. There was also used \$374.34 miscellaneous receipts, class 4.

Statistical statement for year ending June 30, 1915—Continued.

Amount requested in proposed bill, 1917:

| | |
|--|----------|
| Support and education of 350 Indian pupils and superintendent's salary | \$60,700 |
| Repairs and improvements | 8,000 |
| Water | 1,600 |
| Total | 70,300 |

Salaries:

| | |
|--------------------------------|---------|
| Superintendent | \$2,250 |
| Principal | 1,000 |
| Clerk | 1,200 |
| Financial clerk | 720 |
| Physician | 720 |
| Disciplinarian | 720 |
| Assistant disciplinarian | 600 |
| Teacher | 720 |
| Do | 660 |
| Do | 840 |
| Do | 630 |
| Do | 600 |
| Kindergartner | 750 |
| Domestic science teacher | 600 |
| Industrial teacher | 900 |
| Matron | 720 |
| Assistant matron | 600 |
| Do | 300 |
| Do | 600 |
| Nurse | 720 |
| Seamstress | 660 |

Salaries—Continued.

| | |
|------------------------------|--------|
| Laundress | \$600 |
| Assistant laundress | 180 |
| Baker | 540 |
| Cook | 600 |
| Assistant cook | 300 |
| Painter | 780 |
| Carpenter | 780 |
| Tailor | 720 |
| Shoe and harness maker | 660 |
| Blacksmith | 720 |
| Gardener | 600 |
| Engineer | 900 |
| Assistant engineer | 300 |
| Assistant | 240 |
| Do | 240 |
| Do | 180 |
| Laborer | 480 |
| Do | 480 |
| Total | 25,810 |

Sixty thousand seven hundred dollars is necessary for the support of 350 Indian children and salary of the superintendent.

The item of \$8,000 for repairs and improvements is slightly over 5 per cent of the value of the plant and a little less than 5½ per cent of the value of the plant exclusive of the land. It is made necessary by the fact that in addition to current repairs, many of the roofs and floors need to be renewed, to furnish proper protection to the buildings.

The item of \$1,600 covers the cost of water for the year for domestic and irrigation purposes. It has been allowed each year with the support item and is essential to the maintenance of the school.

The CHAIRMAN. Is there any further statement that you desire to make relative in regard to this school?

Mr. MERITT. Only to say that this school is located practically adjoining the Pueblo reservations in New Mexico and is very largely filled by the children from those reservations.

The CHAIRMAN. The next item is:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$2,000, or so much thereof as the Secretary of the Interior may deem necessary.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

COUNSEL FOR PUEBLO INDIANS IN NEW MEXICO.

| | |
|---|------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$2,000.90 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 2,000.00 |
| Amount expended | 1,601.36 |
| Unexpended balance | 398.64 |

Analysis of expenditures:

| | | |
|---|-------|------------|
| Salaries, wages, etc | ----- | \$1,500.00 |
| Traveling expenses | ----- | 12.10 |
| Miscellaneous and incidental expenditures | ----- | 89.26 |
| | | 1,601.36 |

There are 19 pueblos in the State of New Mexico, with a total population of more than 8,000 Indians. These Indians possess lands aggregating 1,000,000 acres, most of which are held under old Spanish grants. They have been deprived of the use of extensive areas by reason of conflicting claims, trespassing, and adverse possession.

A number of suits have been instituted to which the Pueblo Indians are parties, and the counsel furnished them by the Government, in addition to handling these cases, gives legal advice to both the superintendents in charge of the Indians and to any of the individual Indians who request it.

The litigation, which involves large tracts, requires on the part of the representative of the Indians the knowledge of Spanish and Mexican law. Progress made in the suits is unfortunately slow, but it is absolutely necessary that the suits be prosecuted to a conclusion, that it may be determined just what lands these Indians actually own, and after which the Government will be in a better position to assist them in becoming self-supporting.

The litigation requires considerable travel on the part of the attorney throughout the State of New Mexico, and one-fourth of the appropriation has been used for traveling expenses in addition to court costs. The salary paid the attorney is small, considering the amount and importance of the work required of him.

The CHAIRMAN. Have you any report from this attorney showing what service he has performed for the Indians in the past year?

Mr. MERITT. We require him to make a report.

The CHAIRMAN. Is that report included in this statement?

Mr. MERITT. No, sir.

The CHAIRMAN. Will you please furnish it to us?

Mr. MERITT. Yes, sir.

(The report referred to by the chairman follows:)

SANTA FE, N. MEX., July 24, 1915.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: I am inclosing herewith report called for by your wire and subsequent letter showing results accomplished in pueblo litigation during the past fiscal year.

The delay in examining the files and sending this report is due to my absence in Denver, where I was trying an important case in United States court, which was several days longer in the trial than I expected when I went there.

Trusting the same covers the ground desired, I am,

Very respectfully, yours,

J. H. CRIST,
Special Attorney.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Santa Fe, N. Mex., July 24, 1915.

To the honorable COMMISSIONER OF INDIAN AFFAIRS.

SIR: In reply to your wire of the 6th ultimo and subsequent letter on the same subject, I have to report:

The case of A. R. Mamby v. Manuel Martinez, Taos County District Court, which involves some lands claimed by the Taos Indian pueblo, was concluded, in so far as the taking of testimony was concerned, and was argued and submitted and has been in the hands of the judge of that judicial district for some months past awaiting his decision. All parties in interest have been expecting this decision for some time past, but it has not yet been handed down.

In the case of William Walker Wynne v. The Unknown Heirs of Pedro Vijil de Satillano et al., which also involves a parcel of land claimed by the Taos Indian pueblo, Francis C. Wilson, Esq., my predecessor in office, has continued

to represent the interests of the pueblo, and I am advised that testimony is being taken from time to time before the referee, the plaintiff not yet having concluded his testimony.

In the case of *Frederico Sanchez et al. v. Pueblo of Isleta* the testimony was all taken before I took office. I found the case ready for submission to the judge of that judicial district. After a careful examination of all the evidence in the case, both documentary and by witnesses, I was unable to see that the pueblo of Isleta had a good title to the land in question as against the plaintiffs. The land in question in this case is a part of the *Lo de Padilla* grant, which the pueblo purchased from the heirs of the grantee, *Diego de Padilla*, in 1750, and which the pueblo sold to the ancestors and grantors of the plaintiffs in this case in 1797. The pueblo of Isleta alleged that the United States Court of Private Land Claims confirmed and decreed the said *Lo de Padilla* grant to the pueblo on the 28th of November, 1896, but an examination of that decree discloses that it was made to the heirs and legal representatives of the original grantee, and therefore inured to the benefit of the legal owners of the land at the time of the confirmation. If the plaintiffs in this case were the legal owners of that part of the grant which is involved in the case, as would appear from their deed in 1797, then this decree of confirmation inured, in my opinion, to their benefit, as well as to the benefit of all others who owned interests in the *Lo de Padilla* grant or any part thereof, which had been alienated by the pueblo of Isleta. The pueblo also alleged that it had open, notorious, continuous, and exclusive possession of the lands and premises involved in this case, adverse and hostile to all the world, for a period of more than 10 years next prior to the commencement of the action. The burden of proof being upon the defendant, the pueblo of Isleta, to establish such possession, I am of opinion that it failed to do so by a preponderance of the evidence. The case was submitted to the judge of that judicial district on the testimony taken before a referee and on briefs, and he entered a decree in favor of the plaintiffs. I feel constrained to say that I believe the decree is well founded.

In the case of the pueblo of *Santo Domingo v. Toofilo Rivera et al.* the testimony was not completed before the referee when it came into my hands. Additional testimony has been taken at three different times here and on the land in question, and the case is now pending before the referee for his report to the court. Some delay has been occasioned in the progress of this case by reason of the fact that United States Senator *Catron* has represented the defendants as their attorney, and a convenient time could not always be found for proceeding with the case because of other engagements of counsel for both sides. The report of the referee will be filed very shortly, when the case will be taken up before the judge of this judicial district for his determination.

The case of the Pueblo of *San Juan v. Miguel Casias* involves a very small tract, or lot, of ground situate in the village of the pueblo of *San Juan*. This is an old case which has been submitted and is pending before the judge of this judicial district, awaiting his decision on the testimony and briefs filed before I came into the office. The attention of the court has been called to this case and doubtless a decision will be rendered as soon as the judge can conveniently reach the case in the press of his official duties.

In the case of *Ambrosio Martinez, Governor of the Pueblo of San Juan v. Pedro Prohija et al.*, which involves the title to the office of governor of said pueblo and the insignia of said office, the case was completed and submitted by my predecessor in office, *Francis C. Wilson, Esq.*, to the judge of the United States district court of the district of New Mexico, before I assumed the duties of this office, and the case has been pending before that court awaiting its decision.

In the case of *Pueblo de Santa Ana v. Diego Gutierrez et al.* the case is pending before a referee and an appointment has been made for the taxing of testimony on the 30th of this month. The taking of testimony has not proceeded in this case because of the difficulty of arranging a convenient date with counsel for defendants, who lives at *Bernalillo*, in the county of *Sandoval*, there being 30 different defendants, each claiming a separate piece of land within the "*El Ranchito* grant," which the *Santa Ana* pueblo claims to own. This case involves titles to certain small tracts of land in the "*El Ranchito* grant" held by the defendants by prescription and also involves the title to a tract of about 17 acres outside the grant, as the defendants claim. In as much as the title to each of the small tracts claimed within the "*El Ranchito* grant" is a separate and distinct title from the others, the testimony in the case is likely to be quite lengthy and tedious.

No cases have been filed by me during the year involving the titles to any lands in any of the Pueblos. As far as I know there is no occasion for any such suits, except those already pending.

There is a case of trespassing on a small tract of land in the San Juan Pueblo involving about 3 acres. I have investigated this case, and it appears to be a flagrant one. I know the trespasser well, and I talked with him about it. He agreed to vacate the land without the necessity for a suit, but as he has failed to do so after the lapse of two months I will file suit very shortly.

There are many people living within the limits of the different Pueblos, occupying small tracts of land, most of whom have titles derived from the Indians, while a few have only a prescriptive title, if any. My observation is that most, if not all, of these people have lived for many years in peace and harmony with the Indians and by and with the consent of the people of the different Pueblos. Superintendent Lonergan has discussed this matter with me several times, and I find myself not quite in harmony with him in respect to the policy to be pursued with reference to these people holding those small tracts under paper title and by prescription. When the surveys of the different Pueblos are completed and maps prepared which will show the location, area, and nature of the title by which these small tracts are held sufficient data will be available in the office of the commissioner to enable the office to determine which, if any, of these small holdings shall remain undisturbed, and which, if any, shall be questioned.

In the case of the attempted sale of the Pojaque Pueblo Grant by the 11 Indians who yet reside on the grant, I have raised the question of the power of the Pueblo Indians to alienate their lands in the suit of D. C. Collier & Co. v. Petra Boquet et al., now pending in the United States court. That suit was brought, pursuant to a contract of sale, against 170 different persons who hold small tracts within that grant and for the purpose of determining the acreage to be paid for at the contract price—approximately 11,000 acres. That case is set for hearing next month, and the determination of the question of the power to sell will furnish a precedent in hundreds of cases if your office should determine to question the titles of the many who hold small tracts by purchase from the Indians.

Respectfully submitted.

J. H. CRIST, *Special Attorney.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Santa Fe, N. Mex., November 15, 1915.

To the honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In response to yours of October 20, I beg leave to submit this report:

With the exception of the case of A. R. Manby v. Manuel Martinez, involving certain lands of the Pueblo of Taos, there has been no material change in the status of the litigation involving the several Pueblos, which I have reported on in my report under date of July 24, duplicate copies of which are herewith inclosed.

Since the making of that report the judge of that judicial district has handed down his decision on the case, and it is adverse to the claims of the Pueblo of Taos in every particular. As the decision has only been handed down within the present month, and as the testimony in the case as well as the questions involved are voluminous and many, I have not yet given the case such examination as enables me to say whether it should be appealed. The testimony had all been taken while my predecessor, Francis C. Wilson, was in the office. Hence I am not sufficiently familiar with the questions involved to pass upon the question of appeal without considerable study. Mr. Wilson has been absent from town a considerable part of the time since the decision has been rendered, and I have also been absent a considerable part of the time. Hence I have not had opportunity to consult with him on the subject. I will do so at the earliest opportunity.

The case of D. C. Collier & Co. v. Petra Boquet et al., which involves the sale of the Pojaque Pueblo lands and in which I have raised the question of the power of the Pueblo Indians to alienate their lands, was up before the United States court for setting for trial, but it was passed without a definite setting. It is expected that the case will be tried at some time during the month of December, or during the month of January at the latest. The trial of this case has been delayed somewhat because of the illness of the judge of the

United States court for some months past, only criminal cases being tried by the other judges who sat in his place.

As I said in my report of July 24, I have filed no suits involving the titles to lands of any of the Pueblos, for the reason that none have been presented to, and I know of none except such as involve small holdings by people who have in nearly all cases lived within the limits of the different Pueblos for many years, and in all cases have lived in peace and harmony as far as I know with the Indians of the different Pueblos where these small holdings are located.

I have lived for 30 years in northwestern New Mexico, and during that period I have known the Pueblos of this section more or less intimately, and I have never known the Indians of any of these Pueblos to make any objection to those who have small holdings within those Pueblos, and no such objection has been made to me, or to my knowledge, since I came into office, except in the case of Evaraisito Martinez, who occupies a small tract of about 3 acres in the San Juan Pueblo, although he does not live on it. There are hundreds of these small holdings within the limits of these Pueblos, and doubtless the department will be called upon to define a policy with respect to them in the future. Until such time I will take no action.

Since I came into office my principal work has consisted in consultation with individual Indians of the different Pueblos, and with delegations of Indians on questions of trespass by stock on their reservations. Individual Indians frequently consult me on matters of business with their neighbors who live within the limits of their grant and surrounding it, and I have a number of cases pending in court involving such interests. Delegations of Indians frequently consult me concerning their interests in the leasing of land and other interests involving their neighbors. In all cases I consult with them freely and advise them fully, and in all cases I endeavor to keep them out of litigation. In my opinion the most valuable service the special attorney of the Pueblo Indians of New Mexico can render the Pueblo Indians is to keep them out of litigation with their neighbors. This I have endeavored to do by my advice wherever it could be done without sacrificing the rights and interests of the Indians. I speak now of the individual and tribal interests of the Indians in their relations with their neighbors that do not involve their rights and interests in lands. It is valuable to them to know that they have an attorney to whom they can go in all their little matters of business interest with their neighbors.

Touching the subject of trespasses on the lands of the Indians by stock, I will make a report to you very shortly. I have given the subject much thought and I find it very difficult to conclude upon a wise policy. As it does not seem to be within the purview of your request for report, I will make it the subject of full report in reply to numerous requests for my action by the superintendent of the Indians, Mr. P. T. Lonergan.

Respectfully submitted,

J. H. CRIST,
Special Attorney.

The CHAIRMAN. The next item is:

That the proviso of section one of the Act entitled "An Act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes," approved March fourth, nineteen hundred and seven, reading: "*Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds thereof to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled," be, and the same is hereby, amended to read: "*Provided*, That in making such allotments values shall be considered so as to make the allotments uniform in value as near as practicable; that the Secretary of the Interior may dispose of all matured, dead, and down timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds thereof to be expended under his direction for the purchase of live stock, seeds, agricultural equipments, and for other purposes beneficial to the Indians belonging to and having rights as members of said tribe of Indians.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item:

The act of March 4, 1907 (34 Stat. L., 1413), provides that none of the proceeds of the sale of timber shall be used for community benefits except for irrigation. It is believed that the best interests of the Jicarilla Indians demand the use of a part of these funds for other industrial purposes. In fact, the opportunities for irrigation on that reservation are so limited that the present law restricts efforts of the department to assist these Indians industrially.

In addition, I will say, Mr. Chairman, that we will include this legislation in the omnibus bill.

The CHAIRMAN. The next item is:

NEW YORK.

SEC. 16. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February nineteenth, eighteen hundred and thirty-one), \$6,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification, Mr. Chairman:

FULFILLING TREATIES WITH SENECAS OF NEW YORK.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years----- | 2,514.68 |
| Amount appropriated----- | 6,000.00 |
| | <hr/> |
| Amount expended----- | 8,514.68 |
| | <hr/> |
| Unexpended balance----- | 2,527.00 |
| Analysis of expenditures, per capita payments----- | 5,987.68 |

This item is to fulfill treaty obligations with the Senecas. Article 8 of the treaty of February 28, 1831 (7 Stats. L., 348), provides:

"The United States will expose to public sale to the highest bidder at such times and in such manner as the President may direct the tracts of land ceded by the Seneca Indians, and after deducting from the proceeds of such sale the minimum price of the public lands, the cost of building the saw and grist mills and blacksmith shop for the Senecas, the cost of surveying the lands, and the sum of \$6,000 to be advanced in lieu of their present improvements, it is agreed that any balance which may remain of the avails of the land after sale as aforesaid shall constitute a fund for the future exigencies of the tribe on which the Government of the United States consent and agree to pay to the chiefs of the nation, for the use and general benefits of the nation, annually 5 per cent of said balance as an annuity * * *."

In the fulfillment of this moral and legal obligation on the part of the Federal Government the sum of \$6,000 is necessary.

Section 1 of the act of February 19, 1831 (4 Stat. L., 442), entitled "An act to provide hereafter for the payment of \$6,000 annually to the Seneca Indians and for other purposes," reads as follows:

"That the proceeds of the sum of \$100,000, being the amount placed in the hands of the president of the United States in trust for the Seneca tribe of Indians, situated in the State of New York, be hereafter passed to the credit of the Indian appropriation fund, and that the Secretary of War be authorized to receive and pay over to the Seneca tribe of Indians the sum of \$6,000 annually in the way and manner as heretofore practiced, to be paid out of any money in the Treasury not otherwise appropriated."

The CHAIRMAN. The next item is:

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article six, treaty of November eleventh, seventeen hundred and ninety-four), \$4,500.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

FULFILLING TREATIES WITH SIX NATIONS OF NEW YORK.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4, 500. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years..... | 785. 35 |
| Amount appropriated..... | 4, 500. 00 |
| <hr/> | |
| Amount expended..... | 5, 285. 35 |
| Unexpended balance..... | 4, 076. 58 |
| <hr/> | |
| Unexpended balance..... | 1, 208. 77 |
| <hr/> | |
| Analysis of expenditures: | |
| Dry goods, clothing, etc..... | 2, 727. 66 |
| Per capita payment..... | 1, 348. 92 |
| <hr/> | |
| | 4, 076. 58 |

This item is in accordance with the agreement of the United States in article 6 of the treaty of November 11, 1794 (7 Stats., 44), viz:

"In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established strong and perpetual; the United States now deliver to the Six Nations, and the Indians of other nations residing among and united with them, a quantity of goods of the value of \$10,000. And for the same consideration, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of \$3,000 to the \$1,500, heretofore allowed them by an article ratified by the President, on the twenty-third day of April, seventeen hundred and ninety-two; making in the whole, \$4,500; which shall be expended yearly forever, in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole annual allowance now stipulated, to be made by the superintendent appointed by the President for the affairs of the Six Nations, and their Indian friends aforesaid."

For the purpose of carrying out this legal and moral obligation of the Government, this appropriation is necessary.

Mr. CARTER. Are these Indians in New York on reservations?

Mr. MERITT. Yes, sir. We have several bands of Indians in New York.

The CHAIRMAN. The Senecas of New York are one of the original Six Tribes. One of the items is for fulfilling treaties with the Senecas of New York and the other is for fulfilling treaties with the Six Nations of New York. Is it not a fact that the Senecas were originally a part of the Six Nations?

Mr. MERITT. Yes, sir; but we have a specific treaty with the Senecas.

The CHAIRMAN. Different from the Six Nations?

Mr. MERITT. Yes, sir; and it is for the purpose of carrying out the treaty with the Senecas that we ask for this appropriation.

The CHAIRMAN. The next item is:

NORTH CAROLINA.

SEC. 17. For support and education of one hundred and eighty Indian pupils at the Indian school at Cherokee, North Carolina, including pay of superintendent \$31,660; for general repairs and improvements, \$6,000; in all, \$37,660.

What justification have you to offer for this item?

Mr. MERITT. The following justification is offered for this item, Mr. Chairman:

INDIAN SCHOOL, CHEROKEE, NORTH CAROLINA.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$30,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 30,000.00 |
| Amount expended..... | 29,300.05 |
| <hr/> | |
| Unexpended balance..... | ¹ 699.95 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 14,691.42 |
| Traveling expenses..... | 38.85 |
| Transportation of supplies..... | 84.65 |
| Subsistence supplies..... | 3,871.37 |
| Dry goods, clothing, etc..... | 3,091.29 |
| Forage..... | 1,793.54 |
| Fuel..... | 725.67 |
| Stationery and office supplies..... | 211.65 |
| Educational supplies..... | 164.38 |
| Medical supplies..... | 556.24 |
| Equipment, material, etc..... | 3,923.38 |
| Miscellaneous..... | 147.61 |
| <hr/> | |
| | 29,300.05 |
| <hr/> | |
| Repairs and Improvements: | |
| Fiscal year ending June 30, 1916, amount appropriated..... | \$6,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 6,000.00 |
| Amount expended..... | 5,941.97 |
| <hr/> | |
| Unexpended balance..... | 58.03 |
| <hr/> | |
| Analysis of expenditures: | |
| Construction..... | 5,134.89 |
| Repairs (to plant)..... | 807.08 |
| <hr/> | |
| | 5,941.97 |
| <hr/> | |
| Statistical statement for year ending June 30, 1915: | |
| Value of school plant—real property..... | \$88,350.00 |
| Number of buildings..... | 23 |
| Number of employees..... | 20 |
| Average attendance of pupils..... | 155 |
| Enrollment..... | 228 |
| Capacity..... | 160 |
| Cost per capita based on enrollment..... | ² \$128.51 |
| Cost per capita based on average attendance..... | ² \$189.03 |
| Area of school land (acres)..... | 160 |
| Area of school land (acres cultivated)..... | 32 |
| Value of products of school..... | \$3,166.21 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

² There was also expended \$36.03, miscellaneous receipts, class 4.

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|------------------|
| Support..... | \$30,000.00 |
| Repairs and improvements..... | 3,500.00 |
| New buildings..... | 8,100.00 |
| Total..... | 41,600.00 |

Requested in proposed bill:

| | |
|---|------------------|
| Support and education of 180 Indian pupils and superintendent's salary..... | 31,660.00 |
| Repairs and improvements..... | 6,000.00 |
| Total..... | 37,660.00 |

Salaries:

| | |
|-----------------------|---------|
| Superintendent | \$1,600 |
| Clerk..... | 900 |
| Physician..... | 1,200 |
| Teacher..... | 810 |
| Do..... | 720 |
| Kindergartner..... | 660 |
| Disciplinarian..... | 660 |
| Matron..... | 720 |
| Assistant matron..... | 600 |
| Scamstress..... | 540 |
| Laundress..... | 540 |

Salaries—Continued.

| | |
|-----------------------------|---------------|
| Baker..... | \$540 |
| Cook..... | 540 |
| Carpenter..... | 720 |
| Shoe and harness maker..... | 660 |
| Gardener..... | 600 |
| Engineer..... | 600 |
| Assistant..... | 300 |
| Do..... | 300 |
| Laborer..... | 300 |
| Total..... | 13,510 |

Thirty-one thousand six hundred and sixty dollars is the same amount for the support of 180 pupils, including pay of superintendents and other employees as was allowed the Cherokee Boarding School last year. Six thousand dollars for repairs and improvements is a little less than 7 per cent of the value of the school plant and a little over 7 per cent, exclusive of the land. From this amount the enlargement of the boys' and girls' dormitories and additional school room are contemplated. Little attention has been given to repairs of the various buildings of the school plant during the past 15 years, and as a consequence many of them are in need of repair. A new cottage for the superintendent is urgently needed. The one occupied by him is at present sealed with boards and has only four rooms. Another cottage to provide housekeeping quarters for married employees of the school should be provided. A new horse barn should be built. The one now being used is old and insanitary.

The purchase of 100 acres of good land, suitable for farming, would greatly aid the school in becoming self-sustaining. A domestic science building, where practical training can be given, should also be provided for this school.

The CHAIRMAN. I notice you submit an increase here of \$1,660?

Mr. MERITT. That is an increase in the support item, so as to allow a per capita of \$167 in addition to the salary of the superintendent.

Mr. CARTER. Did they not get along with the amount they had last year?

Mr. MERITT. Yes, sir; they got along, but it is difficult in a small school where they have a small enrollment.

The CHAIRMAN. What is the enrollment?

Mr. MERITT. Two hundred and twenty-eight.

The CHAIRMAN. This estimate only provides for 180?

Mr. MERITT. They have an average attendance of only 155. The Indians enroll and then a great many of them drop out of the school.

The CHAIRMAN. What is the per capita cost here?

Mr. MERITT. The per capita cost is \$189.

Mr. CARTER. The per capita cost is already above the regular legal allowance, is it not?

Mr. MERITT. That includes, of course, the proceeds from the sale of any farm products. We are only asking for an appropriation by Congress of the regular amount.

The CHAIRMAN. The next item is:

NORTH DAKOTA.

SEC. 18. For support and civilization of the Sioux of Devil's Lake, North Dakota, including pay of employees, \$5,000.

What justification have you to offer for this item?

Mr. MERITT. The following justification is offered for this item, Mr. Chairman:

SUPPORT OF SIOUX OF DEVILS LAKE, N. DAK.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$5,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 5,000.00 |
| Amount expended | 5,058.79 |
| <hr/> | |
| Overdrawn | 58.79 |
| <hr/> | |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 3,550.00 |
| Traveling expenses | 95.95 |
| Transportation of supplies | 188.59 |
| Subsistence supplies | 128.17 |
| Forage..... | 423.63 |
| Fuel..... | 355.35 |
| Medical supplies..... | 58.57 |
| Equipment, material, etc..... | 258.53 |
| <hr/> | |
| | 5,058.79 |

This is the same amount that was asked for the past fiscal year.

Under the jurisdiction of the Fort Totten Indian Agency there are 988 Indians.

The salary roll at this agency for the fiscal year 1916 totaled \$3,550, which was paid out of this fund, thus leaving only \$1,450 to pay for traveling expenses, transportation of supplies, subsistence supplies, forage, fuel, and medical supplies for the proper administration of the affairs of nearly 1,000 Indians. Last year the \$5,000 allowed for the administration of affairs at this agency was overdrawn \$58.79, notwithstanding the fact that the very best economy was practiced in the use of the amount appropriated.

The CHAIRMAN. The next item is:

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, \$15,000.

What justification have you to offer for this item?

Mr. MERITT. The following justification is offered for this item, Mr. Chairman.

SUPPORT OF INDIANS OF FORT BERTHOLD AGENCY, N. DAK.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$15,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 15,000.00 |
| Amount expended | 14,703.31 |
| <hr/> | |
| Unexpended balance..... | 296.69 |
| <hr/> | |

| | |
|---------------------------------|------------|
| Analysis of expenditures: | |
| Salaries, wages, etc | \$8,057.67 |
| Traveling expenses | 96.09 |
| Transportation of supplies | 196.96 |
| Telegraph and telephone service | .82 |
| Subsistence supplies | 2,421.14 |
| Dry goods, clothing, etc | 13.28 |
| Forage | 705.99 |
| Fuel | 1,218.61 |
| Stationery and office supplies | 146.45 |
| Medical supplies | 326.99 |
| Equipment, material, etc | 1,518.13 |
| Miscellaneous | 1.18 |
| | 14,703.31 |

This is the same amount as was asked for the support and civilization of these Indians during the fiscal year 1916.

The salaries paid out for this agency during the past year totaled \$8,057. This amount added to the cost of subsistence supplies, \$2,421, and fuel, \$1,218, makes a total of approximately \$11,700, leaving only about \$3,300 to pay for traveling expenses, transportation of supplies, forage, medical supplies and all other equipment and material necessary for the betterment of the Indian civilization on this reservation.

The winters at this agency are very severe, because of its location in the northern part of North Dakota. There are about 1,140 Indians living on same under Federal supervision. Two hundred and twenty-nine thousand five hundred and fifty-four acres have been allotted on this reservation, while 444,062 acres are unallotted. Nine hundred and ninety-one of these Indians are holding trust patents, and 136 Indians are unallotted. The majority of these Indians, therefore, need assistance with their allotments, and this, together with the routine work connected with the proper handling of this reservation, demand an appreciable amount of financial assistance. During the past year, with the most economical handling of the amount allowed, \$14,703 was expended, leaving an unexpended balance of only \$296.69 from the amount allowed, namely, \$15,000.

The CHAIRMAN. The next item is:

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, \$11,000.

What justification have you to offer for this item?

Mr. MERITT. The following justification is submitted for this item, Mr. Chairman:

SUPPORT OF CHIPPEWAS, TURTLE MOUNTAIN BAND, NORTH DAKOTA.

| | |
|---|-------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$11,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 11,000.00 |
| Amount expended | 10,693.46 |
| Unexpended balance | 306.54 |
| Analysis of expenditures: | |
| Salaries, wages, etc | 4,839.17 |
| Traveling expenses | 672.35 |
| Transportation of supplies | 258.04 |
| Telegraph and telephone service | 88.49 |
| Subsistence supplies | 2,052.59 |
| Dry goods, clothing, etc | 4.65 |
| Forage | 214.32 |
| Fuel | 885.83 |
| Stationery and office supplies | 356.08 |
| Medical supplies | 256.85 |
| Equipment, materials, etc | 716.96 |
| Seed | 314.13 |
| Miscellaneous | 34.00 |
| | 10,693.46 |

This is the same amount as was allowed for the past fiscal year.

There are 3,063 Indians under the jurisdiction of the Turtle Mountain Indian Agency.

This is a large agency, and the clerical work connected with the individual allotments, leases, sales, and general affairs of this large band of Indians requires a very great deal of office and field work. The salary roll for the past fiscal year at this place totaled \$4,839.17, and for the fiscal year 1916 this amount will be increased to \$5,600, thus leaving \$5,400 to cover all the other necessary expenses connected with the proper management of this agency, and devoting attention to the needs of these Indians and assisting them with their allotments.

Some of these Indians are allotted on the reservation, but a large number are scattered over two States—North Dakota and Montana—on nonreservation public domain allotments. The Superintendent has to visit these Indians and look after their interests, sometimes being absent from the agency a considerable length of time. The office work incident to the handling of these allotments is of necessity very heavy. This agency is located in the extreme northern part of North Dakota and, due to the very cold weather prevalent in that region, many difficulties have to be contended with. The supplies for this agency have to be hauled a distance of 7 miles.

Mr. NORTON. How many Indians are there at Turtle Mountain?

Mr. MERITT. About 3,000 all together.

Mr. NORTON. The appropriation is mainly used for supervision, is it not?

Mr. MERITT. Yes, sir.

Mr. NORTON. There are not many ration Indians there that are supplied?

Mr. MERITT. We have a few Indians who receive subsistence. You will note that out of the appropriation we paid \$4,800 for salaries, subsistence amounting to over \$2,000, and other miscellaneous items making up the appropriation.

Mr. NORTON. The work of allotment there, is not that completed now?

Mr. MERITT. No, sir; we are still making allotments to the Turtle Mountain Indians in the State of Montana. The work is very largely completed, however.

Mr. NORTON. How many allotments were made during the last year?

Mr. MERITT. During the fiscal year ended June 30, 1915, 478 allotment selections, covering 61,716 acres in the States of Montana and North Dakota, were approved by the department to members of the Turtle Mountain band of Chippewa Indians under the provisions of the act of April 21, 1904 (33 Stat. L., 189-194), distributed as follows: Montana, 413 allotments, 51,342 acres; north Dakota, 65 allotments, 10,374 acres; total, 478 allotments, 61,716 acres.

The CHAIRMAN. That comes out of the general fund?

Mr. MERITT. The allotment work, of course, is paid out of the general allotment appropriation.

The CHAIRMAN. The next item is:

For support and education of one hundred Indian pupils at the Indian school, Bismarck, North Dakota, including pay of superintendent, \$18,200; for general repairs and improvements \$4,000; in all, \$22,200.

What justification have you to offer for this item?

Mr. MERITT. The following justification is offered for that item, Mr. Chairman:

INDIAN SCHOOL, BISMARCK, N. DAK.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$18,200.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 18,200.00 |
| Amount expended----- | 16,546.15 |
| Unexpended balance----- | ¹ 1,653.85 |
| Analysis of expenditures: | |
| Salaries, wages, etc----- | 6,676.70 |
| Traveling expenses----- | 36.30 |
| Transportation of supplies----- | 184.43 |
| Heat, light, and power (service)----- | 446.15 |
| Telegraph and telephone service----- | 24.75 |
| Subsistence supplies----- | 4,058.71 |
| Dry goods, clothing, etc----- | 1,911.54 |
| Forage----- | 1,051.94 |
| Fuel----- | 1,085.52 |
| Stationery and office supplies----- | 17.50 |
| Educational supplies----- | 119.12 |
| Medical supplies----- | 56.08 |
| Equipment, material, etc----- | 831.72 |
| Miscellaneous----- | 45.69 |
| | <u>16,546.15</u> |
| Repairs and improvements: | |
| Fiscal year ending June 30, 1916, amount appropriated----- | 2,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 2,000.00 |
| Amount expended----- | 1,758.74 |
| Unexpended balance----- | ¹ 241.26 |
| Analysis of expenditures, repair (to plant)----- | 1,758.74 |
| Statistical statement for year ending June 30, 1915: | |
| Value of school plant—real property----- | \$73,928 |
| Number of buildings----- | 8 |
| Number of employees----- | 12 |
| Average attendance of pupils----- | 90 |
| Enrollment----- | 111 |
| Capacity----- | 60 |
| Cost per capita based on enrollment----- | ² \$158.58 |
| Cost per capita based on average attendance----- | ² 195.59 |
| Area of school land (acres)----- | 160 |
| Area of school land (acres cultivated)----- | 17 |
| Value of products of school----- | \$2,681.45 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support----- | 18,525.00 |
| Repairs and improvements----- | 4,000.00 |
| New buildings----- | 24,000.00 |
| Total----- | <u>46,525.00</u> |

¹This is not a final balance as there may be outstanding obligations yet to be charged against the appropriation.

²This includes \$216.30 for transportation of pupils and \$840.42 for transportation of goods and supplies. There was also expended \$26.38, miscellaneous receipts, class 4.

Amount requested in proposed bill:

| | |
|--|---------------|
| Support and education of 100 Indian pupils at the Bismarck Indian School, and superintendent's salary..... | \$18, 200. 00 |
| Repairs and improvements..... | 4, 000. 00 |

| | |
|------------|-------------|
| Total..... | 22, 200. 00 |
|------------|-------------|

Salaries:

| | | | |
|-----------------------|----------|---------------------|--------|
| Superintendent..... | \$1, 300 | Salaries—Continued. | |
| Physician..... | 400 | Laundress..... | \$480 |
| Teacher..... | 600 | Cook..... | 500 |
| Do..... | 570 | Assistaunt..... | 300 |
| Engineer..... | 720 | Laborer..... | 540 |
| Matron..... | 600 | | |
| Assistant matron..... | 300 | | 6, 810 |
| Seamstress..... | 500 | | |

Eighteen thousand dollars is needed at the Bismarck School for the support of 100 children and the salary of the superintendent. Since the passage of the last appropriation act the enrollment at this school has increased from 98 to 111 and the average attendance 72 to 90, an increase of 25 per cent.

The amount estimated for repairs and improvements, \$4,000, is about 5½ per cent of the value of the plant, exclusive of the land, and is urgently needed, as this school is badly cramped for room for both employees and pupils. The amount asked for is extremely low.

Mr. NORTON. I want to offer an amendment to the proposed section.

The CHAIRMAN. That can be done in the full committee.

Mr. NORTON. I should like to have it considered here.

If you will read the justification, you will notice that there is a capacity for 60 pupils in the school and that there is an enrollment of 111. Now, the fact is that this school should be put in shape to accommodate the pupils that are attending there and the pupils that would attend if there were facilities or accommodations for them or it ought to be abolished. The pupils attending there are not living as pupils attending a respectable school should live. There are neither accommodations for the pupils at that school nor for the instructors. I know that from my own personal observation. They need several buildings. They need a dormitory for the boys, which should be built at once. I think that Mr. Meritt can give the subcommittee some information relative to conditions there. In my own judgment, I think there should be provided at once at least \$25,000 or \$30,000 for a dormitory.

The CHAIRMAN. I have been in the West, but I have never visited that school, so that I do not know very much about it.

Mr. NORTON. Mr. Meritt, you have a statement as to the conditions there?

Mr. MERITT. Yes, sir; I am familiar with the conditions at that school. That school is very much overcrowded, Mr. Chairman, and we need a new dormitory for boys at that school. The conditions there are entirely inadequate to supply the number of pupils that we ought to take care of at that school. In fact, we have the school very much overcrowded. We have 20 more pupils at that school than we have capacity for at this time, and we have crowded the pupils into the school by requiring the superintendent and other employees to live under conditions that are not at all pleasant and should not exist in a Government school.

The CHAIRMAN. Mr. Meritt, please prepare an additional estimate or statement with reference to this school and furnish it to the general committee when it meets.

Mr. MERITT. The office would be glad to see an appropriation of \$20,000 for a boys' dormitory at the Bismarck school.

The CHAIRMAN. But you understand that the committee would like to have a statement or justification when the amendment is offered?

Mr. MERITT. I will incorporate in the hearings a justification for the item.

Mr. NORTON. If you will please do that.

The CHAIRMAN. I should like to have it become a part of these hearings. I should like to have a justification for any additional appropriation.

Mr. NORTON. We had that matter up last year.

The CHAIRMAN. I know we did.

Mr. MERITT. I will supply the justification.

Mr. CARTER. If we build a dormitory there will that take care of the increase?

Mr. MERITT. Yes, sir.

Mr. CARTER. Will it not be necessary to make an increased appropriation to care for the additional number of pupils?

Mr. MERITT. The dormitory alone will not place the school on as good a basis as some other schools, but it will take care of the most urgent need at that school at this time.

Mr. CARTER. I notice you have an enrollment here of 111 and an average attendance of 90.

Mr. MERITT. Yes, sir.

Mr. CARTER. Which is a great many more than the capacity of the school, as expressed by your justification.

Mr. MERITT. Yes, sir; the capacity of the school is only 60, and the superintendent has crowded the school to the very limit, and then some.

The CHAIRMAN. Are the buildings in use there of brick, stone, or wood?

Mr. MERITT. The buildings are mostly of brick.

Mr. NORTON. I might say, Mr. Chairman, that the buildings there for the most part are of brick, and if this school were as good as it should be the attendance would be 200 instead of 111. It is located very close to the Standing Rock Indian Reservation—within about 25 miles—and is located within about the same distance from the Fort Berthold Indian Reservation.

The CHAIRMAN. It is between the two?

Mr. NORTON. It is between the two. From a report of the expenditures during the past year you will notice that the amount expended for transportation of pupils is small in comparison with other non-reservation schools. This school should be provided with more school buildings in addition to the dormitory, and it should be provided with some additional farming land, in my judgment, along the river. The school is now located on the banks of the Missouri River.

The CHAIRMAN. What can that land be acquired for per acre?

Mr. NORTON. I believe that the department could get the owners of the land to cooperate with the department in such a way that the land could be bought for considerably less than it is worth.

The CHAIRMAN. What would be the actual worth of that land on the market?

Mr. NORTON. The school is located about a mile or three quarters of a mile from the capital of the State, Bismark, and land there is worth from \$35 to \$60 an acre. I should judge that would be about what it is worth.

The CHAIRMAN. How much land is now embraced within the limits of the school tract?

Mr. NORTON. One hundred and sixty acres.

The CHAIRMAN. What is being done with that land?

Mr. NORTON. They are farming part of that land. That 160 acres for the most part is not well adapted to farming purposes. It consists of rough land on the banks of the river.

The CHAIRMAN. Is a ditch taken out from the river so as to furnish water by gravity?

Mr. NORTON. No, sir.

The CHAIRMAN. Do you get your water by pumping?

Mr. NORTON. They do not need irrigation there. They could employ irrigation there, but they do not employ it.

The CHAIRMAN. What kind of water system have you there?

Mr. NORTON. For the buildings?

The CHAIRMAN. Yes.

Mr. NORTON. They are connected with the city water system.

The CHAIRMAN. Then you pay an annual rental?

Mr. NORTON. And the water mains from the river to Bismark pass through lands owned by the school.

The CHAIRMAN. Are you using the same sewerage system that the city uses?

Mr. NORTON. I do not know what the sewerage system is, but they have a good sewerage system, as I understand it. They are at an elevation of at least 150 feet above the river.

The CHAIRMAN. Is this an industrial school?

Mr. NORTON. It is an industrial school.

The CHAIRMAN. Are they raising stock of any kind?

Mr. NORTON. No; they are not.

The CHAIRMAN. What are they raising on the land that they are farming?

Mr. NORTON. They are raising cereals and garden stuff.

The CHAIRMAN. Mr. Meritt, in the statement you are to furnish us please include a statement as to what the farm produces.

Mr. MERITT. The dormitory capacity of the Bismarck School is 60 pupils, while in dining room capacity, etc., the school can accommodate 100 pupils. By putting beds in hallways and in rooms that are badly needed for other purposes the superintendent of the school has increased the enrollment to 106, and the average attendance has reached 95. Many children have been refused enrollment. It will be more economical to maintain a larger school than one as small as Bismarck.

There should be a boy's dormitory at an estimated cost of \$20,000. The present dormitory is used jointly for boys and girls, and were a new dormitory provided the boys and girls could be placed in separate buildings. Such new dormitory would increase the capacity of the school approximately 50 pupils and would enable the space now occupied by the pupils to be restored to its proper and required uses.

The dormitory and school buildings are of brick.

The superintendent's report for the fiscal year 1915 shows the following products of the school farm:

| | |
|----------------------|--------------|
| 400 bushels potatoes | \$200 |
| Vegetables | 100 |
| 14 head cattle | 575 |
| 22 head hogs | 400 |
| 88 chickens | 44 |
| 380 dozen eggs | 95 |
| 840 pounds butter | 252 |
| 2,000 gallons milk | 250 |
| | <u>1,916</u> |

The CHAIRMAN. The next item is as follows:

For support and education of four hundred Indian pupils at Fort Totten Indian School, Fort Totten, North Dakota, and for pay of superintendent, \$68,800; sinking wells and making improvements of the water system, \$4,000; for horse barn, \$5,000; for general repairs and improvements, \$5,000; in all, \$82,800.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification, Mr. Chairman:

INDIAN SCHOOL, FORT TOTTEN, N. DAK.

| | |
|---|---------------------------|
| Fiscal year ending June 30, 1916, amount appropriated | <u>\$68,500.00</u> |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 68,500.00 |
| Amount expended | 68,470.04 |
| Unexpended balance | <u>29.96</u> |
| Analysis of expenditures: | |
| Salaries, wages etc | 29,412.36 |
| Traveling expenses | 75.30 |
| Transportation of supplies | 4,101.75 |
| Telegraph and telephone service | 163.89 |
| Subsistence supplies | 14,312.57 |
| Dry goods, clothing, etc | 8,630.17 |
| Forage | 692.73 |
| Fuel | 5,429.78 |
| Stationery and office supplies | 11.38 |
| Educational supplies | 947.40 |
| Medical supplies | 117.80 |
| Equipment, material, etc | 4,266.32 |
| Miscellaneous | 308.59 |
| Total | <u>68,470.04</u> |
| Repairs and improvements: | |
| Fiscal year ending June 30, 1916, amount appropriated | <u>6,000.00</u> |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 6,000.00 |
| Amount expended | 5,764.39 |
| Unexpended balance | <u>¹235.61</u> |
| Analysis of expenditures, repairs (to plant) | <u>5,764.39</u> |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Statistical statement for year ending June 30, 1915:

| | | |
|---|-------|-----------------------|
| Value of school plant, real property | ----- | \$143,080 |
| Number of buildings | ----- | 35 |
| Number of employees | ----- | 46 |
| Average attendance of pupils | ----- | 351 |
| Enrollment | ----- | 394 |
| Capacity | ----- | 323 |
| Cost per capita based on enrollment | ----- | ¹ \$176.18 |
| Cost per capita based on average attendance | ----- | ¹ \$197.77 |
| Area of school land (acres) | ----- | 1,560 |
| Area of school land (acres cultivated) | ----- | 300 |
| Value of products of school | ----- | \$5,426 |

Superintendent's estimate of absolute needs for 1917:

| | | |
|--------------------------|-------|-------------|
| Support | ----- | \$69,970.00 |
| Repairs and improvements | ----- | 10,000.00 |
| New buildings | ----- | 25,000.00 |
| Total | ----- | 104,970.00 |

Amount requested in proposed bill:

| | | |
|--|-------|-----------|
| Support and education of 400 Indian pupils and superintendent's salary | ----- | 68,800.00 |
| Repairs and improvements | ----- | 5,000.00 |
| New buildings: Horse barn, \$5,000; wells and improvements water system, \$4,000 | ----- | 9,000.00 |
| Total | ----- | 82,800.00 |

Salaries:

| | | |
|--|-------|---------|
| Superintendent | ----- | \$2,000 |
| Principal | ----- | 1,200 |
| Clerk | ----- | 1,000 |
| Assistant clerk | ----- | 720 |
| Disciplinarian | ----- | 720 |
| Teacher | ----- | 690 |
| Do | ----- | 600 |
| Do | ----- | 630 |
| Do | ----- | 600 |
| Do | ----- | 600 |
| Teacher of housekeeping (\$72 per month) | ----- | 720 |
| Matron | ----- | 630 |
| Assistant matron | ----- | 500 |
| Do | ----- | 500 |
| Nurse | ----- | 720 |
| Seamstress | ----- | 500 |
| Assistant seamstress | ----- | 300 |
| Laundress | ----- | 500 |
| Assistant laundress | ----- | 300 |
| Baker | ----- | 500 |
| Cook | ----- | 660 |
| Farmer | ----- | 720 |
| Carpenter | ----- | 800 |
| Assistant carpenter | ----- | 300 |
| Tailor | ----- | 660 |
| Shoe and harness maker | ----- | 900 |

Salaries—Continued.

| | | |
|------------------------|-------|--------|
| Painter | ----- | \$680 |
| Gardner | ----- | 660 |
| Engineer | ----- | 900 |
| Assistant engineer | ----- | 300 |
| Do | ----- | 300 |
| Do | ----- | 300 |
| Assistant | ----- | 240 |
| Laborer | ----- | 600 |
| Do | ----- | 480 |
| Indian assistant | ----- | 600 |
| | | 23,060 |
| Grey Nun's department: | | |
| Principal teacher | ----- | 600 |
| Teacher | ----- | 500 |
| Assistant teacher | ----- | 480 |
| Matron | ----- | 500 |
| Assistant matron | ----- | 400 |
| Seamstress | ----- | 400 |
| Laundress | ----- | 480 |
| Assistant laundress | ----- | 240 |
| Cook | ----- | 400 |
| Laborer | ----- | 520 |
| | | 4,520 |

The amount of \$68,800 requested for support of 400 pupils and for the superintendent's salary at the Fort Totten School is practically the same amount that has been appropriated for several years and is necessary.

The amount is now correctly computed, based on the customary rate per pupil plus the superintendent's salary (\$2,000).

The amount of \$5,000 requested for repairs and improvements is about 3½ per cent of the value of the school plant, or 3.92 per cent of the value of the

¹ This includes \$947.60 spent for transportation of pupils; \$740.85 miscellaneous receipts, class 4, was also used.

plant exclusive of the land, and is exceptionally low, especially in view of the fact that the buildings are all old.

In the appropriation bill for 1915 an item of \$5,000 was included for "rebuilding dairy barn." This should have read "rebuilding horse barn," and as the item has not been used because of the mistake in phraseology, it is again recommended for the purposes originally intended.

The supply of water at this school is unsatisfactory and inadequate. There is practically no fire protection. To provide wells, storage tanks, etc., for an adequate water system, \$4,000 is urgently needed.

The CHAIRMAN. Do you wish to make any other statement relative to this school?

Mr. MERITT. Only to say that the water supply at this school has proven inadequate and it is necessary that we have the appropriation requested to provide water for the school.

The CHAIRMAN. Will \$4,000 be sufficient?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Will you get your water supply by sinking wells?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What system have you now?

Mr. MERITT. If I remember correctly we have been getting the water from springs, and those springs have decreased in flow to such an extent that it is now necessary to drill wells.

The CHAIRMAN. As I remember this matter, I think we have been over it two or three different times, the Fort had the prior use of these springs. Was not that the question we had up a few years ago when it was necessary to get an additional supply? Was not an appropriation made for that purpose?

Mr. NORTON. No; I do not think that is the case. I think the necessity for this is on account of the diminution of the supply from the springs occasioned by the gradual drying up of the lake and of the surface waters in that vicinity. Last year they did not have a sufficient supply from the springs to meet their needs for the laundry and for their ordinary sanitary needs. The water of Devils Lake has been receding for a great many years, due to the cultivation of the surrounding country and the absorption of the moisture by the land, whereas before it was drained into the lake.

The CHAIRMAN. Then in order to replenish the water you lose from these springs it will be necessary to sink wells?

Mr. NORTON. Yes.

Mr. MERITT. Before we take up the next item there is one explanation I would like to make in connection with the request for a horse barn at the Fort Totten School. Two years ago we asked for an appropriation to rebuild the barn at that school. Through some mistake, either in conference or somewhere else, the word "dairy" was inserted, and this is for the purpose of rebuilding a horse barn instead of a dairy barn.

Mr. CARTER. Did you use the \$5,000 then appropriated?

Mr. MERITT. No, sir.

The CHAIRMAN. What unexpended balance then have you in this appropriation for the Fort Totten School?

Mr. NORTON. The appropriation for rebuilding the dairy barn did not pass, did it?

Mr. MERITT. It passed but we did not use it.

The CHAIRMAN. Then the money reverted to the Treasury?

Mr. MERITT. Yes, sir.

Mr. CARTER. Then you are asking for the same \$5,000 that was given you for the wrong purpose?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is as follows:

For support and education of two hundred and twenty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, \$38,540; for general repairs and improvements, \$8,000; for new school building, \$20,000; in all, \$66,540.

Mr. MERITT. We offer the following justification for this item:

INDIAN SCHOOL, WAHPETON, N. DAK.

Fiscal year ending June 30, 1916, amount appropriated----- \$35,200.00

Fiscal year ended June 30, 1915:

Amount appropriated----- 35,200.00
Amount expended----- 34,843.17

Unexpended balance----- ¹356.83

Analysis of expenditures:

Salaries, wages, etc----- 14,269.01
Traveling expenses----- 110.92
Heat, light, and power (service)----- 602.34
Telegraph and telephone service----- 47.57
Printing, binding, and advertising----- 6.40
Subsistence supplies----- 6,998.61
Dry goods, clothing, etc----- 4,504.89
Forage----- 837.20
Fuel----- 3,640.94
Educational supplies----- 492.37
Medical supplies----- 283.81
Equipment, material, etc----- 2,353.68
Seed----- 165.08
Tuition----- 144.00
Rent----- 300.00
Miscellaneous----- 86.35

Total----- 34,843.17

Repairs and improvements:

Fiscal year ending June 30, 1916, amount appropriated----- 3,000.00

Fiscal year ended June 30, 1915:

Amount appropriated----- 3,000.00
Amount expended----- 2,763.46

Unexpended balance----- ¹236.54

Analysis of expenditures:

Construction----- 463.40
Repairs (to plant)----- 2,300.00

2,763.46

Expended during the year from appropriation, "Indian School, Wahpeton, N. Dak., power plant and water system,"----- 3,329.12

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Statistical statement for year ending June 30, 1915:

| | |
|--|-----------------------|
| Value of school plant—real property | \$205,726 |
| Number of buildings | 20 |
| Number of employees | 22 |
| Average attendance of pupils | 202 |
| Enrollment | 232 |
| Capacity | 200 |
| Cost per capita, based on enrollment | ¹ \$161.82 |
| Cost per capita, based on average attendance | ¹ \$185.39 |
| Area of school land, acres | 180 |
| Area of school land, acres cultivated | 140 |
| Value of products of school | \$2,859 |

Superintendent's estimate of absolute needs for 1917:

| | |
|--------------------------|----------|
| Support | \$38,540 |
| Repairs and improvements | 5,000 |
| New buildings | 36,500 |
| Total | 80,040 |

Amount requested in proposed bill:

| | |
|--|--------|
| Support and education of 220 Indian pupils and superintendent's salary | 38,540 |
| Repairs and improvements | 8,000 |
| New buildings | 20,000 |
| Total | 66,540 |

Salaries:

| | |
|-------------------|---------|
| Superintendent | \$1,800 |
| Financial clerk | 1,200 |
| Clerk | 1,000 |
| Physician | 540 |
| Disciplinarian | 720 |
| Principal teacher | 830 |
| Teacher | 660 |
| Do | 600 |
| Matron | 660 |
| Assistant matron | 540 |
| Do | 420 |
| Nurse | 720 |
| Seamstress | 500 |

Salaries—Continued.

| | |
|--------------------------|--------|
| Teachers of housekeeping | \$660 |
| Laundress | 480 |
| Cook | 540 |
| Farmer | 720 |
| Carpenter | 780 |
| Engineer | 900 |
| Laborer | 300 |
| Do | 660 |
| Shoe and harness maker | 300 |
| Assistant cook | 480 |
| Total | 16,010 |

This is a nonreservation school located on 180 acres of land, formerly within the Lake Traverse Indian Reservation, which was created for the benefit of the members of the Sisseton and Wahpeton Tribes. There is no remaining tribal land within the reservation other than that reserved for administrative purposes. All the pupils in the school have allotments, and practically all of them must make their living on the farm. For this reason industrial work along the line of agriculture must be emphasized.

A new school building is very much needed. The capacity of the school has been increased in other respects from 80 in 1912 to 200 at the present time, but no corresponding increase has been made in schoolroom facilities. Twenty thousand dollars is required for a new school building.

For the same reason the shop buildings should be correspondingly enlarged to provide industrial instruction to the increased number of pupils. The dairy barn should also be provided with modern equipment. These changes are required in addition to the usual repairs and improvements needed to keep the school plant in proper condition. The entire plant is valued at \$205,725, and the \$8,000 estimated for repairs and improvements is about 3½ per cent of this amount, or about 4½ per cent of the value of the plant, not including the land.

¹ This includes \$1,315.26, used in the transportation of pupils, and \$1,383.38 in the transportation of goods and supplies. There was also expended \$232.42, miscellaneous receipts Class IV.

The CHAIRMAN. I notice you ask for an additional appropriation of \$9,000, and also for a new school building to cost \$20,000, and for an increase in attendance of 20. What is the enrollment at this school?

Mr. MERITT. The enrollment at the Wahpeton school is 232.

The CHAIRMAN. What is the average attendance?

Mr. MERITT. Two hundred and two.

The CHAIRMAN. What is the per capita cost?

Mr. MERITT. The cost per capita is \$185.

The CHAIRMAN. What is the general condition of the buildings used?

Mr. MERITT. The conditions are fair, Mr. Chairman, except we need a new school building. Congress has within the last three years made certain improvements in this school, and we can take care of an additional enrollment of 20 pupils, but we need a new school building, which will cost \$20,000.

The CHAIRMAN. For what purpose is this new school building intended?

Mr. MERITT. It is to be used for a school building, and we will utilize the old building we have there for dormitory and other school purposes.

The CHAIRMAN. Are your dormitory facilities inadequate now?

Mr. MERITT. They will be inadequate when the additional 20 pupils are allowed and the new school building is allowed.

The CHAIRMAN. Is this a nonreservation school?

Mr. MERITT. Yes, sir; but it is located convenient to a large number of Indians.

The CHAIRMAN. Is it an industrial school?

Mr. MERITT. All of our Indian schools are more or less industrial schools. We emphasize the industrial feature at all of our Indian schools.

The CHAIRMAN. Do you have farming lands adjacent to this school?

Mr. MERITT. We have a farm; yes, sir.

The CHAIRMAN. Do the students work on that farm?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They are taught that in connection with their other studies?

Mr. MERITT. Yes, sir.

Mr. NORTON. The pupils attending the school at Wahpeton come from where?

Mr. MERITT. They come from the different reservations in the State of North Dakota and some from South Dakota—in that immediate vicinity; also from Minnesota and Montana.

Mr. NORTON. Will you furnish a statement showing from where they come?

Mr. MERITT. The report of attendance for the Wahpeton School for the fourth quarter, 1915, shows children enrolled from the following places: Sisseton, Fort Berthold, Turtle Mountain, Standing Rock, and Walhalla Reservations, N. Dak.; Yankton Reservation, S. Dak.; Leech Lake, White Earth, Red Lake, and Cass Lake Reservations, Minn.; Fort Peck, Scoby, and Mackinaw Reservations, Mont.

MR. CARTER. You say a dormitory is needed for this increase?

MR. MERITT. We are more in need of a school building, Mr. Carter. The school building they have there now is entirely inadequate.

MR. CARTER. This is not intended for a dormitory?

MR. MERITT. No, sir.

MR. CARTER. You have sufficient dormitory quarters for 220 pupils, have you?

MR. MERITT. I think with the construction of this new school building and the utilization of the old building we now have there for a school building, which is entirely inadequate for that purpose, we will have ample dormitory facilities for the 220 pupils.

The CHAIRMAN. The next item is as follows:

To enable the Secretary of the Interior to redeem a mortgage on the allotted selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west, of the fifth principal meridian, North Dakota, \$1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed fifty per centum of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located shall operate as a satisfaction of such lien.

What justification have you for this item?

MR. MERITT. I offer the following justification, Mr. Chairman.

The right of McGillis to a public domain selection initiated under Article VI of the agreement with the Turtle Mountain band, dated October 2, 1892, ratified by the act of April 21, 1904 (33 Stat. L., 189-194), which article reads:

"All members of the Turtle Mountain band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to share in all tribal funds, annuities, or other property, the same as if located upon the reservation."

In 1881 this Indian settled upon the NW. $\frac{1}{4}$ of sec. 34, T. 164 N., R. 70 W., fifth principal meridian, North Dakota, apparently with the intention of making it his permanent home. He remained thereon, cultivated a large part of the land, and made valuable and substantial improvements. He failed, however, to apply for the land as an allotment or homestead, as it seems that he believed his title as an Indian occupant was superior to that of other claimants.

In July, 1898, George Hooker, a white man, took possession of the land, having purchased the relinquishment of one Peter Foley, who had filed a homestead application for the tract. Hooker made a number of improvements, and prevented McGillis from using a part of the land.

A hearing was had before the local land officers at Devils Lake, N. Dak., to determine the respective rights of the parties under their conflicting claims. On January 26, 1901, the register rendered his decision recommending the cancellation of Hooker's homestead entry.

Hooker appealed to the General Land Office from this decision, and on January 11, 1904, that office reversed the decision of the register and allowed Hooker's homestead entry to remain intact. October 11, 1906, final certificate No. 12656 was issued to Hooker, and on July 16, 1907, the land was patented to him.

The action of the General Land Office in awarding the land to Hooker was based on the ground that McGillis was not entitled, as he was a Canadian Indian. It was shown at the hearing that the Indian and his family had resided on the land for 19 years; that at the date of Hooker's entry 40 acres were under cultivation; that a part of the land was inclosed by a wire fence,

and that there were other improvements thereon, consisting of a hewn-log house with shingle roof, hewn-log barn, log storehouse, and a well.

It appeared that the father of McGillis was a Canadian half-breed; that although McGillis himself was born in the United States, his mother returned shortly thereafter to Canada, where he lived until after his marriage; that he was enrolled with the Canadian Indians and received land scrip there, which he sold; and that thereafter he came to the United States and affiliated with the Turtle Mountain band of Chippewa Indians and settled on the land above described. He was enrolled with the Turtle Mountain band of Chippewa Indians, but his name was stricken from the tribal roll in 1892. Later his case, together with a number of others, was investigated by the Indian Office, which office on December 20, 1906, recommended that he be enrolled with the Turtle Mountain band. This recommendation was approved by this department on April 2, 1907.

The General Land Office in a report of May 18, 1908, to this department, after giving a history of the case, said that if McGillis was entitled to enrollment as a member of the Turtle Mountain band of Indians when recommended by the Commissioner of Indian Affairs on December 20, 1906, he was entitled to enrollment after he settled upon the lands in 1881 and associated and affiliated himself with said tribe and was recognized by the tribal council, and from that time up to and including the entire period of the existence of said homestead entry of George Hooker; that, being entitled to enrollment, and that being the fundamental question in determining his right to allotment, the fact that he did not become enrolled should not exclude him from the protection of the law and the regulations; that one who was entitled to enrollment but was omitted should be given the same consideration as if his name had actually been inscribed upon the roll; and that the United States Government, recognizing the dependent condition of the Indians as the wards of the nation, has assumed from the beginning the duty of exercising a general supervision over their affairs, to protect them not only from the encroachments of the white, but also from the consequences of their own ignorance and improvidence.

The General Land Office added that it was plainly established that Starr McGillis went upon this land for the purpose and with the intention of making it his permanent home; that he remained thereon for 17 years, cultivated a large part of the land and made valuable and substantial improvements thereon before Hooker filed his homestead application; that to deprive him of the land and permit Hooker to retain it was manifestly an injustice and wrong to him; that on the other hand Hooker, if he examined the land as required by the law before making entry thereon, must have known that it was in the possession of Starr McGillis; that he must have known of McGillis' improvements; that he must have known McGillis had a large part of the tract under cultivation, and that knowing these facts, and being charged with knowledge of the law and regulations prohibiting the allotting of entries for lands occupied by Indian inhabitants who had made improvements of any value whatever, he could not well claim to have acted in good faith.

It was said further that had the local officers known that these lands were in the possession of Starr McGillis, their duty would have been to have refused peremptorily Hooker's application to enter them; that Hooker, by concealing the facts fraudulently procured record of his entry; that any false pretense or trick set in motion to induce the Government, in executing the laws of the United States in cases where they must act upon statements made by the interested parties, to act in a way which would be unlawful if the real truth were known, is a fraud upon the Government, and it is not necessary that there shall be any pecuniary loss or damage to the Government.

In view of the foregoing, the General Land Office was of opinion that the patent issued to the Hooker might be annulled and vacated and concurred in the recommendation of the Indian Office that the Department of Justice be requested to institute suit to cancel the patent issued to Hooker for the reason that McGillis had a prior right to the land.

Accordingly, upon the request of this department, the Department of Justice instituted a suit to cancel the patent to Hooker, and on May 2, 1913, a decree was entered to the effect that the land in question was erroneously patented to George Hooker. The title was adjudged to be in Starr McGillis and the possession was restored to McGillis with a judgment for the value of the use of the premises against Hooker for the time he occupied the land.

The decree further found, however, that a mortgage given by Hooker to Warren N. Steele and subsequently assigned to Rachel Stockdale, was a bona

vide mortgage and a valid lien on the land. The mortgage was in the sum of \$1,000, with interest from December 1, 1912, at the rate of 8 per cent per annum. Hooker was found to be insolvent and could not be made to pay the mortgage. The said mortgage was foreclosed and on March 21, 1914, the land was sold. The period of redemption expired on or about March 21, 1915. However, the Security Investment Co., of Rolla, N. Dak., the purchaser of the property under foreclosure proceedings, has since offered to convey its interest in the land for the amount of the mortgage, plus the cost of foreclosure and the accrued interest to date of redemption.

Starr McGillis is now an old man and has no money that can be used in redeeming the land. He lived on his selection for many years and feels greatly attached to his home, where he hopes to stay for the remainder of his life. While he did fail to take the proper technical steps to obtain a record title to the land, this omission was caused apparently by his belief, being an ignorant, dependent Indian, that his occupancy of the land gave him all the title he needed and that no one could take it from him.

The superintendent of the Turtle Mountain School reports that a conservative value of the property at the present time would be not less than \$20 an acre, or \$3,200. Hooker had rented the land for the year 1913 for one third of the crop from 118 acres. The lessee paid the proceeds of the one-third share, amounting to \$166.52, to the superintendent, who says that it was a rather poor crop, and this money may be applied toward redeeming the land, the remainder to be supplied by the proposed legislation.

In reporting the result of the suit the Assistant Attorney General used the following language:

"I now have the honor to advise you that on March 21, 1914, the land was sold under the mortgage held by Rachel Stockdale, an innocent assignee thereof. The period of redemption expires one year from that date.

"It is apparent that nothing further can be done by this department for the relief of Starr McGillis. The case, however, has impressed me as one of extreme hardship and injustice to this Indian, and I would be glad to know that there is some means by which your department can aid him in the redeeming of the land from the mortgage sale. If some action by Congress is necessary to that end, this department will be glad to join you in recommending appropriate legislation."

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

The CHAIRMAN. The next item is:

OKLAHOMA.

Sec. 19. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, \$5,000.

Mr. MERITT. I offer the following justification for this item:

Support of Wichitas and affiliated bands, Oklahoma.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$5,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 5,000.00 |
| Amount expended..... | 4,585.92 |
| Unexpended balance..... | 414.08 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|------------|
| Salaries, wages, etc..... | \$3,245.25 |
| Traveling expenses..... | 397.01 |
| Transportation of supplies..... | 10.09 |
| Telegraph and telephone service..... | 91.44 |

| | |
|------------------------------------|------------|
| Printing, binding, and advertising | \$3. 46 |
| Forage | 62. 22 |
| Fuel | 59. 08 |
| Stationery and office supplies | 41. 06 |
| Medical supplies | 446. 05 |
| Equipment, material, etc | 192. 11 |
| Miscellaneous | 38. 13 |
| Total | 4, 585. 92 |

This appropriation is used at Kiowa Agency for the support of the Wichita and Caddo Indians, numbering 1,094. It is the only appropriation available for this purpose, and is necessary for efficient administration.

It is the same appropriation that we had last year.

The CHAIRMAN. The next item is:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Mr. MERITT. I offer the following justification for this item:

Apache, Kiowa, and Comanche 4 per cent fund.

| | |
|---|--------------|
| Fiscal year ending June 30, 1916, amount authorized by act of Mar. 3, 1915 | \$25,000. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount authorized by act of Aug. 1, 1914 | 25,000. 00 |
| Amount expended | 19,554. 44 |
| Unexpended balance | 5,445. 56 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|------------|
| Salaries, wages, etc | 14,641. 01 |
| Traveling expenses | 800. 52 |
| Transportation of supplies | 30. 78 |
| Heat, light, and power service | 505. 67 |
| Telegraph and telephone service | 397. 00 |
| Printing, binding, and advertising | 18. 79 |
| Subsistence supplies | 8. 04 |
| Forage | 203. 55 |
| Fuel | 1,061. 79 |
| Stationery and office supplies | 269. 09 |
| Medical supplies | 202. 61 |
| Equipment, material, etc | 1,378. 59 |
| Miscellaneous | 37. 06 |
| Total | 19,554. 44 |

| | |
|--|-----------|
| Expended from "Kiowa Agency Hospital 4 per cent fund" for maintenance of hospital | 7,301. 34 |
|--|-----------|

This appropriation is required at Kiowa Agency, Okla., for the support of the Apache, Kiowa, and Comanche Indians, numbering 3,190. For several years past \$25,000 has been asked for and allowed, but owing to increased leasing and farming operations requiring additional supervision, traveling expenses and equipment, and the enormous amount of work connected with the proper handling of the individual bank accounts of the Indians, aggregating nearly \$1,000,000, it has become insufficient to provide adequate and efficient administration. As shown above, there are a large number of Indians; likewise the reservation is large and in the midst of a rapidly developing country, so that careful, efficient administration is necessary in order to conserve their vast estates, aggregating nearly \$20,000,000, and to procure the greatest

measure of industrial advancement within a minimum of time. It will be observed that the per capita cost is less than \$10. The balance of this fund in the Treasury to the credit of the Indians is \$2,801,963.38, and they have also in the Treasury \$977,101.73 at 5 per cent interest.

The following is quoted from the minutes of a meeting of the business committee of the Kiowa, Comanche, and Apache tribes held on August 16, 1915:

"The superintendent presented to the Committee the matter of an increased appropriation from the funds of the Kiowa, Comanche, and Apache tribes for the purpose of better carrying on the work pertaining to our tribes. Realizing the growing needs of the Kiowa Agency and the need for additional employees, the committee agreed to request the Commissioner of Indian Affairs to get additional appropriation of \$5,000 per annum from our funds. It is requested that this additional appropriation can be taken from either the principal of the fund or the interest thereof at the discretion of the commissioner. Upon this matter being put to a vote the entire committee agreed to it and have herewith subscribed themselves."

We have recently constructed a hospital at that school, Mr. Chairman, and we would like to have an additional appropriation of \$5,000; also we need some little additional assistance in looking after the farming interests of those Indians; it is an appropriation of funds of the Indians out of the Treasury; they have several million dollars in the Treasury and this will be entirely agreeable to the Indians.

Mr. CARTER. How much have they?

Mr. MERITT. Between \$3,000,000 and \$4,000,000.

The CHAIRMAN. And they desire this, do they?

Mr. MERITT. The Indians have given their assent to this; at least a delegation representing the tribe have expressed their willingness that the increase be made.

The CHAIRMAN. The next item is:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$250,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support, and improvement of their homesteads, in such manner and under such regulations as he may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress on the first Monday in December, nineteen hundred and seventeen, a detailed statement as to all moneys expended as provided for herein.

What justification have you for that item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

This item is intended to authorize the withdrawal of a portion of the funds to the credit of the Apache, Kiowa, and Comanche Tribes of Indians under the Kiowa superintendency in the State of Oklahoma, to enable the Indians to liquidate their indebtedness, to improve their homes, and obtain equipment for the development of their lands industrially.

The act of April 30, 1908 (35 Stat. L., 70-87), authorized the Secretary of the Interior to pay the Apache, Kiowa, and Comanche Indians a sum of money, the total of which should not exceed \$100 per capita. The acts of March 3, 1909 (35 Stat. L., 781-806), April 4, 1910 (36 Stat. L., 269-280), August 24, 1912 (37 Stat. L., 518-529), June 30, 1913 (38 Stat. L., 93), August 1, 1914 (38 Stat. L., 582-596), and the joint resolution of March 4, 1915 (38 Stat. L., 1228), authorized the withdrawal of amounts similar to that it is now intended to withdraw should the proposed item be favorably considered by Congress.

There are approximately 3,190 Apache, Kiowa, and Comanche Indians on the Kiowa Reservation. Their land, consisting of approximately 641,000 acres, has been allotted to them, the largest part of which has in previous years been leased for grazing, farming, and mining purposes.

The appropriation made for the last fiscal year was paid to the Indians in two payments, one in the fall, so as to give them funds to carry them through the winter, and another in the spring of the year, so as to give them money to purchase agricultural equipment and seeds in connection with their farming activities and subsistence supplies while crops are being planted.

The reports indicate that a number of Indians who have been inactive in previous years have promised to utilize this money to good advantage and engage in farming.

The money it is intended to appropriate belongs to these Indians. They have need for it in connection with the promotion of their farming and live stock activities, and there is no reason why it should be withheld from them while such important needs exist.

In this connection attention is invited to House Report No. 94, Sixty-second Congress, first session, which sets out in detail the condition of the Indians and their urgent need for funds.

On November 1, 1915, the balance in the Treasury to the credit of the Apache, Kiowa, and Comanche Indians of their 5 per cent fund, known as the "Apache, Kiowa, and Comanche fund," amounted to \$915,665.66, and the accrued interest thereon, including unpaid shares, \$61,436.07. The balance of the "Apache, Kiowa, and Comanche 4 per cent fund" on that date amounted to \$2,536,544.70, and the accrued interest thereon to \$148,808.37, making a total of \$3,782,454.80.

And in addition to that I will say that this appropriation has been made from year to year for several years. The Indians have more than \$3,000,000 in the Treasury.

Mr. CAMPBELL. Is there a statement of how the money has been spent heretofore?

Mr. MERITT. We have made per capita payments to the Indians who are competent, and to those who are incompetent we have deposited the money to their credit in banks and used it for their benefit exclusively.

Mr. CAMPBELL. That is the way the money has been spent, and that is the way it is proposed to spend the amount authorized here?

Mr. MERITT. Yes, sir; all of this money goes to the Indians.

Mr. CARTER. How many of these Indians are competent?

Mr. MERITT. I would say 20 per cent are competent.

The CHAIRMAN. The next item is:

For support and civilization of the Cheyennes and Arapahoes who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, \$35,000.

What is your justification for that item?

Mr. MERITT. I offer the following justification for this item. Mr. Chairman:

Support of Cheyennes and Arapahoes, Oklahoma.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$35,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 35,000.00 |
| Amount expended----- | 31,071.71 |
| Unexpended balance----- | 3,928.29 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc----- | \$25,733.15 |
| Traveling expenses----- | 916.76 |
| Transportation of supplies----- | 251.86 |
| Telegraph and telephone service----- | 178.63 |
| Printing, binding, and advertising----- | 12.00 |
| Subsistence supplies----- | 18.67 |

| | |
|-------------------------------------|-------------|
| Dry goods, clothing, etc..... | \$58. 73 |
| Forage | 808. 71 |
| Fuel | 1, 122. 20 |
| Stationery and office supplies..... | 367. 93 |
| Medical supplies..... | 569. 92 |
| Equipment, material, etc..... | 958. 02 |
| Miscellaneous | 75. 13 |
| Total | 31, 071. 71 |

Four agencies having a total population of 2,773 Indians are dependent upon this appropriation for their general support, including pay of employees, equipment, traveling expenses, fuel, etc., necessary to efficient administration.

That is the same amount that we have asked heretofore.

The CHAIRMAN. Have you any additional statement that you want to go in the record?

Mr. MERITT. No, sir.

The CHAIRMAN. The next item is:

For support and civilization of the Kansas Indians, Oklahoma, including pay of employees, \$1,500.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Support of Kansas Indians, Oklahoma.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$1, 500. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 1, 500. 00 |
| Amount expended..... | 1, 259. 83 |
| Unexpended balance..... | 240. 17 |
| Analysis of expenditures: | |
| Salaries, wages, etc..... | 1, 008. 50 |
| Traveling expenses..... | 19. 16 |
| Telegraph and telephone service..... | 24. 15 |
| Printing, binding, and advertising..... | 24. 70 |
| Forage..... | 35. 80 |
| Fuel..... | 58. 50 |
| Stationery and office supplies..... | 3. 42 |
| Equipment, material, etc..... | 78. 75 |
| Miscellaneous..... | 6. 85 |
| Total..... | 1, 259. 83 |

This appropriation is used for the employment of a clerk and for traveling expenses and supplies for the benefit of 138 Kansas Indians now under the jurisdiction of Ponca Agency. Prior to 1912, the Kansas Indians comprised a separate jurisdiction.

It is the same amount that has been appropriated heretofore.

The CHAIRMAN. The next item is:

For support and civilization of the Kickapoo Indians in Oklahoma, including pay of employees, \$2,000.

Mr. MERITT. The following justification is offered:

Support of Kickapoos, Oklahoma.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$2, 000. 00 |
| Amount appropriated..... | 2, 000. 00 |
| Amount expended..... | 1, 927. 53 |
| Unexpended balance..... | 72. 47 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------|------------|
| Salaries, wages, etc | \$900. 00 |
| Traveling expenses | 30. 00 |
| Heat, light, and power service | 89. 69 |
| Telegraph and telephone service | 71. 55 |
| Forage | 52. 25 |
| Fuel | 304. 90 |
| Stationery and office supplies | 5. 60 |
| Equipment, material, etc | 444. 70 |
| Miscellaneous | 28. 84 |
| Total | 1, 927. 53 |

This fund is required for the administration of the affairs of 306 Mexican Kickapoo Indians under the jurisdiction of Shawnee Agency, being used for the pay of one clerk at \$900, traveling expenses, equipment, etc., necessary to their proper oversight and development.

It is the same amount as was appropriated last year, the year before, and for several years.

The CHAIRMAN. The next item is:

For support and civilization of the Ponca Indians in Oklahoma and Nebraska, including pay of employees, \$8,000.

What justification have you for that item?

Mr. MERITT. I offer the following justification for this item:

Support of Poncas, Okla.

| | |
|---|--------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$8, 000. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 8, 000. 00 |
| Amount expended | 7, 230. 81 |
| Unexpended balance | 769. 19 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|--------------|
| Salaries, wages, etc | \$5, 154. 51 |
| Traveling expenses | 37. 62 |
| Transportation of supplies | 15. 01 |
| Telegraph and telephone service | 80. 20 |
| Printing, binding, and advertising | 24. 70 |
| Subsistence supplies | 1. 01 |
| Forage | 572. 63 |
| Fuel | 150. 37 |
| Stationery and office supplies | 6. 20 |
| Medical supplies | 24. 47 |
| Equipment, material, etc | 1, 044. 44 |
| Miscellaneous | 19. 65 |
| Total | 7, 230. 81 |

This appropriation is required for the administration of the affairs of the Ponca Indians at Ponca Agency, Okla., and Santee, Nebr., numbering 974, and covers the pay of employees, equipment, and general support items necessary to the maintenance of the agency.

The CHAIRMAN. The next item is:

For support and education of five hundred Indian pupils at the Indian school at Chilocco, Oklahoma, including pay of superintendent, \$86,250; for general repairs and improvements, \$7,000; in all, \$93,250.

What justification have you for that item?

MR. MERITT. I offer the following justification for this item:

Indian school, Chilocco, Okla.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$86,250.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 86,250.00 |
| Amount expended----- | 86,467.03 |
| Overdrawn----- | ¹ 217.03 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------------|-------------|
| Salaries, wages, etc----- | \$39,441.67 |
| Traveling expenses----- | 2.25 |
| Subsistence supplies----- | 20,494.85 |
| Dry goods, clothing, etc----- | 10,131.32 |
| Forage----- | 56.25 |
| Fuel----- | 9,229.60 |
| Stationery and office supplies----- | 12.90 |
| Educational supplies----- | 889.35 |
| Medical supplies----- | 463.66 |
| Equipment, material, etc----- | 5,676.47 |
| Miscellaneous----- | 65.71 |
| Total----- | 86,467.03 |

Indian school, Chilocco, Okla., repairs and improvements.

| | |
|--|---------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$7,000 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 7,000 |
| Amount expended----- | 6,988 |
| Unexpended balance----- | 12 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|---------|
| Repairs (to plant)----- | \$6,988 |
|-------------------------|---------|

Statistical statement for year ending June 30, 1915.

| | |
|--|--------------------|
| Value of school plant—real property----- | \$589,295 |
| Number of buildings----- | 52 |
| Number of employees----- | 55 |
| Average attendance of pupils----- | 544 |
| Enrollment----- | 653 |
| Capacity----- | 500 |
| Cost per capita based on enrollment----- | ² \$140 |
| Cost per capita based on average attendance----- | ² \$168 |
| Area of school land (acres)----- | 8,500 |
| Area of school land (acres cultivated)----- | ³ 4,490 |
| Value of products of school----- | \$34,150 |

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|----------|
| Support----- | \$86,250 |
| Repairs and improvements----- | 7,000 |
| Total----- | 93,250 |

¹This overdraft will be met by "Miscellaneous receipts, class 2," which have been collected to the amount of \$249, and which are available to reimburse the appropriation.

²This includes \$2,695.35 used in the transportation of pupils and \$2,524.59 in the transportation of goods and supplies. There was also expended \$12,061.21, "Miscellaneous receipts, class 4."

³This does not include 2,200 acres in pasture and 1,800 acres in meadow.

Amount requested in proposed bill:

| | |
|---|---------------|
| Support and education of 500 Indian pupils at the Chilocco Indian School, Chilocco, Okla., and superintendent's salary..... | \$86,250 |
| Repairs and improvements..... | 7,000 |
| Total..... | 93,250 |

| | Salaries. | | Salaries. |
|---|-----------|-----------------------------------|---------------|
| Superintendent..... | \$2,750 | Laundress..... | \$600 |
| Principal and teacher of agriculture..... | 1,400 | Baker..... | 300 |
| Clerk..... | 1,300 | Cook..... | 660 |
| Assistant clerk..... | 780 | Assistant cook..... | 480 |
| Do..... | 720 | Farmer..... | 900 |
| Property clerk..... | 720 | Assistant farmer..... | 720 |
| Physician..... | 1,200 | Superintendent of industries..... | 960 |
| Disciplinarian..... | 840 | Carpenter..... | 720 |
| Assistant disciplinarian..... | 300 | Shoe and harness maker..... | 660 |
| Senior teacher..... | 810 | Blacksmith..... | 780 |
| Teacher..... | 780 | Night watchman..... | 540 |
| Do..... | 780 | Gardener..... | 900 |
| Do..... | 720 | Engineer..... | 1,200 |
| Do..... | 720 | Assistant Engineer..... | 720 |
| Do..... | 660 | Do..... | 480 |
| Do..... | 660 | Do..... | 300 |
| Do..... | 600 | Nurseryman..... | 900 |
| Do..... | 600 | Dairyman..... | 1,000 |
| Do..... | 540 | Painter..... | 680 |
| Domestic Science teacher..... | 720 | Printer..... | 1,000 |
| Matron..... | 720 | Mason..... | 800 |
| Assistant matron..... | 660 | Hostler..... | 660 |
| Do..... | 540 | Assistant hostler..... | 600 |
| Dining-room matron..... | 600 | Do..... | 480 |
| Nurse..... | 720 | Do..... | 300 |
| Seamstress..... | 660 | Do..... | 180 |
| Assistant matron..... | 540 | Do..... | 180 |
| Assistant seamstress..... | 300 | Total..... | 40,040 |

The appropriation requested provides for 500 pupils at a cost of \$86,250, including the superintendent's salary of \$2,750, which has always been provided for in estimating the sum necessary for support.

It will be noted that the enrollment and average attendance have continued, as in recent years, considerably above 500 pupils. However, while the past two seasons were much too dry for some kinds of crops, such as were grown were well conserved and afforded "Miscellaneous receipts" of an amount sufficient, with careful economy, to enable the school to support from 40 to 50 students over the number for which appropriation was made, besides providing funds for erecting a substantial addition to the academic building, for purchasing some much-needed farm machinery, and for making some important repairs that could not have been done within the sum appropriated for such purposes.

This feature, contributive to self-support, is noteworthy in the school's management and permits the low estimate of \$7,000 for repairs and improvements to this large plant, which does not exceed the annual allowance for the past four years and is less than 2½ per cent of the value of the buildings and other construction. This is a low rate and will be fully needed to keep the property, including the systems for heating, lighting, and sewerage, in adequate repair.

Chilocco is a nonreservation boarding school with jurisdiction only over the pupils in attendance. Its capacity was increased a few years ago from 450 to 500. There are about 8,500 acres of Government land in the school farm, a portion of which is leased, but some 200 acres are cultivated by the students with fine results. It is distinctly an agricultural and industrial school of high rank, offering better agricultural training than most other Indian schools, but also well equipped for academic instruction.

It is conveniently located for the educational needs of a large Indian population, drawing many students from the Five Civilized Tribes, of whom, among

the full bloods particularly, many have not until recently actively accepted civilizing agencies and are now sending pupils in considerable numbers to Chilocco who have had but little education.

The school may well be maintained in its present efficiency for many years to come.

I will say, in addition to the justification offered, that this is one of our largest nonreservation schools; it is located conveniently to one-third of the Indians of the United States; it is probably one of the best equipped plants that we have, and the school is doing splendid work under the supervision of Mr. Allen, one of the old and tried employees of the Indian service. The per capita cost at this school is \$168, a very low per capita cost.

Mr. CAMPBELL. One of the lowest?

Mr. MERITT. We are not asking for an increased appropriation, and the same amount requested has been appropriated for several years.

The CHAIRMAN. How is your school and farm running there—satisfactorily?

Mr. MERITT. Yes, sir; we are doing splendid work on industrial lines.

The CHAIRMAN. Are you renting the pasture lands, as in former years?

Mr. MERITT. We are renting a part of the school farm. We have a farm there covering seven or eight thousand acres, and part of that is rented and the proceeds go to the school.

The CHAIRMAN. Can you make an estimate of the amount of proceeds and what is done with the proceeds?

Mr. MERITT. During the fiscal year 1915 there were produced from the Chilocco farm products totaling in value \$30,359.38. This included hogs and cattle. Of this produce there was sold to the value of \$20,246.55. Products to the value of \$7,578 were consumed at the school, a balance remaining on hand to the value of \$2,534.83.

The moneys were taken up as "Miscellaneous receipts, Class IV," and expended for various purposes for the benefit of the school—that is to say for maintenance and improvements to supplement the public appropriation.

The CHAIRMAN. The next item is:

For fulfilling treaties with Pawnee, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article three, agreement of November twenty-third, eighteen hundred and ninety-two), \$30,000; for support of two manual-labor schools (article three, treaty of September twenty-fourth, eighteen hundred and fifty-seven), \$10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article four, same treaty), \$5,400; for purchase of iron and steel and other necessaries for the shops (article four, same treaty), \$500; for pay of physician and purchase of medicines, \$1,200; in all, \$47,100.

What justification have you for that item?

Mr. MERITT. This is a treaty item, and I offer the following justification in support of it:

Fulfilling treaties with Pawnees, Oklahoma.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$30,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 30,000.00 |
| Unexpended balance from previous years----- | 6,699.96 |
| <hr/> | |
| Amount expended----- | 36,699.96 |
| <hr/> | |
| Unexpended balance----- | 7,237.74 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------|-------------|
| Per capita payments----- | \$29,462.22 |
|--------------------------|-------------|

Support of Pawnees: Employees, etc., Oklahoma.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6,600.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 6,600.00 |
| Amount expended----- | 6,478.31 |
| <hr/> | |
| Unexpended balance----- | 121.69 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|------------|
| Salaries, wages, etc----- | \$6,454.98 |
| Medical supplies----- | 23.33 |
| <hr/> | |
| Total----- | 6,478.31 |

Support of Pawnees: Iron, steel, etc., Oklahoma.

| | |
|--|----------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$500.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 500.00 |
| Amount expended----- | 501.74 |
| <hr/> | |
| Overdrawn----- | 1.74 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------|----------|
| Salaries, wages, etc----- | \$325.73 |
| Stationery----- | 79.85 |
| Equipment, material, etc----- | 96.16 |
| <hr/> | |
| Total----- | 501.74 |

Articles 2, 3, and 4 of the treaty with the Pawnees of September 24, 1857 (11 Stat., 729), as amended in part by the agreement of November 23, 1892, which was ratified by the act of March 3, 1893 (27 Stat., 644) provide:

"(1) The United States agrees to pay to the Pawnees the sum of \$30,000 per annum, as a perpetual annuity to be distributed annually among them per capita, in coin, unless the President of the United States shall from time to time otherwise direct. But it is further agreed that the President may at any time, in his discretion, discontinue such annuity by causing the value of a fair commutation thereof to be paid to or expended for the benefit of such Indians in such manner as to him shall seem proper.

"(2) That the United States agrees to establish * * * two manual labor schools, to be governed by such rules and regulations as may be prescribed by the President of the United States, who shall appoint the teachers * * * and the United States agrees to furnish suitable houses and farms for said schools and whatever else may be necessary to put them in successful operation; and a sum of not less than \$5,000 per annum shall be applied to the support of each school, so long as the Pawnees shall, in good faith, comply with the

provisions of this article; but if, at any time, the President is satisfied that they are not doing so, he may, in his discretion, discontinue the schools in whole or in part.

"(3) The United States also agree to furnish the Pawnees with two complete sets of blacksmith, gunsmith, and tinsmith tools, not to exceed in cost \$750; and to erect shops at a cost not to exceed \$500; also \$500 annually during the pleasure of the President for the purchase of iron, steel, and other necessities for the same. The United States are also to furnish two blacksmiths, one or whom shall be a gunsmith and tinsmith; the Pawnees agree to furnish one or two young men of their tribe to work constantly in each shop as strikers or apprentices, who shall be paid a fair compensation for their labor."

This appropriation is used in carrying out the provisions of the treaty, except that the greater part of the item of \$500 for iron, steel, and other necessities for the shop has, for the past two years, been diverted, in accordance with law (34 Stat., 1015-1016), for other beneficial purposes—iron and steel in quantities not being required. There are 679 Indians who share in the benefits of this appropriation.

The CHAIRMAN. Have you any further remarks to make about it?

Mr. MERITT. No, sir.

The CHAIRMAN. The next item is:

For support of Quapaws, Oklahoma: For education (article three, treaty of May thirteenth, eighteen hundred and thirty-three), \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), \$500; in all, \$1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Support of Quapaws: Education, Oklahoma.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$1,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 1,000.00 |
| Amount expended..... | 972.00 |
| Unexpended balance..... | 28.00 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|----------|
| Tuition, etc., in mission school..... | \$972.00 |
|---------------------------------------|----------|

Support of Quapaws: Employees, etc., Oklahoma.

| | |
|---|----------|
| Fiscal year ended June 30, 1916, amount appropriated..... | \$500.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 500.00 |
| Amount expended..... | 498.14 |
| Unexpended balance..... | 1.86 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------|----------|
| Salaries, wages, etc..... | \$480.00 |
| Equipment, material, etc..... | 18.14 |
| Total..... | 498.14 |

Indian population, 318.

This amount is necessary to provide for treaty obligations (art. 3, treaty of May 13, 1833) and is used as indicated.

Fifty-six thousand two hundred and forty-eight acres have been allotted 248 Indians on the Quapaw Reservation, 400 acres being reserved for school and administrative purposes.

Article 3 of the treaty of May 13, 1833 (7 Stat. L., 424), with the Quapaws reads in part as follows:

"The United States agree to provide a farmer to reside with them and to aid and instruct them in their agricultural pursuits, and a blacksmith to do their necessary work, with a shop and tools and iron and steel, not exceeding 1 ton per year. The United States also agree to appropriate \$1,000 per year for educational purposes, to be expended under the direction of the President of the United States; the farmer and blacksmith and the above appropriation for educational purposes to be continued only as long as the President of the United States deems necessary for the best interests of the Indians."

There appears present necessity for continuation of this appropriation to afford educational facilities for the Quapaws. Of 146 children of school age there are enrolled:

| | |
|----------------------------------|------------|
| Nonreservation schools..... | 9 |
| Seneca Boarding..... | 3 |
| St. Mary's Mission Building..... | 24 |
| Public schools..... | 81 |
| Total..... | 117 |
| Not in school..... | 29 |

The CHAIRMAN. Do you actually supply these blacksmiths with tools, steel, etc., or do you give them something else in lieu of these requirements at the request and instance of the Indians?

Mr. MERITT. We have authority under existing law to divert these specific treaty items to other uses, as the interests of the Indians require it.

The CHAIRMAN. That law is now in force, and you take advantage of that to supply them with all useful articles?

Mr. MERITT. Yes, sir; and we make a report to Congress regarding the diversion of all funds. The law referred to is found in the act of March 1, 1907 (34 Stat. L., 1015-1016). The provision reads as follows:

That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That so much of the appropriations of any annual Indian appropriation act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year.

The CHAIRMAN. The next item is:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$40,000; to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended.

What justification have you for that item?

Mr. MERITT. I offer the following justification, Mr. Chairman.

Relief and settlement of Apache Indians held as prisoners of war at Fort Sill, Okla.

Fiscal year ending June 30, 1915:

| | |
|---|----------------|
| Unexpended balance from previous years----- | \$153, 299. 37 |
| Amount expended----- | 103, 332. 79 |
| Unexpended balance----- | 49, 966. 58 |
| Hypothecated since July 1, 1915----- | 40, 413. 20 |
| On hand----- | 9, 553. 38 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|--------------|
| Salaries, wages, etc----- | \$3, 405. 23 |
| Traveling expenses----- | 10. 50 |
| Transportation of supplies----- | 888. 68 |
| Subsistence supplies----- | 4, 182. 79 |
| Forage----- | 147. 65 |
| Fuel----- | 283. 74 |
| Equipment, material, etc----- | 3, 962. 74 |
| Construction of Indian houses----- | 20, 279. 11 |
| Land----- | 69, 670. 00 |
| Seed, trees, and plants----- | 502. 35 |
| Total----- | 103, 332. 79 |

The act of August 4, 1912 (37 Stats., 518-534), as supplemented by the act of June 30, 1913, (38 Stat. L., 77-94), appropriated \$300,000 for the relief and settlement of the Fort Sill Apache Indians confined as prisoners of war at the Fort Sill Military Reservation. Of this amount, \$120,000 was apportioned by the office to be used for the removal of those Fort Sill Apaches who elected to go to the Mescalero Reservation, about 183 in number, and \$180,000 was set aside to be used for the purchase of lands in Oklahoma for those electing to remain there.

With the exception of approximately \$9,000, this fund is exhausted, but the work of purchasing lands for the 82 members of the band who elected to remain in Oklahoma has not yet been completed, viz., there are yet 13 minor Indians unprovided for, who are entitled, under the regulations jointly adopted by this department and the War Department governing the procedure to be followed in these cases, to a \$2,000 allotment each, making a total of \$26,000, and three heads of families entitled to allotments worth \$3,000 each, under the aforesaid regulations, making a grand total of \$35,000 yet needed for the completion of the allotment work.

The aforesaid regulations provided, in accordance with an understanding theretofore had with the Indians, that rations should be furnished them during the first year of their stay on their new allotments. This part of the agreement was not carried out, owing to a misconception of the matter by the superintendent in charge, and it is now proposed to allow 80 Indians \$12 per month per capita to reimburse them for rations purchased during the aforesaid period from their own funds. This will involve an outlay of \$11,520. The cost of land, \$35,000 plus the allowance in lieu of rations, \$11,520, less the \$9,000 balance on hand, shows a minimum amount yet required of \$37,520. The difference between this amount and the sum asked for has been added to cover unforeseen expenses with a view to avoiding the necessity of asking for a further appropriation. If not required, it will be returned to the Treasury in the usual manner.

If this appropriation is made, none of it will be used in the payment of salaries.

The CHAIRMAN. They are on the same footing as the Mescalero Indians who remained there all the while? Do they have the same interest in the herds of cattle, sheep, etc., that have been purchased for them as do these Indians who have been on the Mescalero Reservation all the while?

Mr. MERITT. Yes, sir; the Mescalero Indians stipulated that the Indians from the Fort Sill Reservation, who were removed to that reservation from Oklahoma, should share equally in the tribal property of those Indians.

The CHAIRMAN. Why is it necessary to keep a separate account and to keep the Fort Sill Indians separate from the original Indians who have been there all the while?

Mr. MERITT. We agreed that we should build homes for those Indians and get them started on their allotments. Part of the Indians went to the Mescalero Reservation and part of them elected to remain in Oklahoma, and this appropriation is for the purpose of buying lands for the 13 Indians who remained in Oklahoma and who have not yet been furnished with lands.

The CHAIRMAN. It applies to them?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

To pay the Women's Board of Domestic Missions, Reformed Church in America, \$10,000 to reimburse said board for buildings on the Fort Sill Military Reserve in the State of Oklahoma, constructed by said board with the consent of the Government and utilized for the education and civilization of the Fort Sill Apache prisoners of war until the removal of said Indians from said Fort Sill Military Reserve.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Data furnished by the Women's Board of Domestic Missions, Reformed Church in America, indicate that moneys expended by that organization for buildings and equipment for mission work among the Apache prisoners of war at Fort Sill, Okla., aggregated \$13,416.16, the building expenditures apparently exceeding \$9,000 of this amount.

The removal of the Apaches from the Fort Sill Reservation in 1914 rendered impracticable a continuance of the mission work at that point. The organization was therefore obliged to abandon its plant but left it in good condition and available for military use. The missionaries are continuing their work for the Apaches in their new homes on the Mescalero Reservation, but being unable to transfer their plant from Fort Sill to Mescalero are working at a great disadvantage. The influence of the mission upon the Apache Indians, both young and old, has been highly commended by the officers of the War Department. The school maintained by this board comprised the only educational facilities for the children of the prisoners there.

H. R. 13690 (63d Cong., 3d sess.) provided an appropriation of \$10,000 for relief of the Women's Board of Domestic Missions, Reformed Church in America. For the reason that it is believed that the relief proposed is merited by the organization, and for the further reason that the work is to be continued, this item is again included in the recommendations for the fiscal year 1917.

The CHAIRMAN. Have you any further justification which you wish to go on record?

Mr. MERITT. Nothing, except to say that this mission has done very valuable work among the Indians at Fort Sill and placed these improvements there; and in view of the fact that the Government has removed these Indians elsewhere, that they desire to continue their missionary work, and as these buildings can be used by the Government at Fort Sill it would seem only fair that they should receive this compensation for the property that is now no longer valuable to them for mission purposes.

The CHAIRMAN. Will you furnish a statement as to whether the buildings can be used by the United States or by the military authorities?

Mr. MERITT. The buildings are now being rented by the Government for the use of representatives of the War Department.

The CHAIRMAN. How far are they located from the fort?

Mr. MERITT. They are very conveniently located to the fort.

The CHAIRMAN. Are they on the military reservation?

Mr. MERITT. I think they are.

The CHAIRMAN. Were they originally erected on the military reservation?

Mr. MERITT. I have not definite information about that, but they are very convenient to the military reservation.

The CHAIRMAN. Will you ascertain for us whether or not they were originally located on the military reservation, and if so, was it not by the consent of the military authorities that they were put there, and if they put permanent and valuable improvements on this military reservation would they not belong to the military reservation and not to the Indians?

Mr. MERITT. The property was constructed out of funds belonging to this mission organization.

The CHAIRMAN. That is, private funds?

Mr. MERITT. Yes, sir.

The CHAIRMAN. That is as far as the United States is concerned, but they were put on a military reservation, and the point is this: Would not the Committee on Military Affairs have jurisdiction? The property being on a military reservation by authority of the Secretary of War—or at least presumed to be there by his authority—and on property belonging to the Secretary of War and under his control, would this committee have jurisdiction over a claim of this kind?

Mr. MERITT. Of course, that is a matter for the committee to determine.

Mr. NORTON. These buildings have been turned over to the Government, have they not?

Mr. MERITT. They are no longer being used by the mission, because the Indians have been removed from the military reservation.

Mr. NORTON. To whom do the buildings belong now?

Mr. MERITT. The title, I suppose, is in the mission, but they are being rented, I understand, to representatives of the War Department. I was so advised by Mrs. Rowe, a few days ago.

Mr. CAMPBELL. Is there a post there?

Mr. MERITT. Yes, sir; a very large post.

The CHAIRMAN. One of the largest and oldest in the Southwest, is it not?

Mr. MERITT. It is one of the largest in that part of the country.

The CHAIRMAN. The next item is:

That the Secretary of the Interior is hereby authorized and directed to vacate the north half of section three, township four south, range fourteen west, in Oklahoma, reserved for a town site in accordance with the provisions of an Act of Congress approved March twentieth, nineteen hundred and six, entitled "An act for the establishment of town sites and for the sale of town lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma," and the Secretary of the Interior is hereby further authorized to allot lands of said town site in equal amounts to San-a-was and Pessa, two enrolled Comanche Indian women who have not heretofore received allotments.

Mr. MERITT. The following justification is submitted, Mr. Chairman:

The land which the Secretary of the Interior is authorized by this item to vacate, viz, the N. $\frac{1}{4}$ sec. 3, T. 4 S., R. 14 W., is the abandoned town site of Eschiti, which was set aside under the provisions of the act of March 20, 1906 (34 Stat. L., 80). Theretofore it was a part of the Apache, Kiowa, and Comanche pasture reserve. That act provided that the proceeds of the sale of lots in this town site be deposited in the Treasury to the credit of the Apache, Kiowa, and Comanche Indians, and the land was sold in lots to purchasers who paid therefor in full and to whom deeds were given. The town site of Eschiti has now been practically abandoned, and the former superintendent of the Kiowa Indian School, Mr. Stecker, recommended that the above-described 320 acres be allotted in equal parts to San-a-was and Pessa. Each of these Indians has been duly enrolled. The former is an old Comanche woman who failed to receive an allotment by reason of her being absent in Mexico when allotments were being made. Pessa is a granddaughter of another old Comanche woman who was also absent in Mexico and did not receive an allotment for that reason. Apparently these two Indians are justly entitled to have their claims recognized at this time, and no other land is available for them.

However, in order that the Indian title to the above land may be cleared from the claims of the 29 purchasers holding deeds, it is suggested that the following provision be inserted in the above item after the words "Kiowa, Comanche, and Apache Indians in Oklahoma":

"Provided, That the Secretary of the Interior shall reimburse the twenty-nine purchasers of lots within said described lands, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache Tribes of Indians, upon the conveyance of such lots by said purchasers to the United States."

In this connection it may be said that Senate bill 5783, Sixty-first Congress, second session, which passed the Senate on March 15, 1910, contained all the provisions of this item, including this amendment. Senate bill 4619, Sixty-third Congress, second session, also contained this provision for making a refund to the 29 purchasers as well as the vacating of the land and its allotment in equal parts to San-a-was and Pessa. (Attention is respectively invited to pp. 720-722 of the hearings before the Senate committee, 63d Cong., 3d sess.)

Former Superintendent Stecker advised the office that 21 of the 29 lot owners have signified their willingness to accept a refund and reconvey their lots to the United States.

It is further suggested that the following words be added at the end of the item as it now stands:

"* * * and to issue patents therefor under the provisions of the act of February 8, 1887 (24 Stat. L., 388), as amended by the act of May 8, 1906 (34 Stat. L., 182). * * *"

The CHAIRMAN. Do you not think this is an item that should go into the legislative bill?

Mr. MERITT. Yes, sir; this will be included in the omnibus bill.

The CHAIRMAN. The next item is:

That the Atchison, Topeka and Santa Fe Railway Company be, and is hereby, authorized to reconstruct its line of railroad through the Chilocco Indian School Reservation in the State of Oklahoma to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding two hundred feet in width, subject to the approval of the Secretary of the Interior and to the payment for the land so taken and occupied by such new right of way of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School.

What justification have you to offer for that item?

MR. MERITT. The following justification is submitted, Mr. Chairman:

As indicated in the item of proposed legislation above referred to, the Atchison, Topeka & Santa Fe Railroad Co. represents that it is desirable and necessary to reconstruct its line of railroad through the Chilocco Indian School Reserve, Oklahoma, in order to eliminate heavy grades and curves. The said school reserve was established by Executive order of July 12, 1884, and comprises sections 13 to 16 and 21 to 28, inclusive, and the east half of sections 17, 20, and 29, all in township 29 north, range 2 east, Indian meridian, Oklahoma.

The act of March 2, 1899 (30 Stat. L., 990), grants railroad rights of way across Indian reservations and allotments, but is held not to be applicable to the Chilocco school reserve.

The proposed legislation was inserted in the Indian bill for the fiscal year ending June 30, 1916, by the Senate committee on Indian affairs as a committee amendment, and the necessity therefor is shown in the report of hearings had upon said bill before said committee on pages 632 to 634, inclusive.

THE CHAIRMAN. I think, Mr. Meritt, this belongs to the omnibus bill. It is clearly legislation.

MR. MERITT. We will include it in the omnibus bill.

MR. CAMPBELL. There is very urgent demand in the interest of the school, I understand, for this legislation. The railroad is a mile and a half away from the school.

MR. MERITT. You formerly had to go through a muddy lane to get to the station from the school.

MR. CARTER. This is for the purpose of placing it nearer the station?

MR. MERITT. Yes, sir; and to eliminate heavy grades and curves.

THE CHAIRMAN. The next item is as follows:

That payments of interest, lease rentals, royalties, and any trust funds becoming due from time to time to any individual member of the Osage Tribe of Indians who has not been granted a certificate of competency, may be withheld in the discretion of the Secretary of the Interior, and the funds may be used for the benefit of such Indian, or his heirs, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That no part of said funds shall be paid out on account of any usurious obligation or contract, nor shall mortgages of any personal property of such Indians be of any validity.

MR. MERITT. We offer the following justification for that item:

The act of June 28, 1906 (34 Stat. L., 539), regarding the subdivision of the lands and funds of the Osage Indians, provides (sec. 4, subdivisions 1 and 2) that the interest of the segregated shares of the Osage tribal funds, as well as individual shares of the royalties arising from oil and gas leases, shall be paid quarterly to the members entitled thereto, and that the interest of minors shall be paid to the parents or to the legal guardians where the parents are deceased.

The law appears to be mandatory and to give discretion to the department to withhold payments of interest of minors only "when the Commissioner of Indian Affairs becomes satisfied that the said interest of any minor is being misused or squandered."

About \$300,000, being the interest on trust funds and oil and gas royalties, is paid to the Osage Indians quarterly. These shares under the present law go to the competent and incompetent alike for their unrestricted use. Experience has demonstrated that many of these Indians are as unfit as a child to be given the unrestricted use of these funds. The methods by which some of the unscrupulous characters separate the incompetent Indian from his money are appalling. The Indian pays usurious interest on borrowed money previous to repaying the loan; he demands no canceled notes or receipted bills; he affixes his thumb-mark signature to any paper that he is told to sign; and then, having used all the money received at the payment in liquidating such debts, he is compelled to again borrow sufficient to tide him over until the next payment. In this manner it is probable that he pays an interest on borrowed funds of not less than 40 per cent per annum.

It is evident that if the Osage Indians are to receive even approximately the benefits which they might have from these payments, some discretion should be

lodged in the department with respect to which the Indians shall be given the unrestricted use of their money. The purpose of the amendment is to permit the department to withhold payment and to use the funds for the benefit of the individuals where it is shown that the money has heretofore been misused or squandered.

The CHAIRMAN. The next item is as follows:

The act of Congress approved June twenty-eighth, nineteen hundred and six (Thirty-fourth Statutes at Large, page five hundred and thirty-nine), and the act of Congress approved April eighteenth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page eighty-eight), authorizing expenditures from Osage tribal funds of not exceeding \$50,000 for schools and \$40,000 for agency and emergency purposes, or an aggregate of \$90,000, are hereby amended to provide that not exceeding such aggregate amount may be used for such purposes when authorized by the Secretary of the Interior in such manner as he deems for the best interests of the Osages, not exceeding, however, in the aggregate the amount so authorized, to be immediately available: *Provided*, That the third paragraph of section four of the act of June twenty-eighth, nineteen hundred and six (Thirty-fourth Statutes at Large, pages five hundred and thirty-nine and five hundred and forty-four) is hereby modified and amended to the extent that the moneys therein provided for support for Osage schools may be used in the discretion of the Secretary of the Interior for the same purposes as provided in said paragraph for a further period of not exceeding ten years from the first day of January, nineteen hundred and seventeen.

Mr. MERITT. We offer the following justification for that item:

The act of June 28, 1906 (34 Stat. L., 539), provided for continuance of the Osage Boarding School for a period of 10 years from January 1, 1907. This term expires January 1, 1917, and without further legislation there will be no authority of law for use of the tribal funds of the Osage Nation for support of the school. Conditions among the Osages, as indicated by the records of the Indian Office, make it evident that it is desirable to continue the Osage Boarding School for a further period. Home conditions among the Osages are generally unsatisfactory; in many families gambling is prevalent, and the use of intoxicating liquor. In such cases the public schools do not serve, as it is essential to remove the children from their home environment. In the boarding school the children receive academic instruction, some industrial training, and are taught morals and are subject to good influences. The future of the tribe will depend upon the training of the younger generation.

There has been some opposition on the part of the Osages to the continuance of the boarding school, but it is believed such opposition, limited probably to a small number of the tribe, is not based on sound considerations. One objection that the pupils have been required to do too much routine work at the school has been met by such changes and the addition of such employees as will relieve the children of any undue burden.

In a recent report the superintendent of the school expresses the opinion that the school should be continued, especially for the full-blood children, who are usually backward in attending the public schools and who do not receive the attention there that can be given them in the Indian schools. He believes that they can make better progress by attending a school better adapted to them, at least until conditions are more favorable for their regular attendance in public schools.

Mr. CAMPBELL. That is new legislation and subject to a point of order.

Mr. MERITT. It is a very important item and we would like very much to have it on the Indian appropriation bill. The school is not as large as formerly, but the agency work on account of the discovery of oil has very materially increased. Therefore, we need less money for the support of the school and more money for the support of the agency. That is the object of this item.

Mr. CAMPBELL. It is new legislation and subject to a point of order.

Mr. MERITT. I judge that it would be.

Mr. NORTON. It limits the purpose of the existing appropriation.

Mr. CAMPBELL. It changes the law under which the former appropriation was expended.

Mr. MERITT. If we can possibly get it on the Indian bill, we would like very much to have it there. If a point of order is made against it, we will then rely upon the omnibus bill.

The CHAIRMAN. The next item is as follows:

All that part of the act approved June twenty-eighth, nineteen hundred and six, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes" (Thirty-fourth Statutes at Large, page five hundred and thirty-nine), which reserves to the Osage tribe the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is made in that act, is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe for the period ending December thirty-one, nineteen hundred and fifty-nine: *Provided*, That the minerals upon the allotted lands shall become the property of the individual owner of the surface of said lands at the expiration of said period unless otherwise provided for by act of Congress.

Mr. MERITT. We offer the following justification for that item:

The act of June 28, 1906 (34 Stat. L., 539), provides for the division of lands and funds of the Osage Tribe of Indians in Oklahoma and reserves to the tribe as a whole the mineral rights for a period which will expire on April 8, 1931, at which time the mineral rights shall become the property of the individual owner of the surface of the land unless otherwise provided by Congress.

On March 16, 1896, the Osage Tribe, through its council, made an oil and gas lease to Edwin B. Foster covering the entire reservation of approximately 1,500,000 acres for a term of 10 years. The act of March 3, 1905 (33 Stat. L., 1061), extended the lease for a period of 10 years from March 16, 1906, but reduced the area to 680,000 acres. Operations have been conducted with more or less success by the Indian Territory Illuminating Oil Co. which succeeded by assignment to the rights of Edwin B. Foster, and by the sublessees of that company.

It may be safely assumed that when the Congress reserved to the Osage Tribe the mineral rights for 25 years it was thought that by far the greater part of the minerals would have been extracted from the lands at the expiration of that time and that the members of the tribe would have shared equally in the proceeds of the minerals rather than that the same should have gone to probably a small number of Indians who were so fortunate as to select lands underlain with oil and gas.

Notwithstanding the reservation lands have been leased since 1896, it was not until 1903 that oil or gas was discovered in paying quantities. During the 12 years which have elapsed since that time probably not more than one-fourth of the reservation has been fairly tested for oil and gas, and it would not be possible in the ordinary course of events to develop the remaining three-fourths of the reservation and to extract all the oil and gas therefrom by 1931, nor would it be wise to make efforts to that end. The oil industry in Oklahoma is just now recovering from a period of depression, which has been caused no doubt in great measure by the fact that oil was brought to the surface faster than it could be handled; consequently the price of crude product fell to such a figure that in many cases the production of oil from wells of small capacity became an unprofitable business. It is believed by some that the entire Osage Reservation is underlain with oil and gas. To so stimulate prospecting and development as to take out this oil and gas prior to 1931 would, it is feared, depress the business, if the prospecting met with success, to a greater extent than heretofore.

So far as is known at this time, the Osage Reservation includes the only oil-and-gas field in any extent which is practically under the control of the Federal Government. Such wasteful methods have heretofore prevailed in the development of lands for oil and gas that it would seem that the Osage Reservation should be, as far as possible, conserved for future use, or at least that conservative methods should be employed in developing the field. If the law is to remain as now, it will be impossible to conserve these lands as they should be, and either of two things would happen: First, the rapid and immediate development of the lands so that the tribe as a whole may get the greatest possible revenue therefrom prior to the expiration of the trust period, or, second,

the rights of the tribe as a whole ignored, the greater part of the lands to remain undeveloped until 1931, and at that time turned over to the surface owner for exploitation, speculation, and rapid development to the advantage of a few and detriment of the many.

If advantage is to be taken of the opportunity to direct the development of this large oil field in a conservative manner, that the country at large may reap the benefits, the period during which the Federal Government may control should be extended to at least 1960.

Mr. CAMPBELL. Of course that will be subject to a point of order.

The CHAIRMAN. Do you wish to add anything to your justification?

Mr. MERITT. Except to say that we have recently prescribed regulations governing the re-leases of Osage oil territory, and for the information of the committee, if you desire it, I will be glad to incorporate a copy of those regulations in the record.

The CHAIRMAN. We would like to have it in print.

Mr. MERITT. The regulations referred to are as follows:

REGULATIONS TO GOVERN THE LEASING OF LANDS IN THE OSAGE RESERVATION, OKLA., FOR OIL AND GAS MINING PURPOSES.

[Approved, Aug. 26, 1915.]

Section 3 of the act approved June 28, 1906 (34 Stat. L., 539-543), provides: "That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage Tribe for a period of twenty-five years from and after the eighth day of April, nineteen hundred and six; and leases for all oil, gas, and other minerals, covered by selection and division of land herein provided for, may be made by the Osage Tribe of Indians through its tribal council, and with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the Osage Tribe under any mineral lease so made shall be determined by the President of the United States: *And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract."

To carry this provision of law into effect, the following forms and regulations are prescribed to govern the leasing of such lands for oil and gas mining:

DEFINITIONS.

The following expressions wherever used in the lease and regulations shall have the meaning now designated, viz:

Superintendent: The superintendent of the Osage Agency, Pawhuska, Okla., in charge of the Osage Agency and Reservation, or any other person who may be in charge of such agency and reservation, and it shall be his duty to enforce compliance with these regulations.

Inspector: Any person appointed as inspector of oil and gas wells, or who may be designated by the Secretary of the Interior or the Commissioner of Indian Affairs to supervise oil or gas operations on Osage lands under the direction of the superintendent.

Foster lease: That contract made on March 16, 1896, between the Osage Tribe of Indians and Edwin B. Foster, and extended by the act of March 3, 1905 (33 Stat. L., 1061), as to approximately 680,000 acres.

Sublessee: Any person, firm, or corporation which has any leasehold interests in Osage oil and gas lands acquired under the Foster lease.

Sublease: Any land or any leasehold interest in any land acquired under the Foster lease.

Oil lessee: Any person, firm, or corporation to whom an oil-mining lease is made under these regulations.

Gas lessee: Any person, firm, or corporation to whom a gas lease is made under these regulations.

Arbitration: Each of the parties to the controversy, dispute, or matter to be adjusted shall designate one representative, and the representatives so designated shall immediately together appoint a third person, and on failure to agree within five days upon a third person, the superintendent may designate same. These three shall constitute a board of arbitration and the action of such board shall be final and conclusive between the parties. The expense of arbitration in any case shall be divided between the parties in interest in equal proportions.

Casing-head gas: The gas coming through the casing when the well is equipped for pumping oil.

SPECIFIC PROVISIONS RELATING TO NEW LEASES OF LANDS COVERED BY THE FOSTER LEASE.

1. Each and every person, firm, partnership, joint-stock association, corporation, and each and every combination of person and corporation, partnership and corporation, or corporation and corporation holding subleases and assignments under the Foster lease approved by the Secretary of the Interior, shall be considered and treated as a distinct and separate entity independent of his or their affiliations with any other sublessee. No assignment or sublease made subsequent to July 1, 1915, will be approved.

2. Any such sublessee who in good faith shall have made an effort prior to October 1, 1915, to develop any lands under the Foster lease for oil, and shall have drilled one or more wells thereon, even though such wells may have resulted in dry holes, will be granted a new oil lease on the expiration of the Foster lease on March 16, 1916, under the conditions set forth in sections 3 to 9 of these regulations, provided acceptance of the resolution of the tribal council dated June 17, 1915, is filed with the superintendent not later than September 1, 1915.

3. Any such sublessee may select from his present holdings and obtain an oil lease embracing not to exceed 4,800 acres of land in quarter-section units according to the public survey, or in fractional parts of such units where the present sublease does not cover a full quarter section, except such quarter section or fractional quarter-section units the producing wells of which were capable of averaging 25 or more barrels of oil per day on July 1, 1915, which units shall be released to the Osage Tribe on March 16, 1916, together with all other producing and nonproducing properties held by such sublease in excess of 4,800 acres.

4. All units on which there are producing oil wells released to the Osage Tribe shall be offered for lease to the highest bidder at public auction not later than February 15, 1916, the purchaser to take possession on March 17, 1916. Any sublessee releasing producing units to the tribe shall be permitted to bid for such units at the sale, and any such properties acquired shall not be considered a part of his 4,800 acres. The terms, conditions, and rules under which the public sale shall be conducted shall be stated in the advertisements.

5. Should a sublessee, in expectation of becoming a purchaser at the public auction, not have selected from his present holdings the full area of oil lands on which he might be granted a lease under section 3 hereof, and it develops that such sublessee is unable to acquire the units which he had expected to purchase at the public sale, he may on or before March 1, 1916, select other lands within his sublease, so as to obtain the full benefits of section 3 of these regulations: *Provided*, That the sublessee, at the time he submits the plat of lands on which he seeks to acquire a new lease as provided in section 9, shall give notice of his intention to take advantage of the benefits of this section.

6. An appraisalment shall be made, under the direction of the Secretary of the Interior, of each quarter section and fractional quarter section unit, the producing wells of which were capable of averaging 25 or more barrels per day on July 1, 1915, to be released to the Osage Tribe, together with the equipment on all producing units released to the tribe, including the casings in the wells. Should the sublessee be unwilling to accept the appraisalment of the equipment as made he shall have 30 days after March 16, 1916, within which to remove any engines, derricks, tools, and machinery, but in no case shall the casings in any producing wells be removed, and the value of such casings shall be determined by arbitration and the sublessee shall be reimbursed by the purchaser. The appraised value of the equipment shall be published and no bid will be accepted less than such appraisalment. The successful bidder shall pay the

sublessee for the equipment, and the bonus for the land shall be paid to the superintendent.

7. In the event that no acceptable offer is received at the public sale for any producing oil unit, the sublessee shall be permitted to continue the development and operation of such unit and to have a lease on the same, and such acreage shall not be considered as a part of the 4,800 acres which he is entitled to hold under these regulations.

8. Gas leases shall be made by the tribal council to the present gas lessees covering all or part of their present holdings and for such periods as the Secretary of the Interior may determine: *Provided*, That applications made prior to June 17, 1915, for leases of gas may be granted in the discretion of the Secretary of the Interior.

9. Each oil and gas sublessee shall furnish the superintendent on or before November 1, 1915, with a plat showing legal subdivisions of the lands upon which he desires a new lease, together with an itemized statement showing first cost and present value of all surface equipment on each producing quarter section or fractional quarter section to be released to the Osage Tribe which he desires to have appraised and sold with the property.

Applicants for gas leases shall file a certified plat indicating the lands desired, showing the location and ownership of gas wells, together with all gas-pipe lines and any other related equipment, with a statement of any indebtedness covering any improvements and equipment within the area applied for.

10. All contracts for the sale of gas for industrial purposes and sworn statements showing terms, conditions, and schedule of prices contained in contracts with domestic consumers shall be subject to the approval of the Secretary of the Interior, and shall be filed with the superintendent, who shall forward them without recommendation to the Secretary of the Interior through the Commissioner of Indian Affairs. Before any such contract or schedule is approved the superintendent shall be notified of the terms upon which the Secretary of the Interior will approve the same, and he will thereupon notify the principal chief, who shall convene the tribal council and inform the members of the terms of the proposed contract.

The tribal council may within 10 days from receipt of such notice by the superintendent communicate to the Secretary of the Interior, through the superintendent and the Commissioner of Indian Affairs, their views with reference to any proposed contract.

In the sale and disposition of gas preference shall at all times be given to domestic consumers. All contracts for the industrial use of gas shall contain a clause to the effect that when it is shown to the satisfaction of the Secretary of the Interior that such gas is needed by domestic consumers within an area fixed by the Secretary of the Interior, such contract shall terminate upon the expiration of 30 days' notice from the Secretary of the Interior, and that the superintendent shall have authority to immediately suspend the furnishing of gas to industrial consumers when he is of opinion that such gas is needed for domestic consumers. All gas furnished to industrial and domestic consumers shall be metered and sold at meter rates: *Provided*, That gas furnished to an oil lessee may be sold as provided in the gas lessee's contract.

All contracts with domestic consumers shall be subject to the inspection of the superintendent.

[Form B.]

OIL MINING LEASE, OSAGE RESERVATION, OKLAHOMA.

This lease, made and entered into in quadruplicate on this ____ day of _____, A. D. 19____, by and between the Osage Tribe of Indians in Oklahoma, by _____, principal chief, under authority of the resolution of the Osage tribal council, dated June 17, 1915, party of the first part, designated as lessor, and _____, of _____, _____, party of the second part, designated as lessee, under and in pursuance of section 3 of the act approved June 28, 1906 (34 Stat. L., 539-543), witnesseth:

1. The lessor, in consideration of \$1, the receipt whereof is acknowledged, and of the royalties, covenants, stipulations, and conditions herein contained, and hereby agreed to be paid, observed, and performed by the lessee, does hereby demise, grant, lease, and let unto the lessee, for five years from the date of approval hereof, and as long thereafter as oil is found in paying quantities, provided that the term of this lease shall not extend beyond the date the title

to the minerals remains in the Osage Tribe, all the oil deposits in or under lands described as follows, to wit:

-----Sec. -----, T. ----- N., R. ----- E.,
 -----Sec. -----, T. ----- N., R. ----- E.,
 of the Indian meridian, and containing ----- acres, more or less, with the exclusive right to extract, pipe, store, and remove oil.

2. The lessee agrees to pay or cause to be paid to the superintendent of the Osage Indian Agency, at Pawhuska, Okla., for the lessor, as royalty, the sum of 16½ per cent of the gross proceeds from sales after deducting the oil used for fuel in operating the lease, unless the Osage tribal council, with the approval of the Secretary of the Interior, shall elect to take the royalty in oil; payment to be made at time of sale or removal of the oil, except where payments are made on division orders, and settlement shall be based on the actual selling price, but at not less than the highest posted market price in the Mid-Continent oil field on the day of sale or removal: *Provided*, That when the quantity of oil taken from all the producing wells on any quarter section according to the public survey, or fractional part of a quarter section if the land covered by this lease does not include the full quarter section, during any calendar month, is sufficient to average 100 or more barrels per well per day, the royalty on such oil shall be 20 per cent.

Should the lessor, with the approval of the Secretary of the Interior, elect to take the royalty in oil, the lessee shall furnish free storage for the royalty oil for not exceeding 30 days.

Any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the day of sale all or any part of the oil produced under this lease.

3. Lessees shall drill at least one well to the Mississippi lime, unless oil or gas is found in commercial quantities at a lesser depth, on each and every quarter section or fractional quarter section of land covered by this lease which is not producing oil on March 16, 1916, within one year from the date of approval hereof, or shall pay to the superintendent, for the lessor, a rental of \$1 per acre, payable annually, for each year or fractional part of a year the land is held by the lessee and a well is not drilled: *Provided*, That the time within which a well shall be drilled or rental paid in lieu of drilling shall not begin to run on any homestead selection until the consent of the Secretary of the Interior to drilling on such homestead shall have been given. Should the lessee elect to surrender any such quarter section or fractional quarter section before the end of any such yearly period without drilling a well thereon, he shall pay the rental of \$1 per acre for the fractional part of a year the land is held and a well is not drilled, and failure of the lessee to pay such rental within 25 days from the expiration of any yearly period during which such well is not drilled shall be cause for cancellation of this lease by the Secretary of the Interior, but such cancellation shall not release the lessee and his sureties from the obligation to pay such rental: *Provided*, That the lessee may surrender this lease and have the same cancelled at any time as to any homestead selection should the Secretary of the Interior refuse to give his consent to drilling thereon: *Provided further*, That whenever the Secretary of the Interior shall consider the marketing facilities inadequate to take care of the production he may direct the suspension of drilling operations on all producing lands.

4. Lessee shall have the right to use so much of the surface of the land and such water on the premises as may be necessary for operations, including the right to lay and maintain pipe lines, telephone and telegraph lines, pull rods, and other appliances necessary for the operation of the wells; also the right of ingress and egress and the rights of way to any point of operations under condition of least injury and inconvenience to the owner and occupant of the surface. Before commencing operations the lessee shall pay to the surface owner the sum of \$100 for each well located on cultivated land or land suitable for cultivation and \$35 for each location on land not susceptible to cultivation. Location sites shall not exceed 1½ acres in area. Lessee shall also pay \$10 for each site outside of the well location used for oil tank of not exceeding 1,600 barrels' capacity, allowing 50 feet square for each tank site. The sum to be paid for an oil-tank site of larger capacity and occupying a greater area shall be as agreed upon between the surface owner and the lessee, and on failure to agree the same shall be fixed by arbitration.

During operations the lessee shall pay all damages for the use of the surface other than that included in the location and tank sites, all damages to any growing crops or to any improvements on the lands, and all other damages as may be occasioned by reason of operations. Such damages shall be apportioned

among the parties interested in the surface, whether as owner, lessee, or otherwise, as the parties may mutually agree or as their interests may appear. If the parties are unable to agree concerning damages, the same shall be determined by arbitration.

All agreements (or authenticated copies thereof) providing for the settlement of damages shall be filed in the Osage Agency if the surface owner is a restricted Indian, and all such amounts which may be due and payable to any such Indian shall be paid to the superintendent and by him immediately remitted to the Indian entitled thereto. All sums due as royalty or damages shall be a lien on all equipment and unsold oil on leased premises.

5. The lessee shall carry on operations in a workmanlike manner, commit no waste, and suffer none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control, nor allow any intoxicating liquors to be introduced, brought upon, sold, or given away for any purposes on such premises; also keep an accurate account of all operations, receipts, and disbursements, furnishing sworn reports of such when and as required by the regulations or by an authorized representative of the Secretary of the Interior.

All buildings and permanent improvements, including casings of all producing wells drilled three years or more prior to the expiration of the lease, shall remain a part of said land and become the property of the surface owner at expiration of the lease, excepting tools, tanks, boiler houses, pipe lines, pumping and drilling outfits, derricks, engines, machinery, and the casings of all dry or nonpaying wells. The casings of wells drilled less than three years prior to and producing oil on the expiration of the lease shall remain the property of the oil lessee: *Provided*, That such casings shall not be removed from the wells, but shall be purchased from the lessee by the owner of the oil rights at such price as may be mutually agreed upon, and on failure to agree the price shall be fixed by arbitration.

6. The lessee accepts this lease with the understanding that the lands covered thereby may be leased to some other party, who shall have the exclusive right to all gas except as herein provided.

7. If the oil lessee shall drill a gas well, he shall, without removing from the well any of the casing or other equipment, immediately shut the well in and notify the gas lessee and the superintendent. In the event the gas lessee does not within 30 days after receiving notice elect to take over such well and reimburse the oil lessee the cost of drilling the same, including all damages paid, in addition to the cost in place of casing, tubing, and other equipment, the oil lessee shall immediately confine the gas to the original stratum, and the disposition of such well shall be subject to the approval of the superintendent.

8. If the gas lessee shall drill an oil well upon the lands described herein, he shall immediately, without removing from the well any of the casing or other equipment, notify the oil lessee and the superintendent. In the event the oil lessee does not within 30 days after receipt of notice elect to take over such well, he shall immediately so notify the gas lessee, and the disposition of such well shall be subject to the approval of the superintendent. Should the oil lessee elect to take over the well, he shall pay the gas lessee the cost of drilling the same, including all damages paid, in addition to the cost in place of casing and other equipment.

9. If the oil lessee shall drill a well which produces both oil and gas in commercial quantities from the same sand, he shall immediately notify the gas lessee, and together they shall arrange for the separation and utilization of the oil and gas and the cost pertaining to said well.

10. Whenever oil and gas are found in separate sands and the oil lessee desires to drill through the gas sand for the oil, he may do so, provided the method of protecting the gas sand shall be approved by the inspector.

11. If at any time any oil or gas well becomes unprofitable and the oil or gas lessee desires to deepen the same, such action as may be mutually agreed upon may be taken not in conflict with the regulations. Upon failure to agree the disposition of such well shall be subject to the approval of the superintendent.

12. All casing-head gas shall belong to the oil lessee, and when used for the manufacture of gasoline shall be metered and be subject to a royalty of 16 $\frac{2}{3}$ per cent, based on the market value of the gasoline contents, and all such gas not utilized by the oil lessee on his leased premises or for operating other adjoining leases within the Osage Reservation shall belong to the gas lessee, subject to the prescribed royalty of 16 $\frac{2}{3}$ per cent.

13. The gas lessee shall furnish the oil lessee, free of royalty, sufficient gas for drilling and operating purposes at a rate to be agreed upon, or on failure

to agree the rate shall be fixed by arbitration: *Provided*, That the oil lessee shall make necessary connections between the well and the meter whenever possible.

14. The oil lessee may at any time by paying to the superintendent all amounts then due, including rentals in lieu of development as provided in paragraph numbered three hereof, and the further sum of \$1, surrender all or any quarter section or fractional part of quarter section where the lease does not cover the full quarter section, and have the lease cancelled as to the lands surrendered and be relieved from all further obligations and liabilities thereunder as to the part surrendered: *Provided*, That if this lease has been recorded lessee shall execute a release and record the same in the proper office.

15. All amounts due and payable under this lease shall be paid to the superintendent in St. Louis or Kansas City exchange, except that where such exchange can not be procured, post office or express money orders will be accepted.

16. This lease is subject to the regulations now or hereafter prescribed by the Secretary of the Interior, relative to such leases, all of which are made a part of this lease: *Provided*, That no regulations made after the approval of this lease shall operate to affect the term of lease, rate of royalty, rental or acreage, unless agreed to by both parties.

17. Violation of any of the terms or conditions of this lease or of the regulations pertaining thereto shall subject the lease to cancellation by the Secretary of the Interior, or the lessee to a fine of not exceeding \$500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Secretary of the Interior: *Provided*, That the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the superintendent whose finding shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the superintendent's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

18. Before this lease shall be in force and effect the lessee shall furnish a bond with responsible surety to the satisfaction of the Secretary of the Interior, conditioned for the performance of this lease, which bond shall be deposited and remain on file in the Indian Office.

19. Assignment of this lease or any interest therein may be made with the approval of the Secretary of the Interior and not otherwise.

20. Each and every clause and covenant of this indenture shall extend to the heirs, executors, administrators, successors, and lawful assigns of the parties hereto.

In witness whereof, the said parties have hereunto subscribed their names and affixed their seals on the day and year above mentioned.

Attest: _____ [SEAL.]

Two witnesses to execution by lessor:

_____,
P. O. _____,
_____,
P. O. _____,

Attest:

_____ [SEAL.]

Two witnesses to execution by lessees:

_____,
Post office, _____,
_____,
Post office, _____,

ACKNOWLEDGMENT OF PRINCIPAL CHIEF.

STATE OF _____, COUNTY OF _____, ss:

Before me, _____, on this _____ day of _____, 19____, personally appeared _____, to me known to be the _____ principal chief of the Osage Tribe, and the identical person who executed the within and foregoing lease,

and acknowledged to me that he executed the same as his voluntary act and deed on behalf of the Osage Tribe and in accordance with the authority given him by the Osage tribal council.

_____,
(Official title.)

ACKNOWLEDGMENT OF INDIVIDUAL.

STATE OF _____, COUNTY OF _____, ss:

Before me, a notary public in and for said county and State, on this _____ day of _____, 19____, personally appeared _____, to me known to be the identical person— who executed the within and foregoing lease, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

_____,
Notary Public.

My commission expires _____, _____.

ACKNOWLEDGMENT OF CORPORATION.

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, A. D. 19____, before me, a _____ within and for the State and county aforesaid, personally appeared _____ and _____, to me personally known, who, being by me duly sworn, did each say that _____ is the president and _____ is the _____ secretary of _____, a corporation, and that the seal affixed to the foregoing and annexed instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said _____ and _____ duly acknowledged that they each had in their said official capacities executed the foregoing instrument as the act and deed of the said company for the consideration and purposes therein mentioned and set forth.

Witness my hand and official seal this _____ day of _____, 19____.

My commission expires _____, _____.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
Osage Agency, Pawhuska, Okla., _____, 19____.

The within lease is forwarded to the Commissioner of Indian Affairs with recommendation that it be _____. See my report of even date.

_____,
(Official title.)

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., _____, 19____.

Respectfully submitted to the Secretary of the Interior with recommendation that it be _____.

_____,
Commissioner.

WASHINGTON, D. C., _____, 19____.

The within lease is _____.

_____,
Secretary of the Interior.

[Form C.]

GAS MINING LEASE, OSAGE RESERVATION, OKLAHOMA.

This lease, made and entered into in quadruplicate, on this _____ day of _____, A. D. 19____, by and between the Osage Tribe of Indians of Oklahoma, by _____, principal chief, under authority of the resolution of the Osage tribal council dated June 17, 1915, party of the first part, designated as lessor,

and _____, of _____, party of the second part, designated as lessee, under and in pursuance of section 3 of the act approved June 28, 1906 (34 Stat. L., 539-543), witnesseth:

1. The lessor, in consideration of \$1, the receipt whereof is acknowledged, and of the royalties, covenants, stipulations, and conditions herein contained, and hereby agreed to be paid, observed and performed by the lessee, does hereby demise, grant, lease and let unto the lessee for as long as gas is found in paying quantities, provided that the term of this lease shall not extend beyond the date the title to the minerals remain in the Osage Tribe, all the gas deposits in or under lauds described as follows, to wit:

-----Sec. _____, T. _____ N., R. _____ E.,
-----Sec. _____, T. _____ N., R. _____ E.,
of the Indian meridian, and containing _____ acres, more or less, with the exclusive right to extract, pipe, and remove gas.

2. The lessee agrees to pay, or cause to be paid, to the superintendent of the Osage Indian Agency, at Pawhuska, Okla., for the lessor, as royalty, the sum of 16 $\frac{2}{3}$ per cent of the market value of the gas at the well after deducting the gas used for fuel in operating the lease, settlement of royalty to be made monthly, and the accounting shall be on the basis of the supply as shown by meters approved by the Secretary of the Interior, to be installed at the expense of the lessee at such places as may be determined by the inspector with the approval of the superintendent. The basis for measurement for gas sold shall be 10 ounces above an atmospheric pressure, to which basis all gas delivered shall be reduced by computation, no matter at what pressure it may have been actually measured. All contracts for the sale of gas for industrial purposes, and sworn statements showing terms, conditions, and schedule of prices contained in contracts with domestic consumers shall be subject to the approval of the Secretary of the Interior. Should the Secretary of the Interior be of the opinion that the price at which the lessee sells gas is not the true market value at the well, he shall, after notice and hearing, determine the value.

In the sale and disposition of gas preference right shall at all times be given to domestic consumers within an area to be fixed by the Secretary of the Interior. All contracts for the industrial use of gas shall contain a clause to the effect that the Secretary of the Interior may terminate contracts for the industrial use of gas upon the expiration of 30 days' notice, and that the superintendent shall have authority to immediately suspend the furnishing of gas to industrial consumers when he is of opinion that such gas is needed for domestic consumers.

3. Lessee shall have the right to use so much of the surface of the land and such water on the premises as may be necessary for operations, including the right to lay and maintain pipe lines, telephone and telegraph lines, pull rods, and other appliances necessary for the operation of the wells; also the right of ingress and egress and the rights of way to any point of mining operations, under condition of least injury and inconvenience to the owner or occupant of the surface. Before commencing operations the lessee shall pay to the surface owner the sum of \$100 for each well location on cultivated land or land suitable for cultivation, and \$35 for each location on land not susceptible to cultivation. Location sites shall not exceed 1 $\frac{1}{2}$ acres in area. During operations the lessee shall pay all damages for the use of the surface other than included in the location sites, all damages to any growing crops or to any improvements on the lands, and all other damages as may be occasioned by reason of operations. Such damages shall be apportioned among the parties interested in the surface, whether as owner, lessee, or otherwise, as the parties may mutually agree, or as their interests may appear. If the parties are unable to agree concerning damages, the same shall be determined by arbitration.

All agreements (or authenticated copies thereof) providing for the settlement of damages shall be filed in the Osage Agency if the surface owner is a restricted Indian, and all such amounts which may be due and payable to any such Indian shall be paid to the superintendent and by him immediately remitted to the Indian entitled thereto. All sums due as royalty or damages shall be a lien on all equipment on leased premises.

4. The lessee shall carry on operations in a workmanlike manner, commit no waste, and suffer none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control, nor allow any intoxicating liquor to be introduced, brought upon, sold, or given away for any purpose on such premises; also keep an accurate account of all operations, receipts, and dis-

bursements, furnishing sworn reports of such when and as required by the regulations or by an authorized representative of the Secretary of the Interior.

All buildings and permanent improvements, including casings of all producing wells drilled two years or more prior to the expiration of the lease, shall remain a part of said land and become the property of the surface owner at expiration of the lease, excepting tools, tanks, boiler houses, pipe lines, pumping and drilling outfits, derricks, engines, machinery, and the casings of all dry or non-paying wells. The casings of wells drilled less than two years prior to and producing gas on the expiration of the lease shall remain the property of the gas lessee: *Provided*, That such casings shall not be removed from the wells, but shall be purchased from the lessee by the owner of the gas rights at such price as may be mutually agreed upon, and on failure to agree the price shall be fixed by arbitration.

5. The lessee accepts this lease with the understanding that the lands covered thereby may be leased to some other party, who shall have exclusive right to all oil except as herein provided.

6. If the gas lessee shall drill an oil well upon the land described herein, he shall immediately, without removing from the well any of the casing or other equipment, notify the oil lessee and the superintendent. In the event the oil lessee does not within 30 days after receipt of notice elect to take over such well, he shall immediately so notify the gas lessee. The action taken and the disposition of such well shall be subject to the approval of the superintendent. Should the oil lessee elect to take over the well, he shall pay the gas lessee the cost of drilling the same, including all damages paid in addition to the cost in place of casing and other equipment.

7. If the oil lessee shall drill a gas well, he shall, without removing from the well any of the casing or other equipment, immediately shut the well in and notify the gas lessee and the superintendent. In the event the gas lessee does not, within thirty days after receiving notice, elect to take over such well and reimburse the oil lessee the cost of drilling the same, including all damages paid in addition to the cost in place of casing, tubing, or other equipment, the oil lessee shall immediately confine the gas to the original stratum, and the disposition of such well shall be subject to the approval of the superintendent.

8. If the gas lessee shall drill an oil well upon lands not leased for oil purposes, he shall immediately notify the superintendent, furnishing him with all information pertaining thereto. When the land shall thereafter be leased for oil purposes the gas lessee shall be reimbursed by the oil lessee the cost of drilling said well, including all damages paid in addition to the cost in place of casing and other equipment; and until such time as said land shall be leased for oil purposes the gas lessee shall be permitted to operate said well as an oil well upon payment of the prescribed royalty on oil of 16 $\frac{2}{3}$ per cent.

9. If the gas lessee shall drill a well which produces both oil and gas in commercial quantities from the same sand, he shall immediately notify the oil lessee, and together they shall arrange for the separation and utilization of the oil and gas and the cost pertaining to said well.

10. Whenever oil and gas are found in separate sands, and the gas lessee desires to drill through the oil sand for the gas, he may do so, provided the method of protecting the oil sand shall be approved by the inspector.

11. If at any time any oil or gas well becomes unprofitable, and the oil or gas lessee desires to deepen the same, such action as may be mutually agreed upon may be taken, not in conflict with the regulations. Upon failure to agree the disposition of such well shall be subject to the approval of the superintendent.

12. All casing-head gas shall belong to the oil lessee.

13. The gas lessee shall furnish the oil lessee, free of royalty, sufficient gas for drilling and operating purposes at a rate to be agreed upon; or on failure to agree, the rate shall be fixed by arbitration: *Provided*, That the oil lessee shall make necessary connections between the well and the meter whenever possible.

14. The lessee may at any time, by paying to the superintendent all amounts then due and the further sum of \$1, surrender all or any quarter section or fractional part of quarter section where the lease does not cover the full quarter section and have the lease canceled as to the lands surrendered and be relieved from all further obligations and liabilities thereunder as to the part surrendered: *Provided*, That if this lease has been recorded lessee shall execute a release and record the same in the proper office.

15. All amounts due and payable under this lease shall be paid to the superintendent in St. Louis or Kansas City exchange, except that where such exchange can not be procured postoffice or express money orders will be accepted.

16. This lease is subject to the regulations now or hereafter prescribed by the Secretary of the Interior relative to such leases, all of which are made a part of this lease: *Provided*, That no regulations made after the approval of this lease shall operate to affect the term of lease, rate of royalty, or acreage, unless agreed to by both parties.

17. The Osage tribe shall have the right to the use of gas delivered at the well or at the nearest gas trunk line for any desired school or other building belonging to the tribe: *Provided*, That the lessee shall not be required to pay royalty on such gas.

18. Violation of any of the terms and conditions of this lease or of the regulations pertaining thereto shall subject the lease to cancellation by the Secretary of the Interior, or the lessee to a fine of not exceeding \$500 per day for each and every day the terms of the lease or of the regulations are violated or the orders of the superintendent in reference thereto are not complied with, or to both such fine and cancellation in the discretion of the Secretary of the Interior: *Provided*, That the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the superintendent, whose finding shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the superintendent's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

19. Before this lease shall be in force and effect the lessee shall furnish a bond with responsible surety to the satisfaction of the Secretary of the Interior, conditioned for the performance of this lease, which bond shall be deposited and remain on file in the Indian Office.

20. Assignment of this lease or any interest therein may be made with the approval of the Secretary of the Interior and not otherwise.

21. Each and every clause and covenant of this indenture shall extend to the heirs, executors, administrators, successors, and lawful assigns of the parties hereto.

The remainder of this form is identical with Form B.

ACREAGE.

11. After the approval of leases to sublessees as provided in sections 1 to 9, inclusive, of these regulations, no person, firm, partnership, joint stock association, or corporation will be permitted to acquire any interest in Osage lands for oil purposes by lease, assignment, drilling contract, or otherwise, in excess of 4,800 acres.

HOW TO ACQUIRE LEASES OF TRIBAL LANDS.

12. Should the Osage tribal council or any person or corporation desire to have any particular tract of land offered for lease, written request to that effect should be submitted to the superintendent, who will promptly transmit such request to the Commissioner of Indian Affairs with his recommendation.

At such times as the Secretary of the Interior may direct, the superintendent shall publish in such manner as shall be deemed appropriate notices that specific tracts of Osage lands will be offered at public auction for lease to the highest responsible bidder.

The successful bidder must deposit with the superintendent on the day of sale a certified check on a solvent national bank in an amount equal to 20 per cent of the bid, as a guaranty of good faith. The superintendent after each sale shall furnish a list of all successful bidders to the Commissioner of Indian Affairs with the recommendation of the Osage tribal council.

The right is reserved by the Secretary of the Interior to reject any and all bids, and to disapprove and reject any lease made on an accepted bid. Should any lease be disapproved after deposit made by bidder, the deposit shall be immediately returned.

13. Upon being notified of the acceptance of its bid, a corporation shall file a certified copy of articles of incorporation, and evidence showing compliance with local corporation laws if a foreign corporation: *Provided*, That if any such papers have already been filed a statement to that effect may be submitted.

A corporation must also file with its first lease and on January 1 of each year, and at such other times as may be required by the Secretary of the Interior, a

list of all officers, directors, and stockholders, with their post-office addresses, and showing the number of shares of capital stock held by each and whether held for themselves or in trust, together with a sworn statement of its proper officer, showing:

(a) The total number of shares of the capital stock actually issued, the number of shares actually sold and specifically the amount of cash paid into the treasury on the stock sold, or, if paid in property, state kind, quantity, and value of same paid.

(b) Of the stock sold, how much per share remains unpaid and subject to assessment.

(c) How much cash the company has in its treasury and elsewhere, and from what sources it was received.

(d) What property, exclusive of cash, is owned by the company, and its value.

(e) What the total indebtedness of the company is and specifically the nature of its obligations.

At any time individual stockholders may be required to show to the satisfaction of the Secretary of the Interior in what companies or with what persons or firms they are interested in oil or gas mining leases on the Osage Reservation and whether they hold such interests for themselves or in trust.

Leases made by corporations shall be accompanied by an affidavit (Form E) showing the authority of its officers to execute leases, bonds, and other papers.

[Form E.]

EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTIVE PAPERS.

[To be sworn to by secretary or president of a corporation and sealed with its seal.]

I solemnly swear that _____ and _____ were on the _____ day of _____, 191—, the duly elected, qualified, and acting president and secretary, respectively, of _____, a corporation organized under the laws of _____, on which day they executed _____ mining lease for and in behalf of said corporation as lessee, covering certain lands of the Osage Tribe; that they were fully empowered to execute said lease and all papers in connection therewith; and that their action in executing the same binds the said corporation to full performance of all obligations thereunder.

[CORPORATE SEAL.]

(Title.)

This _____ day of _____, 191—.

Subscribed and sworn to before me this _____ day of _____, 191—.

[SEAL.]

(Signed) _____

(Title.)

14. A successful bidder shall file an application for approval or lease (Form A), giving the information called for therein, and will be allowed 30 days from date of notice of acceptance of bid within which to execute leases and otherwise comply with these regulations. Failure on the part of an applicant to comply with the requirements shall operate as a forfeiture of the amount deposited as a guarantee of good faith. Delivery of lease shall be withheld pending payment of balance of any bonus, and if such balance be not paid within 20 days after notice by the superintendent of the approval of the lease the approval shall be revoked and the deposit forfeited, in the discretion of the Secretary of the Interior.

[Form A.]

APPLICATION FOR APPROVAL OF _____ LEASE, OSAGE RESERVATION.

To the SECRETARY OF THE INTERIOR:

_____, of _____, _____, designated as the applicant, hereby applies to have approved the accompanying lease embracing _____ acres of Osage lands, and agrees that this application shall be considered a part of the lease so described.

The applicant solemnly swears that the lease, for which approval is requested, is taken in good faith in the interest and for the benefit of the applicant, and not for speculation or transfer, or as agent for, or in the interest or for the exclusive benefit of, any other person, corporation, or association; that no other

person, corporation, or association has any interest, present or prospective, directly or indirectly, therein, and that there is no understanding or agreement, express or implied, by which the land leased or any interest in or under the lease by working or drilling contract or otherwise, is to be used, sublet, assigned, or transferred without the consent of the Secretary of the Interior first obtained, but that it is taken for the purpose of operation and development under the direction, supervision, and control of the applicant, except as herein stated.

In addition to the leases in the name of the applicant for which approval is requested, the affiant solemnly swears that the applicant is not interested, either directly or indirectly, in _____ mining leases of lands in the Osage Reservation, except with the following-named persons, corporations, or associations, and that the aggregate of all these interests, together with the leases held by the applicant alone, is not more than _____ acres:

(Names of person, corporation, or association with whom applicant is interested:)

_____, _____,
(Post-office address:)
_____, _____.

The applicant hereby states that his general business experience for the past five years has been as follows: _____

The applicant's financial condition at this time is _____

It is further stated that the applicant's resources are as follows _____

and that he has available at least \$_____ for the development of the land covered by said lease.

Where the applicant is a corporation it hereby shows that at this time it has \$_____ paid-up capital and \$_____ in its treasury available for oil and gas operations.¹

It is hereby agreed that on the issue, transfer, or cancellation of stock of corporations or changes in officers prompt reports will be made thereof as required by the regulations.

The books and accounts of the applicant covering the business to be carried on under this lease, if approved, will be kept at _____, in the custody of _____

References:²

_____, P. O. _____, _____.

_____, P. O. _____, _____.

_____, P. O. _____, _____.

Executed this _____ day of _____, 191____, at _____, _____.

Before me, a notary public, in and for the county of _____, State of _____, personally appeared _____, who, being first duly sworn according to law, depose— and say— that the foregoing application was signed by proper authority and in good faith for the purpose therein stated, and that the statements made therein are true as _____ verily believe—.

[L. s.]

Notary Public.

My commission expires _____, _____.

¹ Corporations shall furnish with their first application the additional financial showing required by the regulations.

² Bank references are preferred.

15. Oil lessees shall furnish with each oil lease, to be filed at the time the lease is presented, a bond upon Form D, with two or more sureties, or with a surety company duly authorized to execute bonds. Such bonds shall be in the sum of \$1,000 for each quarter-section or fractional quarter-section unit covered by the lease: *Provided, however,* That the lessee shall be allowed to file one bond, Form G, covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of \$15,000.

Gas lessees are required to furnish with each gas lease a bond of the same character in the sum of \$5,000 when the gas lease covers 25,000 acres or less, \$15,000 for a lease covering more than 25,000 but not more than 50,000 acres, and \$25,000 for a lease covering more than 50,000 acres.

The right is specifically reserved to increase the amount of any such bond above the sum named in any particular case where the Secretary of the Interior deems it proper to do so.

[Form D.]

[To accompany mining leases of Osage lands.]

BOND.

KNOW ALL MEN BY THESE PRESENTS: That _____, of _____, _____, as principal—, and _____, of _____, _____, as suret—, are held and firmly bound unto the United States of America in the sum of _____ dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, and each of us, our heirs, successors, executors, or administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, 191—.

The condition of this obligation is such that whereas the above-bounden _____, as principal—, entered into _____ certain indenture of lease, dated _____, with the Osage Tribe of Indians for the lease of a tract of land described as follows: -----

----- and located in Osage County, Oklahoma, for _____ purposes for the period of _____.

Now, if the above-bounden _____ shall faithfully carry out and observe all the obligations assumed in said indenture of lease by _____ and shall observe all the laws of the United States and regulations made or which shall be made thereunder for the government of trade and intercourse with Indian tribes, and all the rules and regulations that have been or may be lawfully prescribed by the Secretary of the Interior relative to leases executed by the Osage Tribe in Oklahoma, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed in the presence of—

Witnesses: ¹

| | | | |
|------------------------|---|--------------|---------|
| _____, P. O., _____ | } | as to _____. | [SEAL.] |
| _____, P. O., _____ | | | |

| | | | |
|------------------------|---|--------------|---------|
| _____, P. O., _____ | } | as to _____. | [SEAL.] |
| _____, P. O., _____ | | | |

DEPARTMENT OF THE INTERIOR,
Washington, D. C., _____, 191—.

Approved:

Assistant Secretary of the Interior.

¹ Two witnesses to all signatures.

[Form G.]

BOND.

Know all men by these presents, that _____, of _____, _____, as principal—, and _____, of _____, _____, as suret—, are held and firmly bound unto the United States of America in the sum of \$15,000 lawful money of the United States, for the payment of which well and truly to be made we bind ourselves and each of us, our and each of our heirs, successors, executors, administrators, or assigns, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this _____ day of _____, 191—.

The condition of this obligation is such that whereas the above-bounden _____, as principal—, ha— heretofore or may hereafter enter into oil-mining leases with the Osage Tribe in Oklahoma, of various dates and periods of duration, covering the lands described in such leases, which leases have been or may hereafter be approved by the Secretary of the Interior, and the identifi-

cation of which herein is expressly waived by both principal— and suret— hereto.

Now, if the above-bounden ——— shall faithfully carry out and observe all the obligations assumed in said indenture of lease to which ——— is now or may hereafter become a party, and shall observe all the laws of the United States and regulations made or which shall be made thereunder for the government of trade and intercourse with Indian tribes, and all regulations that have been or shall hereafter be lawfully prescribed by the Secretary of the Interior relative to oil and gas mining leases executed by the Osage Tribe of Indians and the development thereof, and shall in all particulars comply with the provision of said leases and such regulations, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed in the presence of—

Witnesses:

_____,
P. O. _____, _____ } as to _____ [SEAL]
_____,
P. O. _____, _____ }

_____,
P. O. _____, _____ } as to _____ [SEAL]
_____,
P. O. _____, _____ }

DEPARTMENT OF THE INTERIOR,
Washington, D. C., _____, 191—.

Approved:

Assistant Secretary of the Interior.

16. Any person, other than a lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract, or in damages thereto, must furnish to the superintendent a statement in writing showing his interest, and failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

17. Lessees and those acting under them shall not conduct operations within or upon any homestead selection without the written consent of the Secretary of the Interior.

If the allottee is unwilling to permit operations on his homestead, the superintendent will direct the inspector to make an examination of the premises with the allottee and the lessee, or his representative, and should the inspector be of the opinion that the interests of the Osage Tribe requires that the particular tract be developed he will endeavor to have the parties agree upon the terms under which operations on the homestead may be conducted.

In the event the allottee and the lessee can not, with the assistance of the inspector, agree on the matter, the allottee shall be permitted to go before the Osage tribal council, and the council, after hearing the allottee, the lessee, and the inspector, shall make such recommendations as it deems proper. Guardians, legal or natural, may represent their Indian wards, and where no one is authorized or where no person is deemed by the superintendent to be a proper party to speak for a minor or person of unsound mind or of feeble understanding, the principal chief of the Osage Tribe shall represent them.

Rental in lieu of development shall not be given to run on any homestead selection until the consent of the Secretary of the Interior to operations on such homestead shall have been given.

18. Each and every lessee and assignee shall, from the date of approval of lease or assignment, maintain an office at Pawhuska, Okla., with an agent upon whom service of process may be had in conformity with the laws of the State of Oklahoma, and who shall have authority to represent and speak for the lessee or assignee in controversies affecting any individual member of the Osage Tribe.

19. Lessee shall comply with all orders or instructions issued by the superintendent or inspector within the time specified, and shall allow the lessor and his agents, or any authorized representative of the Secretary of the Interior, to enter, from time to time, upon and into all parts of the leased premises for the purpose of inspection; and shall further agree to keep a full and correct account of all operations, receipts, and disbursements and make reports thereof,

as herein required, and their books and records, showing manner of operations and persons interested, shall be open at all times for the examination of any authorized representative of the superintendent or of the Secretary of the Interior.

20. Royalties on all oil and gas produced in any month shall be paid on or before the 25th day of the month next succeeding, and the remittances shall be accompanied by sworn reports covering all operations whether there has been production or not. Lessees shall show in this statement the total amount of oil and gas sold, and not merely their working interest, and also the dates of discovery and beginning of utilization of gas from gas wells. The lessee may include in one sworn statement all leases upon which there is no production or upon which dry holes have been drilled.

ASSIGNMENTS.

21. Approved leases or any interest therein may be sublet, transferred, or assigned with the consent and approval of the Secretary of the Interior, and not otherwise. Subleases, transfers, or assignments, when so approved, shall be subject to the terms and conditions of the original leases and the regulations under which such leases were approved, as well as to such additional requirements as the Secretary of the Interior may prescribe. The sublessee, transferee, or assignee shall furnish with his sublease, transfer, or assignment a satisfactory bond as hereinbefore prescribed in connection with leases.

Any attempt to sublease, transfer, or assign an approved lease or any interest therein without the consent and approval of the Secretary of the Interior shall be absolutely void and shall subject the original lease to cancellation in the discretion of such Secretary.

[Form F.]

[Must be executed in quadruplicate.]

ASSIGNMENT OF _____ LEASE.

Whereas the Secretary of the Interior has heretofore approved _____ mining lease, dated _____, 191—, entered into by and between _____, lessee, and the Osage Tribe of Indians, lessor, covering the following-described land in the Osage Reservation, State of Oklahoma :

 Now, therefore, for and in consideration of \$_____, the receipt of which is hereby acknowledged, the said _____, the lessee in the above-described lease, hereby bargains, sells, transfers, assigns, and conveys _____ right, title, and interest of the lessee in and to said lease, subject to the approval of the Secretary of the Interior, to _____.

In witness whereof the said lessee has hereunto set _____ hand and seal this _____ day of _____, 191—.

ACKNOWLEDGMENT OF INDIVIDUAL.

STATE OF _____, COUNTY OF _____, ss:

Be it remembered that on this day came before me, the undersigned _____, within and for the State and county aforesaid, duly commissioned and acting as such, _____, to me personally well known, and stated that _____ executed the foregoing and annexed instrument for the consideration and purposes therein mentioned and set forth; and I do hereby so certify.

Witness my hand and seal on this _____ day of _____, 191—.

My commission expires _____.

ACKNOWLEDGMENT OF CORPORATION.

STATE OF _____, COUNTY OF _____, ss:

On this _____ day of _____, A. D. 191—, before me, a _____ within and for the State and county aforesaid, personally appeared _____ and _____, to me personally known, who, being by me duly sworn, did each say

that _____ is the _____ president and _____ is the secretary of _____, a corporation, and that the seal affixed to the foregoing and annexed instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said _____ and _____ duly acknowledged that they each had in their official capacities executed the foregoing instrument as the act and deed of the said company for the consideration and purposes therein mentioned and set forth; and I do hereby so certify.

Witness my hand and seal on this _____ day of _____, 191—.

My commission expires _____, _____.

ACCEPTANCE BY ASSIGNEE.

The assignee in the above and foregoing assignment, made subject to the approval of the Secretary of the Interior, hereby accepts such assignment and agrees to fulfill all the obligations, conditions, and stipulations in said described indenture of lease, when assigned, and the rules and regulations of the Secretary of the Interior, so far as applicable thereto, and to furnish proper bond guaranteeing a faithful compliance with said lease and this agreement.

In witness whereof the said assignee has hereunto set _____ hand and seal this _____ day of _____, 191—.

The _____, of _____, _____, surety for _____ on the bond accompanying the lease above described, hereby consents to the assignment and transfer of said lease as above made.

Dated at _____, _____, this _____ day of _____, 191—.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., _____, 191—.

Approved:

Assistant Secretary of the Interior.

NOTE.—If bond accompanying the original lease is to remain in full force and effect, it must be specifically so stated in the consent of the surety company.

22. Wherever notice is provided for in these regulations, unless otherwise specifically stated, it shall be sufficient if notice has been mailed to the last known place of address of the party, and time shall begin to run from the day next ensuing after the mailing or from the date of delivery of personal notice; but where the party is outside the State of Oklahoma, the superintendent may, in his discretion, increase the time allowed.

OPERATIONS.

23. No operations shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Secretary of the Interior.

POWERS AND DUTIES OF INSPECTORS.

It shall be the duty of the inspector—

24. To visit from time to time leased lands where oil and gas mining operations are being conducted, and to inspect and supervise such operations with a view to preventing waste of oil and gas, damage to oil, gas, or water bearing formations, or to coal measures or other mineral bearing deposits, or injury to property or life, in accordance with the provisions of these regulations.

25. To make reports to the superintendent and to the Bureau of Mines as to the general conditions of the leases, property, and the manner in which operations are being conducted and his orders complied with.

26. To consult and advise with the superintendent as to the condition of the leased lands, and to submit information and recommendations from time to time for safeguarding and protecting the property of the lessor and securing compliance with the provisions of these regulations.

27. To give such orders or notices as may be necessary to secure compliance with the regulations and to issue all necessary instructions or orders to lessees to stop or modify such methods or practices as he may consider contrary to the provisions of such regulations.

28. To modify or prohibit the use or continuance of any operation or method which, in his opinion, is causing or is likely to cause any surface or underground waste of oil or gas, or injury to any oil, gas, water, coal, or other mineral formation, or which is dangerous to life or property, or in violation of the provisions of these regulations.

29. To prescribe, subject to the approval of the superintendent, the manner and form in which all records or reports called for by these regulations shall be made by the lessee.

30. To prohibit the drilling of any well into any producing sand when in his opinion and with the approval of the superintendent the marketing facilities are inadequate, or insufficient provision has been made for controlling the flow of oil or gas reasonably to be expected therefrom, until such time as suitable provision can be made.

31. To prescribe or approve the methods of drilling wells through coal measures or other mineral deposits.

32. To determine when and under what conditions a *producing* well may be drilled deeper, and under what conditions a producing well, or sand, may be abandoned.

33. To require that tests shall be made to detect waste of oil or gas or the presence of water in a well, and to prescribe or approve the methods of conducting such tests.

34. To require that any condition existing subsequent to the completion of a well which is causing, or is likely to cause, damage to an oil, gas, or water bearing formation, or to coal measures, or other mineral deposits, or which is dangerous to life or property, be corrected as he may prescribe or approve.

35. To approve the type or size of separators used to separate the oil, gas, or water coming from a well.

36. The inspector may limit the percentage of the open-flow capacity of any well which may be utilized when, in his opinion, such action is necessary to properly protect the gas-producing formation.

37. The inspector shall be the sole judge of whether his orders have been fully complied with and carried out.

DUTIES OF LESSEES.

38. Before actual drilling or development operations are commenced on the leased lands, or within not less than 30 days from the date of approval of these regulations, in case of producing leases or leased lands on which such operations have been commenced prior to such approval, the lessee or assignee shall appoint a local or resident representative within Osage County of Oklahoma on whom the superintendent or other authorized representative of the Department of the Interior may serve notices or otherwise communicate with in securing compliance with these regulations, and shall notify the superintendent of the name and post-office address of the representative so appointed.

In the event of the incapacity or absence from the county of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute any employee of the lessee upon the leased premises, or the contractor or other person in charge of drilling or related operations thereon, shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided, and service upon any such employee, contractor, or other person shall be deemed service upon the lessee.

39. Five days prior to the commencement of drilling operations lessee shall submit, on forms to be furnished by the superintendent, a report in duplicate showing the location of the proposed wells.

40. Lessee shall keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all wells, showing formations drilled through, casing used, together with other information as indicated on prescribed forms to be furnished by the superintendent, and shall transmit such and other reports of operations when required by the superintendent.

41. Lessee shall furnish on the 1st day of January and the 1st day of July of each year a plat, in manner and form as prescribed by the superintendent, show-

ing all wells, active or abandoned, on the leased lands, and other related information. Blank plats will be furnished upon application.

42. Lessee shall clearly and permanently mark all rigs or wells in a conspicuous place with the name of the lessee and the number or designation of the well, and shall take all necessary precautions for the preservation of these markings.

43. Lessee shall not drill within 300 feet of boundary line of leased lands, except with the consent of the superintendent. Lessees shall not locate any well or tank within 200 feet of any public highway or any building used as a dwelling, granary, barn, or established watering place, except with the written permission of the superintendent.

44. Lessee shall notify the superintendent, in advance, of intention to use the mud-fluid process of drilling, so that the inspector may approve the method and material to be used, in the event the operator is not familiar with this process.

45. Lessee shall provide a properly prepared slush pit, into which all sand pumpings and other materials extracted from the well during the process of drilling shall be deposited. Such sand pumpings and materials shall not be allowed to run over the surface of the land. The construction of such pits shall be subject to the approval of the inspector.

46. Lessee shall effectually shut out and exclude all water from any oil or gas bearing stratum and take all proper precautions and measures to prevent the contamination or pollution of any fresh-water supply encountered in any well drilled for oil or gas.

47. Lessee shall protect to the satisfaction of the inspector each productive oil or gas bearing formation drilled through for the purpose of producing oil or gas from a lower formation.

48. Lessee shall place an approved gate valve or other approved controlling device on the innermost string of casing seated in the well, and keep same in place and in proper condition for use until the well is completed, whenever drilling operations are commenced in "wildcat" territory or in a gas or oil field where high pressures are known to exist, whenever the inspector shall deem same necessary for the proper control of the production from the well.

49. When natural gas is encountered in commercial quantities in any well, lessee shall confine such gas to its natural stratum until such time as the same can be produced and utilized without waste, it being understood that a commercial quantity of gas produced by a well is any unrestricted flow of natural gas in excess of 2,000,000 cubic feet per 24 hours: *Provided*, That if in the opinion of the superintendent gas of a lesser quantity shall be of commercial value, the superintendent shall have authority to require the conservation of said gas. Water shall not be introduced into any well where such introduction will operate to kill or restrict the open flow of gas therein.

50. Lessee shall separate the oil from the gas when both are produced in commercial quantities from the same formation, or under such conditions as might result in waste of oil or gas in commercial quantities.

51. Lessee shall not use natural gas from a distinct or separate stratum for the purpose of flowing or lifting the oil.

52. Lessee shall prevent oil or gas, or both, from escaping from any well into the open air, and not permit any oil or gas well to go wild or to burn wastefully.

53. Lessee shall not use natural gas in place of steam to operate engines or pumps under direct pressure, except with the special permission of the inspector.

54. Lessee shall not use natural gas in flambeau lights, save as authorized or approved by the inspector.

55. Lessee shall use every possible precaution, in accordance with the most approved methods, to stop and prevent waste of natural gas and oil, or both, at the wells and from connecting lines and to prevent the wasteful utilization of such gas about the well.

56. Lessee shall notify the superintendent a reasonable time in advance of starting work of intention to redrill, deepen, plug, or abandon a well; and whenever the superintendent or inspector has given notice that extra precautions are necessary in the plugging of wells in a particular territory lessee shall give at least three days' advance notice of such intended plugging.

57. Lessee shall not abandon any well for the purpose of drilling deeper for oil or gas unless the producing stratum is properly protected, and shall not abandon any well producing oil or gas except with the approval of the superin-

tendent or where it can be demonstrated that the further operation of such well is commercially unprofitable.

58. Lessee shall plug and fill all dry or abandoned wells on the leased lands in the manner required, and where any such well penetrates an oil or gas bearing formation it shall be thoroughly cleaned to the bottom of the hole before being plugged or filled, and shall then be filled with mud-laden fluid of a consistency approved by the inspector, from the bottom to the top thereof, before any casing is removed from the well, or, in lieu of the use of such mud fluid, each oil and gas bearing formation shall be adequately protected by cement or approved plugs, or by both such plugs and cement, and the well filled in above and below such cement or plugs with material approved by the inspector.

Where both fresh water and salt water are encountered in any dry or abandoned well which is not being filled with mud-laden fluid as hereinbefore provided, the fresh water shall be efficiently protected against contamination by cement or approved plugs, or by both such cement and plugs, to be placed at such points in the well as the inspector shall approve for the protection of the fresh water.

59. If such abandoned or dry well be in a coal bed or other mineral vein deposit, or be in such condition as to warrant taking extraordinary precautions, the inspector may require such variations in the above-prescribed methods of plugging and filling as may be necessary in his judgment to protect such seam or deposit against infiltration of gas or water and to protect all other strata encountered in the well.

60. The manner in which such mud-laden fluid, cement, or plugs shall be introduced into any well being plugged and the type of plugs so used shall be subject to the approval of the inspector.

In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with these regulations the superintendent may, after five days' notice to the parties in interest, plug such well at the expense of the lessee or his surety.

61. All B-S or water from tanks or wells shall be drained off into proper receptacles located at a safe distance from tanks, wells, or buildings, to the end that same may be disposed of by being burned or transported from the premises.

Where it is impossible to burn the B-S, or where it is necessary to pump salt water in such quantities as would damage the surface of the leased land or adjoining property, or pollute any fresh water, the lessee shall notify the superintendent, who shall give instructions in each instance as to the disposition of such B-S or salt water.

62. Lessee shall make a full and complete report to the superintendent of all accidents or fires occurring on the leased premises.

63. Lessee shall provide approved tankage of suitable shape for accurate measurement, into which all production of crude oil shall be run from the wells, and shall furnish the superintendent copies of accurate tank tables and all run tickets, as and when requested.

64. The superintendent may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due: *Provided*, That no oil shall be run to any purchaser or delivered to the pipe line or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved by the superintendent, showing that the lessee has a regularly approved lease in effect, and the conditions under which the oil may be run. Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

The lessee shall also authorize the pipe-line company or the purchaser of oil to furnish the superintendent with a monthly statement, not later than the tenth day of the following calendar month, of the gross barrels run as common-carrier shipment or purchased from his lease or leases.

65. Lessee will not be permitted to use any timber from any Osage lands except under written agreement with the owner, and in all cases where lands are restricted such agreement shall be subject to the approval of the superintendent or inspector. Lessee shall, when requested by the superintendent, furnish

a statement under oath as to whether the rig timbers were purchased on the leased tract, and if so, state the name of the person from whom purchased, and give such other information regarding the procurement of timber as the superintendent may desire.

66. The use of and damages to surface of lands shall be settled as provided in the lease.

67. Failure to comply with any provision of the lease or of these regulations shall subject the lease to cancellation by the Secretary of the Interior or the lessee to a fine of not more than \$500 per day for each and every day the terms of the lease or of the regulations are violated, or the orders of the superintendent pertaining thereto are not complied with, or to both such fine and cancellation, in the discretion of the Secretary of the Interior: *Provided*, That the lessee shall be entitled to notice and hearing with respect to the terms of the lease or of the regulations violated, which hearing shall be held by the superintendent, whose finding shall be conclusive unless an appeal be taken to the Secretary of the Interior within 30 days after notice of the superintendent's decision, and the decision of the Secretary of the Interior upon appeal shall be conclusive.

68. These regulations shall become effective and in full force from and after the date of approval, and shall be subject to change or alteration at any time by the Secretary of the Interior: *Provided*, That no regulations made after the approval of any lease shall operate to affect the term of lease, rate of royalty, rental, or acreage, unless agreed to by both parties to the lease.

69. Applications, leases, and other papers must be upon forms prescribed by the Secretary of the Interior, and the superintendent will furnish prospective lessees with such forms at a cost of \$1 per set.

Form A.—Application for oil or gas lease, including financial showing.

Form B.—Oil lease.

Form C.—Gas lease.

Form D.—Bond.

Form E.—Authority of officers to execute papers.

Form F.—Assignment.

Form G.—Collective bond.

All sums received from sale of forms shall be placed in a special fund, to be expended under the direction of the Commissioner of Indian Affairs for the expenses necessary to carry out these regulations.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

August 26, 1915.

The foregoing regulations are respectfully submitted to the Secretary of the Interior with the recommendation that they be approved.

E. B. MERITT,

Assistant Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

August 26, 1915.

Approved:

FRANKLIN K. LANE.

The CHAIRMAN. The next item is as follows:

FIVE CIVILIZED TRIBES.

SEC. 20. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$175,000.

Mr. MERITT. I offer the following justification for that item:

Administration of the affairs of Five Civilized Tribes, Oklahoma.

| | |
|---|--------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$175,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 175,000.00 |
| Amount expended | 175,500.38 |
| Overdrawn | 500.38 |

ANALYSIS OF EXPENDITURES.

| | |
|---|--------------|
| Salaries, wages, etc..... | \$156,004.76 |
| Traveling expenses..... | 15,137.05 |
| Transportation of supplies..... | 135.33 |
| Heat, light, and power (service)..... | 69.68 |
| Telegraph and telephone service..... | 49.79 |
| Printing, binding, and advertising..... | 38.59 |
| Stationery and office supplies..... | 1,092.02 |
| Medical supplies..... | 2.28 |
| Equipment, material, etc..... | 24.18 |
| Rent..... | 2,938.50 |
| Miscellaneous..... | 8.20 |
| Total..... | 175,500.38 |

ADMINISTRATION OF AFFAIRS, FIVE CIVILIZED TRIBES, OKLAHOMA.

The Indian appropriation act approved August 1, 1914 (38 Stat. L., 582-598), section 17, provides for the consolidation of the offices of the Union Agency and Commissioner to the Five Civilized Tribes and for the expenditure of \$175,000 for the administration of affairs of the Five Civilized Tribes for the fiscal year 1915, and the continuing resolution adopted March 4, 1915, authorizes the expenditure of \$175,000 for the same purposes during the fiscal year 1916.

The act approved June 30, 1913 (38 Stat. L., 77-95), section 18, authorized the expenditure of \$250,000 for the administration of affairs of the Five Civilized Tribes for the fiscal year 1914. The practical net result, therefore, being that substantially the same quantity of work heretofore performed had to be performed during the fiscal year 1915, and will have to be performed during the fiscal year 1916 with \$75,000 less money than was authorized and used during the fiscal year 1914. The consolidation of the two offices naturally might be expected to reduce the expenses for the classes of work performed by them to some extent, as necessarily, two offices administering kindred affairs, tribal and individual, would unavoidably have more or less duplication. However, so large a reduction, suddenly made, has materially handicapped efficient and effective administration, as evidenced by the necessity for the reduction of the force, 59 people on April 5 and a further reduction of 44 people on June 22, a total of 103 people, in order to prevent a large deficit during the fiscal year 1915. In order to come within the \$175,000 appropriation for the fiscal year 1916, it has been necessary permanently to reduce the personnel in the office and in the field and also to make a great many reductions in salaries.

An attempt to reduce to writing an exhaustive statement of the enormous detail work in connection with the administration of the affairs of the Five Civilized Tribes would be burdensome and probably unnecessary. However, attention is invited to the scope of the requirements and to the previous reports of this office and the Commissioner to the Five Civilized Tribes, in connection therewith:

The original records of the enrollment and allotment of the 101,521 members of the Five Civilized Tribes, together with the records of individual patents, deeds to town lots, unallotted lands, and other tribal property, constitute the foundation of land titles in the eastern half of the State of Oklahoma, comprising an area of more than 19,500,000 acres of land. These records are now in the custody of the superintendent for the Five Civilized Tribes, to which constant access must be had, in connection with multitudes of matters involving leases, removals of restrictions, sales, industrial developments, all kinds of litigation, inheritances, payments of moneys to individuals, guardians, and administrators, etc., not to mention the thousands of individual miscellaneous accounts rendered by Indians and others for consideration and action. There are various odds and ends in the Creek, Cherokee, and Seminole Nations, about 3,000 allotment patents yet to be delivered, scattered tracts of unallotted lands and other tribal property to be disposed of, equalization payments, etc. There is an immense amount of detail work incident to the depositing of \$10,000,000 of tribal and individual Indian funds (tribal, \$6,368,000; individual, \$3,700,000; total, \$10,068,000) in approximately 320 State and national banks, all the latter within the State except 13; the procuring and keeping in effect of proper surety bonds covering these deposits, collection of tribal revenues, protection of the

unsold timber and other lands and property, investigation and action upon alleged duplicate enrollments and allotments, all the above also applying to the Choctaw and Chickasaw Nations, in addition to the 1,040,000 acres of unallotted and scattered lands, including the timberland and the surface of the segregated coal and asphalt lands still unsold in those nations; payments yet to be made and collected and patents issued on approximately 20,000 tracts heretofore sold and about 11,500 unsold tracts.

Approximately 15,800,000 acres of the land in the 40 counties of eastern Oklahoma were allotted to the members of the Five Civilized Tribes. These allottees reside in every section of this area. To serve both the Indians and the public having dealings with them the field force is divided into 18 districts, with a local representative of the department in charge who, to the extent possible with the limited force permitted by the appropriation and the area to be covered, look after the affairs of the 32,540 restricted Indians, investigating and reporting upon leases, applications for removal of restrictions, sales of land, assistance in making per capita and equalization payments, delivery of checks, and the general and specific complaints made by Indians and others. The field men advise and assist the allottees in connection with industrial and educational matters, cooperate with the school authorities, and supervise all disbursements for purchases, improvements, etc., made under the direction of the department. In general, they handle every possible line of activity in connection with the Indians and their affairs in their relationships with the conditions in the communities in which they live. With one field clerk and one clerk-interpreter to the district and one supervisor and one appraiser to from three to four districts, it is evident that any appropriation less than \$175,000 would be inadequate to provide a force to handle this work properly.

Considering the great volume of probate work which the probate attorneys are required to perform, our field force is indispensable in rendering needed assistance to them. It would be absolutely impossible for the probate attorneys to do their court work and make the necessary field investigations and to secure the data upon which to base their presentations to the court; therefore they must look to our field force for indispensable assistance. Some 65 to 75 per cent of appraisements are made for the use of probate attorneys and the probate courts.

In connection with the general office work the disbursing agent will be required to handle approximately \$15,000,000 during the year, which will involve some seventeen or eighteen thousand ledger accounts for individual Indians, remittances and vouchers covering the same, together with the collection of rents, interest, and principal on tribal lands. The accounting work is handled entirely in the general office at Muskogee; the field force being relieved, as far as possible, of clerical detail, so that they may give their attention to investigations and the expeditious handling of applications and cases filed in their offices.

There were 609,646 pieces of mail handled by both offices during the fiscal year 1914. Under the consolidated office the quantity of mail is running about the same, if not heavier.

One of the most important branches of the work of the office is the handling of oil and gas mining leases covering lands of restricted allottees. Up to June 30, last, there had been 31,866 leases filed and 1,932 during the fiscal year just closed, together with 834 assignments during that year. The handling of leases requires a great amount of clerical detail, in addition to the collecting, auditing, accounting for and payment of royalties accruing thereunder—several million dollars annually.

In addition to the special work mentioned all applications for removal of restrictions, sale of land, inherited land deeds, pipe lines and other rights of way are handled out of the general office and proper record and indexes thereof kept, to which there is constant reference by the public. All equalization payments to Indians of the restricted class are handled the same as land-sale accounts, and attention is given to the establishment of drainage districts, completion of the town-site work, cooperation in educational and industrial work, and affairs generally of Indians of the restricted class.

The superintendent of the Five Civilized Tribes is charged by law with the supervision of practically all the property belonging to 32,540 restricted Indians and also is required to look after the personal welfare and education of these Indians. These Indians and their property are scattered over half the State of Oklahoma, which area comprises more territory than many of the States in the Union. With the wide area to be covered, the scattered population, and

complicated conditions—very greatly different from a reservation where there are only a few thousand Indians in a smaller and more compact area under the entire control of the Government—it is a difficult problem to handle in any event, more especially so with an inadequate appropriation. Unless ample funds are provided necessarily there will be annoying delays and unsatisfactory administration.

The 18 field offices, comprising districts which include approximately 2,000 restricted Indians each, should have, in addition to what we can have under the present appropriation, at least one stenographer clerk and the assistance of more appraisers than now can be provided. In fact there ought to be at least 24 field districts, with the necessary complement of employees, in order effectively and efficiently to administer the individual affairs of our restricted Indians. It is believed that less than \$175,000 will be inadequate to render satisfactory administrative service.

Mr. CARTER. What was that appropriation prior to the time of the consolidation?

Mr. MERITT. It was \$250,000, if I remember correctly.

Mr. CARTER. And you have been able to save how much by reason of the consolidation?

Mr. MERITT. The appropriation was \$250,000; we have reduced the appropriation \$75,000.

Mr. CARTER. I notice that you have an overdraft of \$508.38.

Mr. MERITT. Yes, sir.

Mr. CARTER. Then, in addition to that amount, don't you also have something for probate attorneys?

Mr. MERITT. Yes, sir; we have a new appropriation for probate attorneys, amounting to \$85,000.

Mr. CARTER. Formerly was that work now being done by the probate attorneys paid for out of the appropriation for administrative purposes?

Mr. MERITT. We had district agents, who were paid out of the administrative appropriations.

Mr. CARTER. And field clerks?

Mr. MERITT. Both district agents and field clerks.

Mr. CARTER. Don't you still have them?

Mr. MERITT. We still have field clerks.

Mr. CARTER. If there has really been any saving by reason of the consolidation of those places, I would like to know what it has been, because it was stated to us time and again that there could be a saving made. We in good faith tried to have the saving made, and I would like to know for my own information and for the information of the House if there has been any real saving of expense because of the consolidation.

Mr. MERITT. There has been a saving of expense in the reduction of the number of employees.

Mr. CARTER. How much has the force been reduced?

Mr. MERITT. I would say it has been reduced probably 50. I wish to submit for the record the following memorandum:

The act of Congress approved August 1, 1914, provided for the consolidation of the office of the Commissioner for the Five Civilized Tribes and the superintendent of the Union Agency in Oklahoma, and created the position of superintendent for the Five Civilized Tribes, with authority to reorganize the department and eliminate all unnecessary clerks. This consolidation became effective September 1, 1914, and under the subsequent reorganization it has been found possible to keep all of the district offices open and at the same time dispense with the services of about 50 employees. The saving effected amounts to \$75,000 a year in round numbers.

The CHAIRMAN. Have you made any reduction in the expenditure of money as well as in the number of employees?

Mr. MERITT. Yes, sir.

Mr. CARTER. You are not asking for any increase of this amount over what it was the last time?

Mr. MERITT. No, sir.

Mr. CAMPBELL. Of course, we have all had the idea that long ago all of these appropriations would have been dispensed with. On March 4, 1906, the affairs of these Five Civilized Tribes were to have been entirely wound up.

Mr. MERITT. I think it was intended that the tribal affairs should be wound up, but, of course, the administration of the affairs of the full bloods will continue for a great many years yet. There are practically 35,000 full-blood Indians among the Five Civilized Tribes.

Mr. CAMPBELL. Are there that many?

Mr. CARTER. There are not that many full bloods. You mean restricted Indians, which embraces these of one-half or more Indian blood?

Mr. MERITT. Yes, sir; restricted Indians, but of that number there is a large number of full bloods.

Mr. CAMPBELL. What is the number of full-blood Indians in the Five Civilized Tribes—it is 17,000, as I recollect it.

Mr. MERITT. The records of the office show that there are 26,789 full-blood Indians in the Five Civilized Tribes, as follows:

| | Full-bloods. | | Full-bloods. |
|----------------------------|--------------|----------------|--------------|
| Chickasaws | 1,515 | Creeks | 6,873 |
| Choctaws | 7,087 | Seminoles..... | 1,254 |
| Mississippi Choctaws | 1,357 | | |
| Cherokees | 8,703 | Total..... | 26,789 |

The CHAIRMAN. Is it not a fact that one great reason why the affairs of these tribes have not been wound up earlier is that new legislation has been enacted by Congress from time to time changing the laws relative to these tribes and requiring further time to wind up the affairs? It will require further time to comply with the new laws that have been enacted?

Mr. MERITT. There was additional legislation, but, on the other hand, there was a great amount of work to be done down there, and it was almost impossible to do the amount of work required within the time allowed.

The CHAIRMAN. Is it not also a fact that the disposition of the coal, oil, and gas lands was not contemplated at the time we thought that these matters would be closed up in 1906?

Mr. MERITT. Yes, sir. Much oil territory has been discovered in Oklahoma since the passage of that legislation, and that necessarily has very greatly increased the amount of administrative work under the jurisdiction of the superintendent of the Five Civilized Tribes.

Mr. CARTER. Can you put a statement in the record showing how much of this is used for the Indians in the administration of tribal affairs and how much of it is used in the administration of individual affairs?

Mr. MERITT. A very large percentage of this money is now used in the administration of individual affairs, and I will put in the record a statement showing approximately the percentage used for indi-

vidual affairs and the percentage used in the administration of tribal affairs.

Mr. CARTER. Can you give the subcommittee any information as to just what has been accomplished in the winding up of the tribal affairs and what is necessary yet to be done?

Mr. MERITT. In compliance with your request, I submit the following memorandum:

The enrollment of members of the Five Civilized Tribes was completed on March 4, 1907, with a total of 101,209 members, to which was added the names of 312 persons by the act of August 1, 1914 (38 Stat. L., 600), making a total enrollment to date of 101,521 members of the Five Civilized Tribes.

Allotments of land have been made to all the members of the Five Civilized Tribes except in the Creek Nation, where all allotments of the agreement Indians were equalized on a basis of \$800 as the standard value of the allotment by paying to each member the amount of money from Creek tribal funds to bring the value of his allotment up to the standard value of \$800. The question of whether the newborn Creeks are equally entitled to have their allotments of land brought to an equal value of \$800 is now proposed to be referred to the Court of Claims for adjudication.

Restrictions have been removed from approximately 12,500,000 acres by operation of law and by the Secretary of the Interior.

All the unallotted lands of the Creek, Cherokee, and Seminole Tribes have been sold, with the exception of "Big Lake," containing 226.01 acres, in Rogers County, Cherokee Nation, Okla., and the Jasper Adams Island, in the Arkansas River, near Webbers Falls, containing 26 acres, which is claimed by the Cherokee Tribe, the State of Oklahoma, and the owners of the abutting Cherokee allotments, and the former tentative allotment of land to one Viola Grazier, all of which is undisposed of in the Cherokee Nation. Only one official, W. C. Rogers, principal chief of the Cherokee Tribe, is continued in office, at a nominal salary of \$25 per month, to complete tribal affairs. All other Cherokee tribal property has been disposed of, including the old capitol building at Tahlequah, Okla., which was sold for \$55,000.

In the Seminole Nation all the unallotted land has been sold, and only the Emahaka and Mekusukey Academies with the land set aside therefor remain, for which \$500,000 of Seminole tribal funds have been set apart for their continuance as tribal schools. The Emahaka Academy is now in litigation, pending an appeal to the Supreme Court of the United States, the two lower Federal courts having awarded the property to one Walter Ferguson by his purchase of a Creek allotment on which the main portion of the buildings projected and stood.

The Seminole tribal funds on deposit in the United States Treasury to the amount of \$1,548,119.89 can be distributed to the members of the Seminole Tribe.

John F. Brown, principal chief of the Seminole Nation, is continued in office at a salary of \$1,000 per annum, and Alexander W. Crane as tribal secretary, at a salary of \$1,200 per annum.

The unallotted lands of the Creek Tribe have all been sold, except 2,495 acres, 47 town lots in the town of Lee, 121 lots in Muskogee and Tulsa recovered for the Creek Tribe in townsite litigation, the Creek capitol building at Okmulgee, Okla., valued at \$60,000, which it is now proposed to purchase for the United States as a post-office site, and suits have been instituted or are in contemplation to recover for the Creek Tribe much valuable oil land erroneously or fraudulently allotted to certain persons not entitled thereto, and suit has also been instituted to recover for the Creek Tribe the beds of the Arkansas and Cimarron Rivers, valued at \$20,000,000, which are also claimed by the State of Oklahoma by reason of the State's jurisdiction over navigable streams, the question in dispute being whether the Arkansas River at that point is navigable or nonnavigable. These oil lands are estimated to be worth approximately \$30,000,000. The Creek Tribe is attempting to thwart the efforts of oil companies who are drilling wells on these lands and producing vast quantities of oil.

The only other unfinished business of the Cherokee, Creek, and Seminole Nations is the collection of the deferred payments due on the sale of unallotted lands, for which extensions have been granted until March, 1916, to pay amounts due.

The unallotted lands of the Choctaw and Chickasaw Tribes have been twice offered for sale, and there remain yet 31,700 acres of the unallotted lands, which will be reoffered for sale on January 3, 1916, together with 184,800 acres of the surface of the segregated coal and asphalt land area belonging to the Choctaw and Chickasaw Tribes, to be sold at the same time, from January 3 to 31, 1916.

The surface of the segregated coal and asphalt land area originally contained 431,080 acres has once been offered for sale, and there remain 184,800 acres yet to be sold in January, 1916.

There remain unsold in the Choctaw Nation 1,036,545 acres and in the Chickasaw Nation 3,285 acres, making a total amount unsold in the two nations of 1,039,830 acres, which include 823,521 acres of timberland in the Choctaw Nation yet to be sold and 184,800 acres of segregated coal and asphalt land surface. The coal and asphalt underlying said surface is reserved for future sale for the benefit of the two tribes named. The question of what disposition should be made of the coal and asphalt land will be submitted at this present session of Congress.

There are 2,000 town lots in the Choctaw and Chickasaw Nations to be disposed of, 6 boarding schools with 160 acres of land each, and the Choctaw capitol building at Tuskahoma, with 5 acres of land appertaining thereto.

Needless tribal officials have been dispensed with, and only such officials retained as deemed necessary to wind up tribal affairs of the Five Civilized Tribes.

There is still due on unallotted land sold to be yet collected, for which extension has been granted until March, 1916, a total sum approximating \$7,050,000. It is estimated that the remaining tribal lands to be sold will bring from \$4,000,000 to \$5,000,000, and, in addition thereto, the coal and asphalt mineral deposits are estimated to be worth at the lowest estimate \$12,000,000.

Of the 27,494 suits brought originally to clear titles to lands belonging to the restricted Indians of the Five Civilized Tribes 13,484 cases have either been dismissed or disposed of by the Attorney General, leaving 14,010 cases still pending and undetermined. On July 20, 1915, the Attorney General directed the dismissal of 3,012 cases affecting freedmen and 475 cases affecting intermarried citizens of the Five Civilized Tribes, making a further dismissal of 3,487 cases, leaving undisposed of 10,523 cases, and there is under consideration a proposal to dismiss 2,690 additional cases affecting the lands of citizens by blood of the Five Civilized Tribes where the restrictions on alienation since the execution of the illegal deeds have been removed by operation of law. Some of these latter cases (2,690) will undoubtedly be dismissed, but the exact number is yet to be determined.

Summarizing, every 40-acre tract contained in the 19,525,266 acres belonging to members of the Five Civilized Tribes has been classified and appraised, 15,794,400 acres have been allotted in severalty to individual Indians, 2,549,959 acres of unallotted land have been sold, leaving 1,042,405 acres unsold.

From July 1, 1898, to June 30, 1915, the officials of the Interior Department collected and deposited as tribal money an aggregate of approximately \$19,500,000, derived from sale of town lots, coal and asphalt royalties, and unallotted and other tribal property.

Mr. CARTER. I want to ask you this question: How long do you think it will be necessary to continue the appropriation for the administration of tribal affairs? In other words, what time do you contemplate it will take to close up the tribal affairs; not the individual matters?

Mr. MERITT. The tribal affairs of the Seminole, Creek, and Cherokee Nations are practically closed at this time. The tribal affairs of the Choctaw and Chickasaw Nations have not been closed, and there is of course, some additional work to be done in those nations, and it will also require some additional legislation.

Mr. CARTER. Is it not a fact that your commissioners stuck on the job for about three years before any one of the Five Civilized Tribes would even consider negotiating a treaty for a change in conditions and settlement of tribal affairs; that the Indian Bureau had about despaired of getting any kind of an agreement when the Choctaws

and Chickasaws broke the ice and were the very first to give this Government what it so earnestly sought and desired from all these tribes?

Mr. MERITT. Yes, sir; I believe they made an agreement in 1898.

Mr. CARTER. They were the first to make your much-desired agreement and now they are the very last to be settled with at the hands of this Government.

Mr. MERITT. Of course, you understand that there has been a vigorous fight made with reference to the Choctaw enrollment, and the disposition of the coal lands has also complicated the final closing of the affairs of those two nations.

Mr. CARTER. The same vigorous fight was made with reference to the Cherokee enrollment until the Cherokee funds were distributed. Just as long as there were any Cherokee funds on hand, didn't they make the same vigorous fight in that nation, just as they did in the Choctaw and Chickasaw Nations?

Mr. MERITT. Yes, sir.

Mr. CARTER. And even more than they did in the Choctaw and Chickasaw Nations?

Mr. MERITT. I should judge that there was, because there were more Cherokees.

Mr. CARTER. Has not that fight completely subsided since the Cherokee funds were divided?

Mr. MERITT. There is no fight now against the Cherokees, comparatively speaking.

Mr. CARTER. Since there is no money on hand to be divided, "none so poor" that he would be a Cherokee, and so it will ever be with the Choctaws, Chickasaws, or any other of Poor Lo's ilk so long as they have loot to loot.

Mr. NORTON. This fund, of course, is not reimbursable—it is a gratuity?

Mr. MERITT. This \$175,000 is a gratuity appropriation.

Mr. NORTON. Of course, these Indians are pretty well-to-do and could reimburse this appropriation?

Mr. MERITT. Some of them are well-to-do, but others are in poor circumstances.

Mr. CARTER. As a matter of fact, this part of the fund here is controlled by a treaty provision, is it not?

Mr. MERITT. Not this \$175,000.

Mr. CARTER. Was it not provided in the two agreements that certain payments should be made out of tribal funds, and that those were the only payments authorized under the treaties to be made out of tribal funds?

Mr. MERITT. There is a provision in one of the treaties along that line, but I do not remember the exact language.

Mr. CARTER. Does not the treaty provide that certain things were to be paid out of tribal funds and that others were not to be paid out of tribal funds? Later on in this bill you have an item of \$35,000, or something like that, if I remember correctly, which is to be taken out of tribal funds?

Mr. MERITT. Yes, sir.

Mr. CARTER. Under the treaty that had to be taken out of tribal funds.

Mr. MERITT. The superintendent of this agency since the consolidation is a Choctaw Indian, Mr. Gabe Parker. Mr. J. George Wright, who has had a large experience in the Indian Service and who has had charge of the tribal affairs of the Five Tribes, has been transferred to the Osage Agency, and Mr. Kelsey was appointed special agent, but he soon found more remunerative employment elsewhere.

Mr. NORTON. Prior to the consolidation, there was appropriated under this item \$250,000?

Mr. MERITT. Yes, sir.

Mr. NORTON. Was this \$85,000 for attorneys' fees also appropriated in prior years?

Mr. MERITT. I think that appropriation was a new appropriation two years ago. That is new work that is being done there under regulations.

Mr. NORTON. The total amount appropriated has been increased, then, about \$15,000?

Mr. MERITT. I think all of the appropriations for the work of the Five Civilized Tribes show decreases. We have materially decreased the gratuity appropriations for that agency within the last five years.

Mr. NORTON. The two sums in the appropriation here proposed are \$175,000 and \$85,000, and that would be about \$10,000 in excess of \$250,000.

Mr. MERITT. Yes, sir.

The CHAIRMAN. Mr. Meritt, have you any additional items you desire to incorporate in the Indian appropriation bill which we have under consideration? I desire particularly to call your attention to the item of Choctaw and Chickasaw per capita payment, and ask whether you have any further statement to make with reference to that matter; and if so, what?

For carrying out the provisions of the Atoka agreement adopted by Congress June 23, 1898 (30 Stat. L., p. 495), and the supplemental agreement adopted by Congress July 1, 1902 (32 Stat. L., p. 716):

The Secretary of the Interior is hereby authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$200 per capita, in the case of the Choctaws, and \$100 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act.

Mr. MERITT. Mr. Chairman, I am authorized by Commissioner Sells to make the following statement in regard to the per capita payment to Choctaws and Chickasaws:

The books of the Indian Office show that on December 15, 1915, there was in the Treasury of the United States to the credit of the

Choctaw Nation, Oklahoma, the sum of \$3,360,620.11, and in banks in Oklahoma to the credit of said nation the sum of \$4,071,733.13, the total Choctaw tribal fund being \$7,432,353.24. The books of the Indian Office further show that on said date there was in the Treasury of the United States to the credit of the Chickasaw Nation, Oklahoma, the sum of \$778,471.51, and in banks in Oklahoma, to the credit of said Chickasaw Nation, the sum of \$1,143,638.97, the total Chickasaw tribal fund being \$1,922,110.48, the aggregate fund of the Choctaw and Chickasaw Nations being \$9,354,463.72. The deferred payments on the Choctaw and Chickasaw tribal lands heretofore sold approximate \$6,000,000 and the estimated value of the unsold land and other property of said nations approximates \$16,149,491.23. Thus the total funds and other property of the Choctaw and Chickasaw Nations approximates \$31,503,954.95.

Twenty thousand seven hundred and ninety-nine enrolled citizens of the Choctaw Nation are entitled to share in any per capita distribution of the funds of said nation, and 6,304 enrolled citizens of the Chickasaw Nation are entitled to share in any per capita distribution of the tribal funds of that nation.

For the purpose of further carrying out the Atoka agreement with the Choctaw and Chickasaw Tribes (see act of Congress of June 28, 1898, 30 Stat L., 495, 512-513) and the supplemental agreement with said Indian tribes adopted by the act of Congress of July 1, 1902 (32 Stat. L., 641-654), and in view of the general needy conditions existing in said Indian nations it is recommended that an appropriation be made, out of the Choctaw tribal funds, for a per capita payment to the enrolled members of the Choctaw Tribe or to the heirs of deceased enrolled members, and out of the Chickasaw tribal funds for a per capita payment to the enrolled members of the Chickasaw Tribe or to the heirs of deceased enrolled members of said tribe, and that it be provided that such payments shall be made under rules and regulations to be prescribed by the Secretary of the Interior, and that in cases where the enrolled members of the Choctaw and Chickasaw Nations or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Inasmuch as a \$100 per capita payment was made to the enrolled members of the Chickasaw Nation under the act of August 1, 1914, at which time no payment was made to the enrolled members of the Choctaw Nation, it is therefore recommended that the enrolled members of the Choctaw Nation should be paid \$100 per capita more than the amount provided for the enrolled members of the Chickasaw Nation. These payments would be made from the tribal funds belonging to the Choctaw and Chickasaw Nations and would not be a tax on the Federal Treasury.

The CHAIRMAN. The next item is as follows:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$85,000.

Mr. MERITT. I offer the following justification in support of this item:

Probate attorneys, Five Civilized Tribes, Oklahoma.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$85,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 85,000.00 |
| Amount expended..... | 73,332.57 |
| <hr/> | |
| Unexpended balance..... | 11,667.43 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc..... | 59,276.12 |
| Traveling expenses..... | 8,116.33 |
| Transportation of supplies..... | 11.60 |
| Heat, light, and power (service)..... | 9.00 |
| Telegraph and telephone service..... | 804.00 |
| Printing, binding, and advertising..... | 129.18 |
| Fuel..... | 15.00 |
| Stationery and office supplies..... | 1,012.84 |
| Equipment, material, etc..... | 59.75 |
| Rent..... | 3,403.00 |
| Court costs, etc..... | 495.75 |
| <hr/> | |
| Total..... | 73,332.57 |

The probate service as now organized covers the 40 counties of eastern Oklahoma embraced in the territory originally constituting the domain of the Five Civilized Tribes, and contemplates a working force of 21 probate attorneys.

Each attorney has a district consisting of one to four counties, and it is his duty to advise and counsel minors and other dependent Indians of his district and to represent them in all probate proceedings in the courts thereof.

As every enrolled minor is an allottee in his own right and as many of them are interested as heirs in the allotments of deceased relatives the volume of probate business pending in the county courts is very great, particularly in the oil regions, where immense fortunes are at stake.

The probate work is now well organized and has proven one of the most beneficial branches of the Indian service. As the years pass and deaths increase the Indian Office is called upon more and more to make disbursements to the heirs of deceased allottees, and without the assistance of the probate attorneys the work of determining such heirs would proceed very slowly and with much uncertainty.

It is the duty of the attorneys to supervise investments as well as to assist in determining the identity of beneficiaries. This work, together with their appearances in court and their office and field business, compel the attorneys to give their whole time to the service. The results, however, have well repaid the expense and effort incident to the work. The county judges, with the funds available for their use, are not adequately equipped to make necessary investigations in all cases and they have welcomed in most instances the assistance of the probate attorneys, and the advice of the latter generally prevails. Many thousands of dollars have been saved through their efforts for minors and others, and in many cases the presence of the probate attorneys has doubtless of itself deterred wrongdoers from attempting acts of rapacity.

The probate attorneys have also instituted numerous suits to recover money and to clear titles for Indians, and have frequently assisted in criminal proceedings against embezzling guardians and others.

The appended table shows in a summarized form the scope of the probate work and the accomplishments of the probate attorneys for the six months ended June 30, 1915.

The work is now better organized than at any time since its inception, and it may be confidently predicted that, with the aid of the appropriation requested, the beneficial results will be even greater than those obtained last year.

The CHAIRMAN. Do you wish to add anything else?

Mr. MERITT. Except to say that the probate attorneys, as a general rule, are doing splendid work in protecting the estates of minor Indians in the Five Civilized Tribes.

The CHAIRMAN. Do you have any complaints as to any want of capacity or ability to wind up these affairs within a reasonable time?

Mr. MERITT. No, sir; as a general rule they are rendering satisfactory service. There are always complaints in the Indian Service. No one is free from being criticized, but, as a general rule, the probate attorneys are doing satisfactory work.

Mr. NORTON. How many attorneys are there employed?

Mr. MERITT. There are 18, I believe.

Mr. NORTON. Is there any reimbursement to the Government for the work of these attorneys?

Mr. MERITT. No, sir; this is a gratuity appropriation.

Mr. CARTER. Can you give us any statement of the work that has been done by these attorneys?

Mr. MERITT. Yes, sir; I will put a statement of that in the record.

Mr. CARTER. I would like to see a statement of the cases they have tried, the disposition made of them, and of the cases now on hand.

Mr. MERITT. The following statement is submitted:

Summary of probate work, Five Civilized Tribes, Oklahoma, January 1 to July 1, 1915.

| | |
|---|---------------|
| Cases pending January 1, 1915..... | 53, 433 |
| Cases pending July 1, 1915..... | 52, 045 |
| Regular cases in which attorneys appeared..... | 10, 428 |
| Civil actions instituted..... | 213 |
| Amounts involved in such civil actions..... | \$1, 525, 377 |
| Civil actions finally determined..... | 116 |
| Criminal actions instituted..... | 37 |
| Criminal actions finally determined..... | 69 |
| New bonds filed..... | 713 |
| Amount covered by new bonds..... | \$687, 500 |
| Guardians removed or discharged..... | 602 |
| Conservation of funds: | |
| (a) Bank deposits..... | \$330, 454 |
| (b) Investments..... | \$644, 740 |
| Amounts saved to minors and others..... | \$462, 100 |
| Inherited land sales..... | 415 |
| Minor allotment sales..... | 151 |
| Citations issued..... | 1, 680 |
| Quit-claim deeds obtained..... | 43 |
| Official letters and reports..... | 28, 105 |
| Conferences with allottees and other (approximate)..... | 22, 935 |

Mr. CARTER. Is it not a fact that you had \$50,000 for probate attorneys in the first appropriation?

Mr. MERITT. No, sir; the first appropriation for probate attorneys was two years ago and was for \$85,000. However, there was a specific appropriation of \$90,000 for special agents, previously carried in the Indian bill and which has been dropped from the bill since the appropriation for tribal attorneys.

The CHAIRMAN. The next item is as follows:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Oklahoma, for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$40,000.

Mr. MERITT. I offer the following justification for this item:

Cherokee Orphan Training School, Five Civilized Tribes, Oklahoma.

| | |
|--|------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$35,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 35,000.00 |
| Amount expended..... | 17,611.63 |
| <hr/> | |
| Unexpended balance..... | ¹ 17,388.37 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 8,185.74 |
| Traveling expenses..... | 7.92 |
| Transportation of supplies..... | 2.42 |
| Telegraph and telephone service..... | 34.93 |
| Subsistence supplies..... | 4,417.19 |
| Dry goods, clothing, etc..... | 4,417.19 |
| Forage..... | 877.85 |
| Fuel..... | 459.35 |
| Stationery and office supplies..... | 1.56 |
| Educational supplies..... | 271.28 |
| Medical supplies..... | 158.73 |
| Equipment, material, etc..... | 1,591.57 |
| Miscellaneous..... | 70.10 |
| <hr/> | |
| Total..... | 17,611.63 |

Cherokee Orphan Training School, Five Civilized Tribes, Oklahoma, repairs and improvements.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$7,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 15,000.00 |
| Amount expended..... | 9,440.49 |
| <hr/> | |
| Unexpended balance..... | ¹ 5,559.51 |

ANALYSIS OF EXPENDITURES.

| | |
|---|----------|
| Printing, binding, and advertising..... | 109.95 |
| Construction..... | 4,887.33 |
| Repairs (to plant)..... | 3,943.21 |
| Land..... | 500.00 |
| <hr/> | |
| Total..... | 9,440.49 |

Statistical statement for year ending June 30, 1915.

| | |
|--|-----------------------|
| Value of school plant—real property..... | \$22,651 |
| Number of buildings..... | 14 |
| Number of employees..... | 12 |
| Total salaries..... | \$8,140 |
| Average attendance of pupils..... | 67.2 |
| Enrollment..... | 95 |
| Capacity..... | 60 |
| Cost per capita based on enrollment..... | ² \$190.38 |
| Cost per capita based on average attendance..... | ² \$269.14 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

² This includes \$8.92 used in the transportation of pupils, and \$465.91 in the transportation of goods and supplies. There was also expended \$322.97, "Miscellaneous receipts, Class IV."

| | |
|---|----------|
| Area of school land (acres)----- | 60 |
| Area of school land (acres cultivated)----- | 18 |
| Value of products of school----- | \$2, 592 |

Superintendent's estimate of needs for 1917 :

| | |
|-------------------------------|-----------|
| Support----- | \$21, 790 |
| Repairs and improvements----- | 2, 000 |
| New buildings----- | 5, 200 |

Total----- 28, 990

Cherokee Orphan Training School :

| | |
|---|---------|
| Amount requested: for support, continuance, and maintenance of the Cherokee Orphan Training School, including repairs and improvements----- | 40, 000 |
|---|---------|

[Capacity, 60; enrollment, 95; average, 67.2.]

| Position. | Months. | Monthly salary. | Annual cost. |
|------------------------------|---------|-----------------|--------------|
| Superintendent..... | | | \$1, 225 |
| Clerk..... | 12 | \$60 | 720 |
| Physician..... | 12 | 40 | 480 |
| Principal teacher..... | 9 | 80 | 720 |
| Primary teacher..... | 9 | 65 | 585 |
| Manual training teacher..... | 12 | 75 | 900 |
| Matron..... | 12 | 50 | 600 |
| Seamstress..... | 12 | 40 | 480 |
| Laundress..... | 12 | 40 | 480 |
| Cook..... | 12 | 50 | 600 |
| Nurse..... | 9 | 70 | 630 |
| Farmer..... | 12 | 60 | 720 |
| Total..... | | | 8, 140 |

The present capacity of the Cherokee orphan school is 60 pupils. However, a new dormitory is being constructed, with a view to providing accommodations for from 50 to 60 additional pupils. This is the only Government school maintained for children of the Cherokee Nation. It was purchased pursuant to the act of June 30, 1913 (38 Stat. L., 77, 95), for the benefit of orphan children of the Five Civilized Tribes. The advisability of increasing its capacity is therefore apparent, and the superintendent estimates that \$2,000 will be required for necessary repairs.

Employees with families are now compelled to occupy one room. An additional cottage is needed to relieve this condition; the estimated cost thereof is \$1,550. To provide space for toilet, wash room, fuel, storage, etc., in the school building and also quarters for contemplated kindergarten work it is planned to construct a basement under the school building at an estimated cost of \$1,650.

A separate dairy barn and milk house are required. It is estimated that this will cost \$2,000, including some equipment. The cows are now stabled and milking done in one side of the horse barn, and this arrangement is neither convenient nor sanitary.

It is invariably the case that increased dormitory facilities call for other expenditures for construction. All phases of the school work must be increased to correspond with the increase of enrollment, as well as quarters for additional employees and greater laundry capacity, etc. There will also be a need for new furniture and equipment for the dormitory, as well as to provide for the added demands upon the various industrial departments. Not less than \$12,000 should be made available for repairs and construction from the appropriation of \$40,000 in the case of this school.

Fifty thousand dollars was appropriated for the fiscal year 1915, but, because of the wording of the bill requiring the use of \$35,000 of this amount for support only, the building operations necessary to provide the increased capacity were delayed for lack of funds, and a large sum lapsed which was really needed and which would have been used if the amount required for building could have been so used. Thus sufficient capacity has not yet been obtained which would occasion the use of the amount provided for support by the 1915 act. The wording of the present item is intended to avoid the same difficulty in 1917.

Mr. CAMPBELL. That is a reduction of \$10,000?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. How have you been maintaining that school?

Mr. MERITT. Up to two years ago it was maintained as a Cherokee tribal school.

Mr. CAMPBELL. I mean this year, without the appropriation. Have you just been continuing under the old appropriation?

Mr. MERITT. Yes, sir; under a ruling of the Comptroller of the Treasury the old appropriations were continued, except in cases where they were specified for the construction of buildings and appropriations of that character.

STATEMENT OF HON. WILLIAM W. HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA.

Mr. HASTINGS. At the end of the first paragraph on page 72 I want to suggest the following:

Provided, That the unexpended balance of \$7,500, appropriated by the act of August first, nineteen hundred and fourteen, is hereby reappropriated for the purchase of additional land, not to exceed sixty acres.

This in an amendment of the provision for the support, continuance, and maintenance of the Cherokee Orphan Training School. The appropriation bill, approved August 1, 1914, contained a provision appropriating \$8,000 for the purchase of additional lands not to exceed 80 acres; the provision in advance of it was for \$15,000 for repairs and improvements; the \$15,000 was used for repairs and improvements, and it was held by the comptroller that the \$8,000 should be taken out of the \$15,000 and not taken out of the \$35,000.

Mr. CARTER. That would be right, under the language of this provision.

Mr. HASTINGS. Well, this amendment was placed in the bill on the Senate side. It was inserted at the end of the provision and, perhaps, ought to have been inserted after the \$35,000, hence it was not used. However, \$500 of it was used for purchasing 20 acres of land.

Mr. CARTER. Will you state why that could not be used?

Mr. HASTINGS. I stated a moment ago that it was considered that the \$8,000 was to be taken out of the \$15,000, but the \$15,000 had been used, and it was the understanding that the \$8,000 should come out of the \$35,000.

Mr. CARTER. Was it not taken out of the \$15,000?

Mr. HASTINGS. No; because the \$15,000 was used for repairs and improvements; it was not used for the purchase of land.

Mr. CARTER. What you want to do now is not to appropriate any money that has not already been appropriated but to reappropriate \$8,000 which they were unable to use.

Mr. HASTINGS. It is to reappropriate the unexpended balance of \$7,500 for the purchase of 60 acres of land, because we have already purchased the 20 acres. And I might add that one reason why the land was not purchased was that we had to wait awhile in order to remove a restriction on an Indian's land; that restriction has now been removed and he is in a position to take title to the land. But

when he got in that position we did not have the money with which to pay him for the land.

Mr. CARTER. Mr. Meritt, what have you to say about this?

Mr. MERITT. Mr. Hastings has made a correct statement of the situation. We could not use the \$8,000 specifically appropriated for the purchase of land because we had to expend the \$15,000 for repairs and improvements; the comptroller held to that effect. There was an unexpended balance, out of this total appropriation of \$35,000 for maintenance of the institution, of \$17,388.37.

Mr. CARTER. So that if the proviso had been added to the amount carried for support the money could have been spent?

Mr. MERITT. There would have been adequate funds to buy the land and support the institution.

Mr. CARTER. Was it the intention of the man who proposed this amendment to take the money out of the \$35,000?

Mr. HASTINGS. Unquestionably; and the amendment was prepared with that end in view; and I might say that the Indian Office shared that opinion with us until it was sent over to the comptroller for opinion.

Mr. MERITT. The proviso was simply unfortunately placed; if it had been placed after the \$35,000 appropriation for this institution there would have been no question about the availability of the funds.

Mr. CARTER. And you need the land?

Mr. MERITT. We need the land for that school.

The CHAIRMAN. The next item is as follows:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June thirtieth, nineteen hundred and seventeen: *Provided*, That this appropriation shall not be subject to the limitation in section one of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. MERITT. I offer the following justification for this item:

Indian schools, Five Civilized Tribes.

| | |
|--|-------------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$275, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 275, 000. 00 |
| Amount expended | 270, 261. 45 |
| <hr/> | |
| Unexpended balance..... | ¹ 4, 738. 55 |

ANALYSIS OF EXPENDITURES.

| | |
|---|--------------|
| Salaries, wages, etc..... | 7, 128. 50 |
| Traveling expenses | 415. 13 |
| Telegraph and telephone service..... | 140. 23 |
| Printing, binding, and advertising..... | 73. 00 |
| Stationery and office supplies..... | 28. 02 |
| Aid of common schools..... | 262, 473. 19 |
| Miscellaneous | 3. 38 |
| <hr/> | |
| Total | 270, 261. 45 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Salaries of those employed to disburse this fund.

[Indian schools, Five Civilized Tribes, 1916.]

| No. | Position. | Rate of pay. ¹ | Annual cost. |
|-----|--------------------------------|---------------------------|--------------|
| 1 | Clerk..... | \$1,600 | \$1,600 |
| 1 | Day school superintendent..... | 1,800 | 1,800 |
| 1 | Clerk..... | 1,200 | 1,200 |
| 1 | Stenographer..... | 1,020 | 1,020 |
| 1 | Clerk..... | 1,200 | 1,200 |
| 1 | do..... | 960 | 960 |
| | Total..... | | 7,780 |

¹ Also actual travel and subsistence while on duty in the field.

The purpose of this appropriation has been to render assistance to the district public schools in eastern Oklahoma which have been deprived of school revenue by reason of the decision of the Supreme Court declaring nontaxable Indian allotments within the school districts. Many of the districts contain a large amount of such nontaxable Indian land, oftentimes more than 50 per cent of the total area of the district. These districts have been financially unable to maintain district schools. The proposed item is identical with the appropriation for the fiscal year 1915.

The total number of eligible Indian children of the Five Civilized Tribes is 25,043, not including freedmen. Of these there are enrolled in the public school about 18,977, in the Government schools, 1,782, and in contract schools, 564, making a total enrollment of 21,323. Based on the above figures the percentage of enrollment among the children of the Five Civilized Tribes is about 86 per cent. The regularity of attendance of the Indian children in the public school during the last year has been excellent.

The 41 counties in eastern Oklahoma to which the congressional appropriation of \$275,000 in aid of common schools was apportioned, comprise 2,428 school districts, 2,219 of which shared in this fund. Practically every district except a small number having levies below five mills and which were assisted to a six months' term, had an eight-month term of school. Of the 18,624 Indian children of the Five Civilized Tribes of school age enumerated in the districts assisted outside of incorporated towns, 13,745 were enrolled in the public schools.

Many of the district schools could not with the resources provided by the usual tax levied, maintain schools for a term of four, five, or six months, but with Federal help all schools assisted have been able to maintain terms of at least eight months' duration.

The plan of distribution under the regulations has been briefly:

1. Payment for tuition of Indian children where the enumeration thereof is 10 or more, at a rate of 10 cents per day per pupil for actual attendance.

2. In districts having an enumeration of less than 10 Indian children, payments have been based on the salaries of the teachers and sufficient to enable the schools to maintain a term of eight months, such payments being increased in proportion to each mill levied by the district above 5 mills.

3. Incorporated towns having outlying areas containing nontaxable lands have been assisted in the support of schools maintained within such outlying territory.

4. Separate or minority schools (usually colored) have received the same assistance and for an equal term as the majority schools.

5. Any balance remaining after regular payments have been made has been distributed to the districts in proportion to the entire scholastic enumeration thereof.

This is the same amount that has been appropriated for this work for several years.

The CHAIRMAN. It is the same appropriation and the same language?

Mr. MERITT. Yes, sir

Mr. NORTON. This is for the aid of common schools in those nations?

Mr. MERITT. Yes, sir.

Mr. NORTON. Are they schools that are under the charge of the State government?

Mr. MERITT. Yes, sir. The reason for that is on account of the fact that the entire eastern part of Oklahoma was at one time nontaxable, because it was Indian land. We have a great many Indians attending the public schools of Oklahoma, and it is for the purpose of bearing at least a part of the cost of the tuition of those Indians in the public schools that this appropriation is made, and, also, because of the fact that a great part of the land is nontaxable.

Mr. NORTON. Under a decision rendered by the Supreme Court?

Mr. MERITT. Yes, sir.

Mr. NORTON. This same amount has been appropriated each year for several years?

Mr. MERITT. Yes, sir.

Mr. CARTER. This amount was appropriated for 8 or 10 years. Judge Stephens and Mr. Little, of Arkansas, I think, were the originators of this item in the bill. That was done up until the time when we had statehood. In the first year that we had statehood a bill was passed providing for the taxation of lands. You understand that all the lands in the entire east side of the State, consisting of about 40 counties, were nontaxable. Afterwards that law was taken to the Supreme Court of the United States, and the Supreme Court of the United States decided that we could not tax those lands.

Mr. NORTON. Under the enabling act?

Mr. CARTER. No, sir; under the treaty with the Indians which exempted them from taxation. When that was done the amount was restored to this bill. That has been the history of it.

The CHAIRMAN. The first appropriation we had was \$150,000.

Mr. MERITT. That appropriation has been as high as \$300,000.

Mr. NORTON. How do you pay the remaining expenses of the common schools?

Mr. MERITT. From taxation on other property, and lands are being sold and thereafter are taxable.

Mr. CARTER. The restrictions upon some of these lands have been removed, and as they are sold they become taxable.

Mr. CAMEBELL. Some Indians have their restrictions removed, but provision will have to be made for the full-bloods.

Mr. CARTER. This is used for payment of tuition in cases where Indian children attend white schools, is it not?

Mr. MERITT. That is the purpose of the appropriation.

Mr. CARTER. The Indians, of course, can go to the public schools without cost, but the Federal Government pays this money out in lieu of tuition.

The CHAIRMAN. Because the Indians are not paying anything by way of taxation.

Mr. CARTER. It also serves to keep down prejudice that might arise against the Indian who gets full benefit of the State schools without having his lands taxed.

Mr. NORTON. It is not paid in gross to the State, but by way of tuition for each pupil.

Mr. MERITT. It is paid out under regulations prescribed by the department, and if you would like it I would be glad to incorporate a copy of the regulations in the record.

The CHAIRMAN. It may be inserted at this point.

Mr. MERITT. The regulations referred to are as follows:

Regulations for the distribution of funds appropriated by act of August 1, 1914, as continued and made available by joint resolution of March 4, 1915, in aid of the common schools in Oklahoma.

1. The following regulations are hereby issued covering the distribution of moneys appropriated by the provision of the Indian appropriation act approved August 1, 1914 (38 Stats., 582, 599), which reads:

"The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Seminole, and Osage Nations, and the Quapaw Agency in Oklahoma, during the fiscal year ending June thirtieth, nineteen hundred and fifteen: *Provided*, That this appropriation shall not be subject to the limitation in section one of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood."

and which moneys are continued and made available for the fiscal year 1916 by joint resolution of March 4, 1915, which reads in part:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That all appropriations for the current and contingent expenses of the Bureau of Indian Affairs and for fulfilling treaty stipulations with various Indian tribes which shall remain unprovided for on June thirtieth, nineteen hundred and fifteen, are continued and made available for and during the fiscal year nineteen hundred and sixteen to the same extent, in detail, and under the same conditions, restrictions, and limitations for the fiscal year nineteen hundred and sixteen as the same were provided for on account of the fiscal year nineteen hundred and fifteen in the Indian appropriation act for that fiscal year. For all of such purposes a sufficient sum is appropriated out of any money in the Treasury not otherwise appropriated or out of funds to the credit of Indians as the same were respectively provided in the Indian appropriation act for the fiscal year nineteen hundred and fifteen:"

2. Deduction shall first be made from the entire amount appropriated of an estimated amount of \$10,000 to cover necessary expenses of administration. The balance, \$265,000, shall be distributed as follows:

3. In all public-school districts tuition shall be paid at the rate of 10 cents per day per pupil for the actual attendance of all Indian pupils of school age: *Provided*, That districts in which incorporated towns are located shall receive tuition only for the attendance of Indian children living within the district but without the corporate limits. Payments will be based upon reports from teachers certified by the clerk of the district. Such payments will be made December 31 and April 30, or as near said dates as may be practicable.

4. In all districts other than incorporated towns or cities, where a tax of 5 or more mills has been levied, sums (in addition to the tuition, if any, that may be paid to such districts) shall be paid, based upon the total monthly salaries of teachers and sufficient to enable such schools to maintain an eight-months term of school.

Such assistance may also be given to rural schools in districts which include an incorporated town or city where such schools are not within the corporate limits.

5. Separate or minority schools shall be assisted for a term equal to the term of assistance given majority schools in the same district, payments being based on the salaries paid the teachers in such minority schools. Tuition will not be paid.

6. Any balance of the appropriation remaining after distribution has been made or provided for in accordance with the foregoing paragraphs shall be distributed to districts other than incorporated towns or cities on a per capita basis in accordance with the State enumeration of all pupils of school age.

7. Payments shall be made to the treasurer of the county in which the districts are located, in accordance with State law, and vouchers, Form 5-335a, shall show the aggregate amount due the county on the different bases of payment, shall be certified by the county superintendent of schools, signed by the county treasurer as claimant, and approved by the supervisor in charge of the schools of the Five Civilized Tribes. Vouchers must be supported by schedules showing the amounts due the several districts, said amounts to be credited to the districts under the direction of the county superintendent.

8. No aid shall be extended to any district in which Indian children are enrolled if the State compulsory law is not enforced alike as to whites and Indians, or where Indian children are not accorded the same privileges, opportunities, and attention as the white children enrolled, where the right of inspection at any time by officers of the Indian Service is denied or where district officers fail to render promptly any reports required by the Commissioner of Indian Affairs or his representative, such as reports of the enumeration or attendance of Indian pupils.

9. Prior to any payments the supervisor in charge of the schools of the Five Civilized Tribes shall prepare a schedule showing all school districts to be assisted and also what payments it is proposed to make to each, in accordance with paragraphs 3, 4, and 5, hereof, and shall submit said schedule to the Commissioner of Indian Affairs for examination or consideration.

CATO SELLS, *Commissioner.*

OCTOBER 19, 1915.

Approved:

BO SWEENEY, *Assistant Secretary.*

Mr. CARTER. I have an amendment that I wish to present. I want to present it now because I want to get the views of the department on it. The amendment is as follows:

That the Secretary of the Interior is hereby authorized to pay the cost of maintenance during the current fiscal year of the tribal and other schools and to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe.

It is for the continuation of the tribal schools as they were continued until the comptroller made the decision that they could not be operated under the last year's appropriation.

Mr. MERITT. We can continue the tribal schools under the decision of the comptroller, but we are without authority to continue the mission schools that were previously provided for out of the tribal funds.

Mr. CARTER. And also the State schools that the Indian children attend?

Mr. MERITT. Yes, sir.

Mr. CARTER. For instance, at the Murray State School and the Durant Normal School there are quite a number of Indian pupils in attendance, and the tuition, as I understand it, can not be paid for them under the comptroller's decision, unless some such amendment as this is made. Those schools were provided for in the act of April 26, 1906, but we afterwards passed a provision in the Indian bill which prevented the expenditure of funds by the Interior Department for any purpose except where specifically provided. Originally we put in the language, "except schools," and then followed that by the provision, "for which provision is hereby made." It ran that way for a year or two, but the department, or somebody in the department, said that he did not think it necessary for us to do that, and the provision was dropped. The schools ran for one year that way, but in the second year the comptroller refused to pay.

Mr. MERITT. That amendment can be added as a proviso to the next item.

The CHAIRMAN. The next item is as follows:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$35,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection

with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the Act of Congress approved February nineteenth, nineteen hundred and twelve (Thirty-seventh United States Statutes at Large, page sixty-seven), and of the improvements thereon, which is hereby expressly authorized and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, That not to exceed \$10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June thirtieth, nineteen hundred and seventeen, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law. for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue and maintain schools during the ensuing fiscal year among the Choctaw, Chickasaw, Creek, and Seminole Tribes, payable from the tribal funds of these nations, pursuant to the Act of April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, pages one hundred and thirty-seven and one hundred and forty): *And provided further*, That the Secretary of the Interior is hereby empowered to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

Have you any justification for the part just read?

Mr. MERRITT. I offer the following justification for that item:

There are about 1,042,000 acres of land undisposed of in the Choctaw and Chickasaw Nations, classified as follows: 823,000 acres of timberland; 184,000 acres of the surface of the segregated coal and asphalt lands; 35,000 acres of unallotted land; the total area being divided into approximately 12,000 tracts.

Under a general extension granted by the department September 23, 1914, a vast number of payments will fall due in November and December, 1915, and January and February, 1916, which will necessitate much clerical work, as there are about 20,000 tracts of unallotted and timberlands, heretofore sold, on which only partial payments have been made. This character of work, also that of preparing for the sales, selling of the land, preparation of certificates of purchase, recording and delivery of deeds, requires accuracy and all possible care to avoid future complications.

A small amount of unallotted land remains undisposed of in the Creek, Cherokee, and Seminole Nations: 2,495 acres in the Creek Nation, two or three tracts in the Cherokee Nation, and one tract in the Seminole Nation.

It is difficult to sufficiently emphasize in writing the tremendous amount of work necessary in connection with unallotted land sales, collection of deferred payments, interest thereon, preparation of certificates of purchase, issuance of deeds, etc., and, as the unsold lands must be reoffered until they are finally disposed of, it is most urgently recommended that an appropriation of \$35,000 for this purpose be allowed, with not to exceed \$10,000 of such amount to be used in connection with the collection of rents, as provided therein.

Mr. MERRITT. We have a proviso here which was left out in the printing of this bill which reads as follows:

Provided further, That the Secretary of the Interior is hereby authorized to continue and maintain schools during the ensuing fiscal year among the Choctaw, Chickasaw, Creeks, and Seminole Tribes, payable from the tribal funds of these nations, pursuant to the act of April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, pages one hundred and thirty-seven to one hundred and forty): *And provided further*, That the Secretary of the Interior is hereby empowered to expend funds of the Chicka-

saw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

If this amendment is to go in it would appear to enlarge the first proviso, but we would like to have the second proviso so as to use funds for maintaining the tribal schools.

Mr. CAMPBELL. Does your proviso cover the amendment offered or suggested by Mr. Carter?

Mr. MERITT. No, sir; our proviso would only cover the tribal Indian schools now being conducted, which the comptroller has held we can continue up to next July.

Mr. CAMPBELL. Then that should be made a part of your first proviso.

Mr. MERITT. It might well be made a part of that; yes, sir; and then we would want the second proviso so as to use tribal funds for keeping in repair the tribal buildings.

Mr. CARTER. How many children are there of school age in the Five Civilized Tribes?

Mr. MERITT. Between 20,000 and 30,000, probably 25,000.

Mr. CARTER. During the year 1915 how many Indian children of the Five Civilized Tribes were provided for by the Government?

Mr. MERITT. In public schools and tribal schools?

Mr. CARTER. I mean how many did the Government itself provide for with everything, including this appropriation of \$275,000. The Secretary shows that in his annual report, I think.

Mr. MERITT. We have figures here showing that there are eligible for attendance in the Five Civilized Tribes about 25,000 Indian children.

Mr. CARTER. How many of those are in the public schools?

Mr. MERITT. There are 17,998.

Mr. CARTER. How many in other schools not paid for by the Government?

Mr. MERITT. In mission and private schools 547, according to this table in the commissioner's annual report.

Mr. CARTER. The report of the Secretary of the Interior shows that the Government provided for the education of less than 3,000 Indian children of the Five Civilized Tribes and there are about 25,000 of school age, if my recollection is correct.

Mr. MERITT. There were about 1,400 Indian children provided for in the mission schools by the Government.

Mr. CARTER. All told?

Mr. MERITT. Yes, sir; according to the figures I have here.

The CHAIRMAN. Mr. Meritt, suppose you consider these two provisos and furnish us with a redraft of the items so that they will harmonize with the intent of both amendments.

Mr. MERITT. In compliance with your request the following draft is submitted:

That the Secretary of the Interior be, and he is hereby authorized to use not exceeding \$35,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Con-

gress approved February nineteenth, nineteen hundred and twelve (Thirty-seventh United States Statutes at Large, page sixty-seven), and of the improvements thereon; which is hereby expressly authorized and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes: *Provided*, that not to exceed \$10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings: *Provided further*, That during the fiscal year ending June thirtieth, nineteen hundred and seventeen, no moneys shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries not exceeding those for the last fiscal year, and attorneys for said tribes employed under contract approved by the President under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to pay the cost of maintenance during the current fiscal year of the tribal and other schools and to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe: *And Provided further*, That the Secretary of the Interior is hereby empowered to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations, available for school purposes under existing law, for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

The CHAIRMAN. The next item is as follows:

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article two, treaty of November sixteenth, eighteen hundred and five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$3,000; for permanent annuity for support of light-horsemen (article thirteen, treaty of October eighteenth, eighteen hundred and twenty, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$600; for permanent annuity for support of blacksmith (article six, treaty of October eighteenth, eighteen hundred and twenty, and article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$600; for permanent annuity for education (article two, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$6,000; for permanent annuity for iron and steel (article nine, treaty of January twentieth, eighteen hundred and twenty-five, and article thirteen, treaty of June twenty-second, eighteen hundred and fifty-five), \$320; in all, \$10,520.

What justification have you for this item?

Mr. MERITT. These are treaty items, and I offer the following justification:

Fulfilling treaties with Choctaws, Oklahoma.

| | |
|--|---------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10, 520. 00 |
| Fiscal year ended June 30, 1915: | |
| Unexpended balance from previous years..... | 21, 040. 00 |
| Amount appropriated..... | 10, 520. 00 |
| Unexpended balance..... | 31, 560. 00 |

Fulfilling treaties with Choctaws, Oklahoma.

This appropriation is for the total amount of perpetual annuities allowed the Choctaw Tribe in annual appropriations heretofore made.

The CHAIRMAN. The next item is as follows:

For maintenance of the sanatorium for the Choctaw and Chickasaw Indians, for incidental and all other expenses for its proper conduct and management,

including pay of employees, repairs, improvements, and for necessary expense of transporting Indians suffering with tuberculosis and trachoma to and from said sanatorium, \$20,000.

What justification do you offer for this item?

Mr. MERITT. We offer the following justification, Mr. Chairman:

A hospital is now being constructed in the vicinity of Talihina, Okla., for the benefit of the Choctaw and Chickasaw Indians, which it is believed will be completed some time during the present fiscal year. The building has a capacity of 65, and it is expected to do general surgery, as well as tuberculosis and trachoma work.

For the maintenance of the institution, for incidental and all other expenses for its proper conduct and management, including pay of employees, repairs, improvements, and necessary expenses of transportation of sick Indians, \$20,000 is asked, which is believed to be a very conservative estimate. In this connection it should be considered that this institution, being a new one, is without the balance of supplies remaining from last year, and the initial expenditure must be proportionately greater. The institution is not stationed at an agency or a school, and therefore all the facilities must be supplied, the cost of which must be paid from the appropriation.

There has been a long-felt want in Oklahoma in the matter of hospital accommodations, and it is expected that the hospital herein referred to will be of great assistance in supplying that need.

I might state, Mr. Carter, that we made the change in the plans in the construction of that hospital in compliance with your suggestion, and it has necessitated a small increase in the cost.

Mr. CARTER. I thought that would perhaps make the cost less. What I suggested was that sleeping porches be used instead of rooms.

Mr. MERITT. And there was also a change made in connection with the lighting system. We will submit an item to the Appropriations Committee to cover that cost.

Mr. CARTER. Did you make any provision about building little individual houses for the patients?

Mr. MERITT. We built sleeping porches and probably there were small individual houses built, but it will be necessary to get this small additional increase in the cost of the hospital through the Appropriations Committee, and I thought I would call your attention to it at this time.

Mr. CARTER. This item does not provide for any construction work, does it? This only provides for maintenance?

Mr. MERITT. This is for maintenance. We would like to have the word "equipment" after the word "repairs," and also after the words "twenty thousand dollars" the words "to be immediately available," because this hospital is now almost completed, and it will be completed before the beginning of the fiscal year and we would like to open it as early in the year as practicable.

Mr. CARTER. Whatever extra expense is necessary in the building of that sanatorium ought to be taken out of tribal funds and not out of the Treasury. The understanding, as reported to me, was that the sanatorium should be built from tribal funds and maintained by the Government.

THE CHAIRMAN. It was built at the request of the tribe.

Mr. MERRITT. Yes, sir; and the request for legislation to go into the urgent deficiency bill will make it payable out of tribal funds.

Mr. CARTER. And the cost of maintenance will be paid out of Federal funds?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Is this one of the 12 new hospitals we provided for?

Mr. MERITT. This is not included in the 12. This is a special hospital for the Choctaws and Chickasaws.

Mr. NORTON. Has this sanatorium been built?

Mr. MERITT. It is in course of completion and will be completed early this spring.

The CHAIRMAN. What language do you suggest there?

Mr. MERITT. After the word "repairs" we would like to have added the word "equipment," and after "\$20,000" we would like to have the words "to be immediately available."

Mr. CARTER. Do you not think the cost of the equipment ought to come out of the tribal funds?

Mr. MERITT. There will only be a few additional things necessary to equip the hospital. It will be practically equipped when completed.

The CHAIRMAN. The next item is as follows:

For salaries and expenses of six oil and gas inspectors and necessary office and field assistants, to supervise oil and gas mining operations on allotted and tribal lands in the State of Oklahoma from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, \$25,000.

What justification have you to offer for this item?

Mr. MERITT. Mr. Chairman, we offer the following justification:

Oil and gas inspectors, Five Civilized Tribes, Oklahoma.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$25,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 25,000.00 |
| Amount expended..... | 11,826.03 |
| <hr/> | |
| Unexpended balance..... | 13,173.97 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc..... | 7,836.41 |
| Traveling expenses..... | 2,563.31 |
| Telegraph and telephone service..... | 42.89 |
| Printing, binding, and advertising..... | 210.11 |
| Stationary and office supplies..... | 593.62 |
| Equipment, material, etc..... | 407.19 |
| Rent..... | 172.50 |
| <hr/> | |
| Total..... | 11,826.03 |

The necessity for this appropriation is no less apparent for 1917 than it was for the fiscal year 1916. Considering that Oklahoma is now the second largest oil field in the United States, in the matter of production, and first in the production of high-grade oil, and that approximately 25 per cent of the area of the eastern half of Oklahoma is restricted land, it is particularly important, in behalf of restricted Indians, that their oil and gas rights shall be conserved for their use and benefit in the most effective manner possible.

When this work was inaugurated the operators were generally doubtful of the practicability of the bureau's efforts. Complaints were often made to the effect that while the methods advocated by the bureau were admittedly correct in principle, that unless operators on commercial lands were compelled to use similar methods, it would work an unusual hardship on the departmental lessees. This objection has been overcome during the past year by the State of Oklahoma passing laws giving the corporation commission power to enact regulations governing operations on commercial lands, and it is proposed to make the department regulations conform to the State regulations, so far as

practicable. The department and the Corporation Commission of Oklahoma are working in accord in an effort to enforce effective and uniform regulations.

Realizing that it was necessary to convince the operator of the loss involved by continuance of existing conditions, sketches were made showing actual cases where wells have been improperly cased, and the resulting underground wastes or losses caused by the lack of uniformity in the casing of the wells. This condition permitted gas to escape into barren measures, and water to prematurely enter both oil and gas sands. We have been able to demonstrate and convince operators that their methods of casing wells in many instances have been faulty, and were responsible for large losses measurable in dollars and cents. We have, during the year, succeeded in overcoming the local prejudice, and gaining the confidence of the operators; and the advice of the inspectors is frequently sought. Furthermore, the executive committee representing five of the independent producers' organizations of Oklahoma, the membership of which consists of a large majority of the operators in the State, have expressed favorable views of the practical results obtained by the bureau in its efforts, and are cooperating with the department. Recently, the operators of the new Ada field have applied to the chief inspector, asking him to select a man for inspector in that field, this man to work under the chief inspector's supervision, and all expenses and salary to be paid by the operators.

The inspectors have successfully handled every case brought to their attention during the past year. Realizing that the fresh water supply will be one of the valuable assets after the oil and gas have been exhausted, the inspectors have also given attention to the protection of fresh-water supplies, preventing their contamination by salt water or oil and gas. We have also given some consideration to the drilling of oil wells through coal measures in order that entrance of gas into the coal mines, and the possibility of explosion, with the accompanying loss of life, might be prevented.

In order that this work may not be limited to the Five Civilized Tribes, but extended to all restricted lands in Oklahoma, and also be of practical assistance to the operators on commercial lands; and in order that the work of the inspectors may not be delayed and handicapped by lack of clerical and other necessary assistance, a slight alteration has been made in the wording of this item.

You will observe, Mr. Chairman, we are broadening the scope of this work so as to include other reservations outside of the Five Civilized Tribes but in the State of Oklahoma. Oil has been discovered on other reservations besides the lands of the Five Civilized Tribes. This appropriation has been very helpful in conserving the gas supply. There was a very large amount of gas going to waste. It has also resulted in improving the operations of the oil men.

Mr. CARTER. Who are these inspectors, Mr. Meritt?

Mr. MERITT. They are civil-service employees, Mr. Carter, and one of the requirements was that they should have had practical experience in oil and gas operations.

Mr. CARTER. What are their names?

Mr. MERITT. The following list gives the information requested:

| | Salary. | | Salary. |
|-----------------|----------|---------------------|----------|
| Carl H. Beal | \$2, 160 | George W. McPherson | \$2, 500 |
| Wm. F. McMurray | 3, 000 | John C. Fowler | 2, 500 |
| Harry D. Aggers | 2, 500 | Louis W. Courtney | 2, 500 |

Mr. CARTER. What are they paid?

Mr. MERITT. About \$2,500 a year.

Mr. CARTER. And their expenses?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Do they put in all of their time on this work?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They are regular Government employees?

Mr. MERITT. Yes, sir. They are operating under the directions of the Bureau of Indian Affairs and the Bureau of Mines and under the general direction of the Secretary of the Interior.

The CHAIRMAN. The next item is as follows:

That the Secretary of the Interior is hereby authorized to acquire on behalf of the Choctaw Nation, Okla., by purchase or otherwise, such lands or easements as shall be necessary for the purpose of a roadway leading from Wheelock Academy, Choctaw Nation, Okla., to the public highway, and to expend therefor not to exceed \$150 from Choctaw tribal funds.

What justification have you to offer for this item?

Mr. MERITT. I offer for the record the following justification:

At the present time there is no right-of-way opening to the land occupied by the Choctaw tribal school known as Wheelock Academy. Access from such land to the highway has been secured by lease from owners of adjoining property. This situation is unsatisfactory, and would probably affect the value of the property were it offered for sale. Authority of law does not appear to exist for acquirement of such right of way either by purchase of property or through condemnation proceedings. The item proposes an expenditure of \$150 from funds of the Choctaw Nation for the property mentioned.

The CHAIRMAN. The next item is as follows:

That no farming or grazing lease executed by a member or members of the Five Civilized Tribes covering lands from which restrictions upon alienation have not been removed shall be valid unless approved by some officer or officers located in the State of Oklahoma designated by the Secretary of the Interior for that purpose, under such rules and regulations as he may prescribe: *Provided*, That all such leases shall be either approved or disapproved by the officer or officers designated by the Secretary of the Interior for that purpose within 30 days after said leases shall have been completed and filed with the officer subject to whose approval the lease is executed.

What justification do you offer for this item?

Mr. MERITT. I offer for the record the following justification:

Section 2 of the act of Congress of May 27, 1908 (35 Stat. L., 312), provides: "That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years without the privilege of renewal. *Provided*, That * * * leases of restricted homesteads for more than one year and leases of restricted lands for periods of more than five years may be made with the approval of the Secretary of the Interior under rules and regulations provided by the Secretary of the Interior, and not otherwise. * * *"

This authority was given the Indians on the theory that they would materially profit by the experience to be gained in leasing their lands without supervision. Actual practice, however, has demonstrated that to a great majority of Indians the authority has proved detrimental. Many of them, through lack of business experience and forethought, have leased their lands to the first party who came along, at an inadequate rental, usually cash in advance. When they needed further cash they would execute another lease to take effect after the expiration of the first one. In this manner the lands, both homesteads and surplus, are tied up for a long period of time, and it is impossible to negotiate a desirable sale at even approximately the real value of the land. On the other hand, the Indian has received the cash rental and expended it for living purposes, and having no further income is thrown on his relatives and friends for support.

Through this method of leasing, the lands fall into the hands of speculators and grafters and are subleased by them to farmers for three or four times the amount of rental received by the Indians. This practice of subleasing brings a class of tenants into the Indian country who because of the uncertainty of their tenure take very little care of the land and improvements, their aim being to get as much as possible out of the leased property during their term. The improvements put by them on the allotments are of a temporary character, and in the end the Indian has little or nothing to show for his leasing, and the experience gained is of very doubtful benefit.

It is believed that if the leasing of restricted Indian allotments were put under the control of this department with authority to extend the privilege of leasing their allotments without supervision to such of the Indians who prove themselves competent, the interests of the Indians would be better safeguarded. The results would be that the allotments would be leased to bona fide farmers for an adequate rental, and the lands cultivated in accordance with approved methods and thereby increased in value.

Mr. Chairman, if this legislation were enacted it would cure one of the greatest abuses now practiced in the State of Oklahoma in regard to the handling of lands of Indians. Under existing law Five Tribes Indians can lease, without departmental approval, the surplus lands, and it is practically impossible under that law at this time to sell the surplus lands belonging to an Indian, because every time we advertise these lands for sale some land speculator, or, as some term them, land grafters, will get a lease for a small consideration and will prevent this Indian from selling his land, and he will have this land leased from year to year and they will pile one lease on top of another, and as a result the Indian is deprived of the use of the land, and is also unable to sell it. We would like very much to get this legislation, and if we can not get it in the Indian bill we would like to get it in the omnibus bill.

The CHAIRMAN. The next item is as follows:

OREGON.

SECTION 21. For support and civilization of Indians of the Klamath Agency, Oregon, including pay of employees, \$6,000.

What justification have you for this item?

Mr. MERITT. I offer for the record the following justification:

Support of Indians of Klamath Agency, Oreg.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$6,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 6,000.00 |
| Amount expended..... | 6,280.63 |
| <hr/> | |
| Overdrawn..... | 280.63 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|----------|
| Salaries, wages, etc..... | 5,099.00 |
| Transportation of supplies..... | 99.31 |
| Telegraph and telephone service..... | 4.87 |
| Forage..... | 120.00 |
| Fuel..... | 813.50 |
| Equipment, material, etc..... | 143.95 |
| <hr/> | |
| Total..... | 6,280.63 |

This appropriation is required for the administration of the affairs of the Indians at Klamath Agency, numbering 1,121. The Klamath Reservation covers more than 1,000,000 acres, allotted and unallotted, including 790,000 acres of timber, valued at \$23,700,000. The extent of the reservation and the oversight of the valuable timber interest materially add to the cost of its maintenance.

The CHAIRMAN. The next item is as follows:

For support and civilization of the confederated tribes and bands under Warm Springs Agency, Oregon, including pay of employees, \$4,000.

Mr. MERITT. I offer the following justification:

Support of Indians of Warm Springs Agency, Oreg.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 4,000.00 |
| Amount expended..... | 3,999.36 |
| | <hr/> |
| Unexpended balance..... | .64 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|----------|
| Salaries, wages, etc..... | 2,119.00 |
| Traveling expenses..... | 149.75 |
| Telegraph and telephone service..... | 23.57 |
| Subsistence supplies..... | 396.68 |
| Forage..... | 562.69 |
| Fuel..... | 151.70 |
| Medical supplies..... | 193.16 |
| Equipment, material, etc..... | 402.81 |
| | <hr/> |
| Total..... | 3,999.36 |

This appropriation is required for the administration of the affairs of 742 Indians at Warm Springs Agency, being used to cover the pay of a clerk and blacksmith, part pay of a physician, and for general-support items.

The CHAIRMAN. The next item is as follows:

For support and civilization of the Indians of the Umatilla Agency, Oregon, including pay of employees, \$3,000.

Mr. MERITT. The following justification is submitted:

Support of Indians of Umatilla Agency, Oreg.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$3,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1916: | |
| Amount appropriated..... | 3,000.00 |
| Amount expended..... | 2,940.00 |
| | <hr/> |
| Unexpended balance..... | 60.00 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|----------|
| Salaries, wages, etc..... | 2,940.00 |
|---------------------------|----------|

This appropriation is used for the salaries of persons necessarily employed for the transaction of the business and oversight of the interests of the Indians at Umatilla, numbering 1,110. It is the only support item for this agency.

The CHAIRMAN. The next item is as follows:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oregon, including pay of superintendent, \$102,300; for general repairs and improvements, \$15,000; for remodeling sewer system, \$5,000; in all, \$122,300.

Mr. MERITT. The following justification is offered, Mr. Chairman:

Indian School, Salem, Oreg.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$102,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 102,000.00 |
| Amount expended..... | 98,768.83 |
| | <hr/> |
| Unexpended balance..... | ¹ 3,231.17 |

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

ANALYSIS OF EXPENDITURES.

| | |
|---|------------------|
| Salaries, wages, etc..... | \$38,482.91 |
| Traveling expenses..... | 74.10 |
| Transportation of supplies..... | 50.60 |
| Telegraph and telephone service..... | 187.42 |
| Printing, binding, and advertising..... | 24.40 |
| Subsistence supplies..... | 22,399.96 |
| Dry goods, clothing, etc..... | 18,159.19 |
| Forage..... | 160.05 |
| Fuel..... | 10,846.68 |
| Stationary and office supplies..... | 181.85 |
| Educational supplies..... | 1,212.32 |
| Medical supplies..... | 442.28 |
| Equipment, material, etc..... | 6,071.54 |
| Seed and plants..... | 407.60 |
| Rent of picture films..... | 53.00 |
| Miscellaneous..... | 14.93 |
| Total..... | 98,768.83 |

Indian school, Salem, Oreg., repairs and improvements.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$12,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 12,000.00 |
| Amount expended..... | 11,626.67 |
| Unexpended balance..... | ¹ 373.33 |

ANALYSIS OF EXPENDITURES.

| | |
|--|-----------|
| Repairs (to plant)..... | 11,626.67 |
| Appropriation of \$10,000 in 1915 act for assembly hall, \$25 of which was expended during the year. | |

Statistical statement for year ending June 30, 1915.

| | |
|--|-----------------------|
| Value of school plant—real property..... | \$293,065 |
| Number of buildings..... | 65 |
| Number of employees..... | 51 |
| Average attendance of pupils..... | 544 |
| Enrollment..... | 776 |
| Capacity..... | 650 |
| Cost per capita based on enrollment..... | ² \$150 |
| Cost per capita based on average attendance..... | ² \$213.50 |
| Area of school land (acres)..... | 441 |
| Area of school land (acres cultivated)..... | ³ 160 |
| Value of products of school..... | \$15,327 |

Superintendent's estimate of absolute needs for 1917:

| | |
|-------------------------------|----------------|
| Support..... | \$102,000 |
| Repairs and improvements..... | 20,000 |
| New buildings..... | 10,000 |
| Total..... | 132,000 |

Amount requested in proposed bill:

| | |
|---|----------------|
| Support and education of 600 Indian pupils at the Salem Indian School, Chemawa, Oreg., and superintendent's salary..... | 102,300 |
| Repairs and improvements..... | 20,000 |
| Total..... | 122,300 |

¹This includes \$8,363.25 used in the transportation of pupils, and \$9,054.29 in the transportation of goods and supplies. There was also expended \$2,659.61, "Miscellaneous receipts, Class IV."

²This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

³This does not include 70 acres in pasture.

| | Salaries. | | Salaries. |
|--|-----------|---|-----------|
| Superintendent ----- | \$2, 100 | Assistant matron ----- | \$540 |
| Assistant superintendent and principal ----- | 1, 600 | Instructor in mechanical drawing and woodwork ----- | 840 |
| Clerk ----- | 1, 100 | Nurse ----- | 720 |
| Do ----- | 840 | Seamstress ----- | 660 |
| Do ----- | 720 | Assistant seamstress ----- | 540 |
| Do ----- | 600 | Laundress ----- | 540 |
| Physician ----- | 1, 200 | Assistant laundress ----- | 420 |
| Disciplinarian ----- | 900 | Baker ----- | 600 |
| Assistant disciplinarian ----- | 720 | Cook ----- | 600 |
| Teacher ----- | 750 | Assistant cook ----- | 420 |
| Do ----- | 720 | Hospital cook ----- | 480 |
| Do ----- | 690 | Carpenter ----- | 900 |
| Do ----- | 660 | Assistant carpenter ----- | 720 |
| Do ----- | 630 | Tailor ----- | 800 |
| Do ----- | 660 | Shoe and harness maker ----- | 780 |
| Do ----- | 600 | Blacksmith ----- | 800 |
| Do ----- | 600 | Gardener ----- | 800 |
| Do ----- | 600 | Engineer ----- | 1, 100 |
| Teacher of agriculture ----- | 1, 000 | Assistant engineer ----- | 720 |
| Industrial teacher ----- | 720 | Dairyman ----- | 720 |
| Domestic science teacher ----- | 660 | Printer ----- | 1, 000 |
| Matron ----- | 840 | Painter ----- | 720 |
| Assistant matron ----- | 600 | Laborer ----- | 720 |
| Do ----- | 600 | Do ----- | 500 |
| Do ----- | 600 | | |
| Do ----- | 600 | | |
| Do ----- | 580 | | |
| | | Total ----- | 38, 530 |

The bill proposes an appropriation of \$102,300 for the support and education of 600 pupils, which also includes the amount of the superintendent's salary, and \$20,000 for repairs and improvements.

The first amount is based upon the same data and requirements as the amount authorized for the fiscal year 1915, and the fact that it is \$300 more than that sum arises because, through an error in computation, the act of August 1, 1914, lacked \$300 of providing for the superintendent's salary as then established and still maintained at \$2,100. There is no change in this salary, and that it may be correctly included, as occurs in appropriations for all other nonreservation schools, is the only reason for inserting the additional \$300.

The item of \$20,000 for repairs and improvements is a conservative estimate of the sum needed to place the school plant in good condition.

The school was organized in 1880, at Forest Grove, Oreg., and removed in 1884 to its present site. It is now a large institution with varied activities, having 65 buildings, all of which are of frame construction except 11, and for the latter reason the cost for repairs is perhaps proportionately higher than at some plants where brick or stone is largely used.

For each of the fiscal years 1915 and 1916 this school was allowed \$12,000 for repairs and improvements and has not been able to add some very much-needed improvements after taking care of the repairs absolutely necessary.

The superintendent urges provisions in the near future for the following essential items:

| | |
|--|----------|
| Fittings, hardware, etc. ----- | \$1, 000 |
| Concrete storage room for oil, paints, etc. ----- | 1, 000 |
| Remodeling sewer system by enlarging from 8 to 16 inches, capacity to meet the needs of the increased attendance ----- | 5, 000 |
| Material for repairing employees' building, built in 1886 and not repaired for 11 years ----- | 1, 000 |
| Replacing the present damaged, clogged, and inadequate 10-inch tile by an open ditch from the septic tank to the main outlet ----- | 2, 500 |
| Repairing the school office, employees' mess building, and reroofing dormitories and employees' cottages ----- | 2, 000 |
| Material and labor for relaying water mains and connections ----- | 1, 000 |
| Lumber for general annual and some special repairs to the various school buildings ----- | 3, 000 |

| | |
|---|---------------|
| Miscellaneous repairs to buildings and property----- | \$2,000 |
| Equipment, washing machine and drier for the laundry----- | 800 |
| A new lathe for the plumbers' shop----- | 700 |
| Total ----- | 20,000 |

This is a strictly nonreservation school, located on 441 acres of Government land at Chemawa, Oreg., with 160 acres in cultivation. The attendance is among the larger of the Indian schools, including a considerable number of native Alaskan pupils. The literary and academic departments are well organized and special attention is given to all the important features of industrial training for both boys and girls.

The CHAIRMAN. I would like to ask you one question. On line 24, page 81, the language is: "Including native pupils brought from Alaska." Should not that be "native Indian pupils"?

Mr. MERITT. We only receive native Indian pupils from Alaska at the school. We would have no objection to the insertion of those words.

The CHAIRMAN. They are making quite an effort to get a lot of people in the Indian schools from Alaska that I do not think are entitled to go in the schools.

Mr. MERITT. We would like very much to have the new item for remodeling the sewer system, \$5,000. The sewer system at this school is now entirely inadequate. The plant has been increased in the last few years, and the sewer system is old and it is really detrimental to the health of the pupils, and a new sewer system is one of the imperative needs of the school.

Mr. CARTER. What is the necessity for the increase of \$300 in the item for support and education?

Mr. MERITT. That was to make a total of \$167 plus the salary of the superintendent.

Mr. CARTER. You can get along without that?

Mr. MERITT. Yes, sir; we will get along without that, but we wanted to make it uniform.

Mr. CARTER. There is another increase there for repairs and improvements of \$3,000.

Mr. MERITT. We have quite a large number of buildings at this school.

The CHAIRMAN. Does not your justification include that?

Mr. MERITT. Yes, sir. We have 65 buildings at the school, and a good many of them are old, and the needed repairs at these large schools are increasing.

The CHAIRMAN. The next item is as follows:

For support and civilization of Indians at Grande Ronde and Siletz Agencies, Oregon, including pay of employees, \$4,000: *Provided*, That section three of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation in the State of Oregon," approved May thirteenth, nineteen hundred and ten, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That when such lands are surveyed and platted they shall be appraised and sold, except land reserved for water-power sites as provided in section two of this act, under the provisions of the Revised Statutes covering the sale of town sites located on the public domain. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expense incurred in carrying out the provisions of this act, in the discretion of the Secretary of the Interior, may be paid to or expended for the benefit of the Indians entitled thereto in such manner and for such purposes as he may prescribe.

Mr. MERITT. We offer for the record the following justification, Mr. Chairman:

Support of Indians of Grande Ronde and Siletz Agencies, Oreg.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 4,000.00 |
| Amount expended..... | 3,894.88 |
| <hr/> | |
| Unexpended balance..... | 105.12 |

ANALYSIS OF EXPENDITURES.

| | |
|---|----------|
| Salaries, wages, etc..... | 2,088.00 |
| Traveling expenses..... | 194.40 |
| Transportation of supplies..... | 28.75 |
| Telegraph and telephone service..... | 24.00 |
| Subsistence supplies..... | 701.27 |
| Fuel..... | 220.67 |
| Medical supplies..... | 238.59 |
| Equipment, material, etc..... | 275.20 |
| Hospital expenses and care of Indian..... | 124.00 |
| <hr/> | |
| Total..... | 3,894.88 |

This appropriation is required for the use of the agency at Siletz in administering the affairs of the Indians of the Siletz and the Grand Ronde Reservations, having a combined population of 426. The salaries of a clerk and physician are paid from this fund and the balance used for general purposes, including a relatively large sum for subsistence due to the necessity of supporting a number of old, indigent Indians.

Mr. CAMPBELL. I presume the word "construction" at the beginning of that item should be "instruction"?

Mr. MERITT. No; that is a typographical error, and that word should be left out entirely.

The CHAIRMAN. The next item is as follows:

For construction, maintenance, and operation of the Modoc Point irrigation system within the Klamath Indian Reservation, in the State of Oregon, \$20,000, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and eleven: *Provided*, That the limit of cost of said project fixed by the act of August twenty-fourth, nineteen hundred and twelve, is hereby changed from \$155,000 to \$170,000.

Mr. MERITT. I offer the following justification, Mr. Chairman:

Maintenance and operation, Modoc Point irrigation system, Klamath Reservation, Oreg. (reimbursable).

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$4,740.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 4,740.00 |
| Received from sale of powder to United States Reclamation Service..... | 162.29 |
| <hr/> | |
| Amount expended..... | 4,902.29 |
| <hr/> | |
| Unexpended balance..... | 2,636.23 |
| <hr/> | |
| Unexpended balance..... | 2,266.06 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-------------------|
| Salaries, wages, etc..... | \$2, 047. 91 |
| Traveling expenses..... | 70. 55 |
| Transportation of supplies..... | 123. 65 |
| Telegraph and telephone service..... | 3. 26 |
| Forage..... | 65. 36 |
| Fuel..... | 52. 00 |
| Equipment, material, etc..... | 163. 51 |
| Seed..... | 57. 47 |
| Team hire..... | 52. 52 |
| Total..... | 2, 636. 23 |

Klamath Reservation, Modoc Point project.

Indian tribes: Pitt River, Klamath, Modocs. Paiute.

| | |
|--|----------------|
| Number of Indians..... | 1, 145 |
| Area of reservation, acres..... | 1, 019, 176 |
| Area irrigable from completed work, acres..... | 4, 000 |
| Area actually irrigated, acres..... | 200 |
| Area farmed by Indians, acres..... | 200 |
| Area farmed by lessees..... | None. |
| Area farmed by white owners..... | None. |
| Area of whole project, acres..... | 6, 340 |
| Cost of irrigation construction..... | \$189, 317. 53 |
| Cost of irrigation, maintenance, and miscellaneous..... | \$12, 678. 18 |
| Estimated additional cost of completed project..... | \$15, 000. 00 |
| Estimated total cost of completed project, per acre..... | \$34. 35 |
| Average value of irrigated land, per acre..... | \$75. 00 |
| Average annual precipitation in inches..... | 15 |

Source of water supply: Sprague River.

Market for products: Local (good).

Distance from railroad: Through project.

In addition to the amount appropriated for maintenance and operation it is recommended that the above sum be appropriated for the completion of the project, to construct laterals to the high point of each allotment, and the necessary farm take outs and structures. This will require 15 miles of small laterals and 100 structures; also, to properly drain the land, will require 7 miles of small drains down near the level of Upper Klamath Lake.

These Indians are making good use of the irrigation facilities furnished them, and the completion of the project will tend to encourage them in their efforts.

Most of the work included in this estimate is for construction not originally contemplated in the plans upon which legislation was based authorizing the work. This, however, is found to be necessary to permit the Indians making proper progress in farming.

The Indians under this project are making a remarkable showing and should have all encouragement possible, so that their efforts in agricultural pursuits may be successful. In order that they may devote all their time and present funds to clearing and breaking their land, \$5,000 should be provided for the operation and maintenance of the irrigation system for the fiscal year.

The CHAIRMAN. What additional statement do you desire to go in the record?

Mr. MERITT. I would be glad to have Mr. Reed make an additional statement.

The CHAIRMAN. I notice there is quite an increase in this item.

Mr. REED. That is for an extension beyond what was contemplated in the first act. It was not contemplated at the beginning to carry the laterals or the sublaterals to the Indians' land, but to carry them as they do in most white cases. It was found impracticable to do that. The Indians have to be led up to it, and if you leave the water

even a quarter of a mile or half a mile or a mile away from them, while it requires very little work, to be sure, yet they do not take to that so kindly, and prefer to have it brought to their land. Perhaps the main lateral passes through another Indian's land and he gets water without any effort, and another Indian will therefore raise objection or puts in a plea that it should be brought to his land in the same way. In addition to that there is some drainage that is necessary, which was not considered necessary at the beginning. There is a portion of the land that lies in such a way that if it is not drained immediately it will begin to waterlog and will cost considerably more at a later date. It is considered advisable to do that work at the very beginning.

The CHAIRMAN. There is quite a body of that land waterlogged already, and you have done a lot of work to remove that by digging a system of ditches. How have you succeeded with that work?

Mr. REED. Fairly well. The land drains fairly well. Quite a bit of this land is made up of a sort of peat, which drains out fairly well. Of course, at the same time it is draining it is settling slightly and compacts, but we have every indication now of a success along those lines.

The CHAIRMAN. How many Indians do you think this appropriation would benefit?

Mr. REED. This could be said to apply to the whole Modoc Point system, because it is for the sublateral system and would benefit practically every user of water there.

The CHAIRMAN. Would it tend to take off the water standing on a large body of waterlogged land, as you term it?

Mr. REED. No; there is no large body of land there that could be reclaimed, but there are some small bodies.

The CHAIRMAN. What is the size of this Modoc Point tract?

Mr. REED. A little over 6,000 acres.

The CHAIRMAN. And this will take the standing water off of those 6,000 acres?

Mr. REED. Yes, sir; off of the portions that are low.

Mr. NORTON. How much of this land is farmed?

Mr. REED. The project was just completed at the end of this season, and only a very small portion of it was put in. They are plowing or did plow a great deal this fall preparatory to farming it in the spring. It is a new project.

Mr. NORTON. How much did they plow?

Mr. REED. I can not tell you that without looking at the reports. The reports show quite a good deal of activity.

Mr. NORTON. As much as 100 acres?

Mr. REED. Yes, sir; several hundred acres.

Mr. CARTER. A thousand?

Mr. REED. Yes, sir; I should judge so.

Mr. NORTON. How many acres under the project have been under irrigation?

Mr. REED. Six thousand four hundred, in round numbers.

Mr. NORTON. It appears from the report that there were only 200 acres farmed?

Mr. REED. Four hundred acres, I think it is here; but that was because it was not completed this year. It says that there were on the 1st of July 200 acres under cultivation, but they got in about 200

acres more following that, and then in the fall they have been plowing.

Mr. NORTON. How many acres under this project are farmed by the whites?

Mr. REED. Not any. There may be in time, but it is all allotted land.

Mr. NORTON. Who were the lessees who farmed 200 acres last year?

Mr. REED. It does not show in my book that there were any lessees. It says here that the land was farmed by the Indians. I went over it this fall, and I do not remember seeing any land farmed by lessees, unless it was one Indian who leased from another.

Mr. NORTON. The report says that there were 200 acres farmed by Indian farmers and 200 acres by lessees?

Mr. REED. My report does not show any lessees.

Mr. MERITT. The report shows 200 acres actually irrigated and 200 acres farmed by Indians and none by white lessees.

Mr. NORTON. Then I am in error in reading the statement.

The CHAIRMAN. Would not the expenditure of \$15,000 be a permanent and valuable improvement to the land?

Mr. REED. Yes, sir.

The CHAIRMAN. Consequently, the benefit would follow the land, whether it was farmed by the tenant or the owner?

Mr. CARTER. Do I understand that this \$15,000 additional is to be used for lateral ditches and for drainage?

Mr. REED. Yes, sir.

Mr. CARTER. For those two purposes only?

Mr. REED. Yes, sir.

The CHAIRMAN. The next item is:

PENNSYLVANIA.

SEC. 22. For support and education of Indian pupils at the Indian school at Carlisle, Pennsylvania, including pay of superintendent, \$132,000; for general repairs and improvements, \$20,000; in all, \$152,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Indian School, Carlisle, Pa.

| | |
|--|----------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$132, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 132, 000. 00 |
| Amount expended..... | 131, 345. 67 |
| <hr/> | |
| Unexpended balance..... | 654. 33 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|-------------|
| Salaries, wages, etc..... | 52, 769. 61 |
| Traveling expenses..... | 1, 634. 18 |
| Transportation of supplies..... | 488. 82 |
| Heat, light, and power (service)..... | 4, 168. 52 |
| Telegraph and telephone service..... | 314. 69 |
| Subsistence supplies..... | 25, 659. 34 |
| Dry goods, clothing, etc..... | 17, 777. 57 |
| Forage..... | 1, 577. 25 |
| Fuel..... | 13, 257. 74 |
| Stationery and office supplies..... | 179. 95 |

| | |
|--------------------------------|-------------------|
| Educational supplies ----- | \$535.92 |
| Medical supplies ----- | 624.21 |
| Equipment, material, etc ----- | 10,999.75 |
| Seed ----- | 796.03 |
| Rent of land ----- | 400.00 |
| Miscellaneous ----- | 162.09 |
| Total ----- | 131,345.67 |

Indian School, Carlisle, Pa., repairs and improvements.

| | |
|---|-----------------------------|
| Fiscal year ending June 30, 1916, amount appropriated ----- | \$20,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated ----- | 20,000.00 |
| Amount expended ----- | 17,471.90 |
| Unexpended balance ----- | ¹2,528.10 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------|------------------|
| Construction ----- | 4,707.06 |
| Repairs (to plant) ----- | 12,764.84 |
| Total ----- | 17,471.90 |

Statistical statement for year ending June 30, 1915.

| | |
|---|-----------------------|
| Value of school plant—real property ----- | \$457,400 |
| Number of buildings ----- | 48 |
| Number of employees ----- | 76 |
| Average attendance of pupils ----- | 513 |
| Enrollment ----- | 911 |
| Capacity ----- | 757 |
| Cost per capita, based on enrollment ----- | ² \$157.43 |
| Cost per capita, based on average attendance ----- | ² \$279.55 |
| Area of school land (acres) ----- | 316 |
| Area of school land (acres cultivated) ----- | 287 |
| Value of products of school ----- | \$37,977.33 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support ----- | 137,230.00 |
| Repairs and improvements ----- | 20,000.00 |
| Total ----- | 157,230.00 |

Requested in proposed bill:

| | |
|--|-------------------|
| Support and education of Indian pupils at the Carlisle Indian School and superintendent's salary ----- | 132,000.00 |
| Repairs and improvements ----- | 20,000.00 |
| Total ----- | 152,000.00 |

| | Salaries. | | Salaries. |
|--|-----------|--|-----------|
| Superintendent ----- | \$2,650 | Assistant clerk ----- | \$480 |
| Assistant superintendent and principal ----- | 1,800 | Physician ----- | 1,400 |
| Chief clerk ----- | 1,500 | Disciplinarian ----- | 1,000 |
| Clerk ----- | 1,260 | Assistant disciplinarian ----- | 900 |
| Financial clerk ----- | 1,200 | Assistant disciplinarian and band leader ----- | 840 |
| Clerk ----- | 1,000 | Assistant disciplinarian ----- | 800 |
| Do ----- | 720 | Music teacher ----- | 720 |
| Do ----- | 720 | Teacher ----- | 840 |
| Do ----- | 660 | Do ----- | 840 |

¹This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

²This includes \$10,804.86 used in the transportation of pupils, and \$1,268.40 in the transportation of goods and supplies. There was also expended \$1,654.24, "Miscellaneous receipts, Class IV."

| | Salaries. | | Salaries. |
|------------------------------------|-----------|---------------------------------|------------------|
| Teacher | \$780 | Cook | \$600 |
| Do | 750 | Assistant cook | 480 |
| Do | 720 | Hospital cook | 300 |
| Do | 720 | Farm cook | 300 |
| Do | 720 | Printer | 1,200 |
| Do | 690 | Mason | 750 |
| Do | 660 | Painter | 840 |
| Do | 660 | Teacher of agriculture | 1,000 |
| Do | 630 | Farmer | 900 |
| Do | 600 | Assistant farmer | 600 |
| Normal teacher | 810 | Shoemaker | 660 |
| Teacher of free-hand drawing | 720 | Carpenter | 900 |
| Storekeeper | 1,000 | Tailor | 900 |
| Assistant storekeeper | 600 | Blacksmith | 800 |
| Boys' field agent | 1,100 | Teamster | 540 |
| Girls' field agent | 900 | Florist | 720 |
| Librarian | 660 | Engineer | 1,100 |
| Matron | 1,000 | Fireman | 540 |
| Domestic science teacher | 840 | Laborer | 480 |
| Assistant matron | 660 | Do | 450 |
| Do | 660 | Indian assistant | ¹ 300 |
| Do | 660 | Do | ¹ 240 |
| Do | 600 | Do | 180 |
| Do | 600 | Do | 180 |
| Nurse | 720 | Do | 180 |
| Seamstress | 800 | Laborer | 600 |
| Assistant seamstress | 600 | Do | 600 |
| Do | 500 | Director of mechanic arts | 1,500 |
| Laundress | 600 | | |
| Assistant laundress | 420 | Total | 59,270 |
| Baker | 660 | | |

There are no Indians other than the pupils of the school under this jurisdiction. Three hundred acres of land were purchased for use of the school. The \$132,000 requested in the proposed bill for the education, maintenance, clothing, fuel, medical supplies, and all other classes of supplies needed for use of the school, and for salary of superintendent and all employees, is the same as that allowed last year.

The item for repairs and improvements is the same as that allowed in 1915 for the purchase of building material and employment of necessary skilled labor for repairs to the school plant. The buildings, being old, are badly in need of repairs, such as plastering, flooring, roofing, and painting. Deterioration is more rapid than in the case of ordinary buildings used for commercial purposes, where the allowance for upkeep varies from 3 to 5 per cent. The Carlisle School buildings were originally used as barracks for soldiers. These buildings and the entire school plant are now approximately valued at \$400,000. Twenty thousand dollars, the amount requested for repairs, is a little over 4 per cent of the valuation of the plant, and is about 5½ per cent, exclusive of the land.

We are asking for the same amount as has been appropriated heretofore for this school.

The CHAIRMAN. That school, I believe, is a mixed school—for both girls and boys?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What is the age of the school—how long has it been running?

Mr. MERITT. Probably 35 or 40 years. It was formerly a military institution.

The CHAIRMAN. It was one of the first schools organized by Gen. Pratt?

¹ Payable from "Indian moneys, proceeds of labor, Carlisle School."

MR. MERITT. Yes, sir; this school was organized by Gen. Pratt and was conducted by him for a great many years.

The CHAIRMAN. I notice that you estimate, for general repairs and improvements, \$20,000. Is not that rather high?

MR. MERITT. That is the amount that has been appropriated for that purpose for several years. The buildings there are old barracks and it requires considerable money for maintenance.

The CHAIRMAN. Are most of the buildings wooden?

MR. MERITT. No, sir; most of them are brick.

The CHAIRMAN. What proportion of the buildings are wooden?

MR. MERITT. I should say that a large part of the buildings were brick. I was at the plant recently.

The CHAIRMAN. Do you find \$20,000 sufficient to keep the buildings in good repair?

MR. MERITT. In fairly good repair; yes, sir.

The CHAIRMAN. Have you had any trouble recently with reference to the coeducation—the two sexes?

MR. MERITT. No, sir; the school has been reorganized in the last two years, and the reports from the school are very favorable.

The CHAIRMAN. What benefit are you deriving—what proceeds are you getting from the farm? You have quite an extensive farm?

MR. MERITT. We have a farm in connection with the school, but not as extensive as the farm connected with the Chillicothe School. We also rent some land there.

The CHAIRMAN. Can you furnish us with a statement of the amount of money derived from and the amount of produce raised on this farm?

MR. MERITT. I wish to submit the following statement, in compliance with your request, Mr. Chairman:

During the fiscal year 1915 there were produced on the Carlisle School farm products to the value of \$8,715. Of this amount products were consumed to the value of approximately \$7,419 and none sold.

MR. CARTER. I notice that your per capita cost, based on enrollment, is \$157, and based on average attendance, is \$279—almost twice as much. How do you account for that wide difference?

MR. MERRITT. The per capita cost is rather high, Mr. Carter, compared with the per capita cost at other large schools. I shall look into these figures.

MR. CARTER. I notice that you have an enrollment of 911 and only an average attendance of 513.

MR. MERRITT. Quite a large number of these students are in the outing system, not actually attending the school and, perhaps, that accounts for the great difference.

MR. CARTER. I remember that at one time the Carlisle School was represented to us of the West very often as being the cheapest school per capita among the Indian schools, and now it seems to have increased to one of the high-priced schools.

MR. MERRITT. That per capita cost is rather high, I will admit.

MR. CARTER. You will remember that the per capita cost was about \$160.

MR. MERITT. I wish to submit the following memorandum relative to this matter:

Regarding high cost per capita it will be noted that the cost, based on enrollment, is but \$157, while based on average attendance it is \$279. The

enrollment was 911, while the average attendance was 513. Three hundred and forty-six pupils were employed under the outing system, but these have not been counted in the attendance. Nevertheless, it was probably necessary to expend some money for their benefit.

The further reasons for the lowered attendance, which appears to be in part responsible for the per capita cost, do not appear from the records of the Indian Office, and a comprehensive report from the superintendent of the school has been called for but not yet received.

Mr. CARTER. When we were up there at one time investigating that school we found that there was very little industrial training at the school. Does that condition still exist?

Mr. MERITT. No, sir. We have reorganized and are emphasizing the industrial feature.

Mr. CARTER. The farmer who was in the employ of the school, as I remember, stated to us, under oath, that a boy was never sent to the farm to work except as punishment. Do you still maintain that system?

Mr. MERITT. No, sir; that system has been entirely changed.

Mr. CARTER. If you do not carry out the industrial feature of the school, their benefits would seem to depreciate.

Mr. MERITT. Recently there has been a committee composed of the very ablest educational men that we have in the Indian Service here in Washington and they have been reorganizing the course of study in our Indian schools with a view to further emphasizing the industrial feature. We have had, we consider, unusual success, as a general rule, in our Indian schools and the Indians are deriving greater benefit from the Indian schools than heretofore. A few years ago it was necessary to send out agents to scour the country to get pupils to fill these nonreservation schools. I can remember six years ago when the enrollment at Chillocco was down to 350, and to-day we have difficulty in meeting the demand for enrollment at that school, as well as at other large schools in the service. The Indians are appreciating the opportunities afforded them in these nonreservation schools as well as in the reservation schools.

The CHAIRMAN. I notice that \$10,000 of this amount is for the transportation of pupils. Is that amount used out of this fund for the support and maintenance of this school in addition to the amount appropriated for the transportation of pupils to and from schools?

Mr. MERITT. That is used out of the special appropriation for the transportation of Indian pupils.

The CHAIRMAN. Why do you have a lump sum for transportation in one school from one school to another and have a special appropriation here?

Mr. MERITT. Because we pay the transportation of all students out of the one lump-sum appropriation. The transportation accounts come to the Indian Office to be audited and we pay all the transportation charges out of that one appropriation.

The CHAIRMAN. It will be shown, then, in your statement in the record relative to this matter?

Mr. MERITT. Yes, sir.

Mr. CARTER. What is the salary of the superintendent?

Mr. MERITT. The salary is \$2,650. Mr. O. H. Lipps has been the superintendent since the resignation of Mr. Freedman.

The CHAIRMAN. The next item is:

SOUTH DAKOTA.

SEC. 23. For support and education of three hundred and sixty-five Indian pupils at the Indian school at Flandreau, South Dakota, and for pay of superintendent, \$62,955; for general repairs and improvements, \$6,000; in all, \$68,955.

What justification have you to offer for this item?

Mr. MERITT. I offer the following justification for that item:

Indian school, Flandreau, S. Dak.

| | |
|--|---------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$61, 500. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 61, 500. 00 |
| Amount expended----- | 60, 353. 63 |
| <hr/> | |
| Unexpended balance----- | 1, 146. 37 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc----- | 28, 393. 79 |
| Transportation of supplies----- | 1, 206. 78 |
| Heat, light, and power service----- | 416. 45 |
| Telegraph and telephone service----- | 122. 86 |
| Printing, binding, and advertising----- | 15. 00 |
| Subsistence supplies----- | 14, 188. 61 |
| Dry goods, clothing, etc----- | 6, 047. 64 |
| Forage----- | 4. 50 |
| Fuel----- | 4, 894. 59 |
| Stationery and office supplies----- | 1. 56 |
| Educational supplies----- | 377. 57 |
| Medical supplies----- | 321. 05 |
| Equipment, material, etc----- | 4, 240. 73 |
| Rent----- | 90. 00 |
| Miscellaneous----- | 32. 50 |
| <hr/> | |
| Total----- | 60, 353. 63 |

Indian school, Flandreau, S. Dak., repairs and improvements.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 6, 000. 00 |
| Amount expended----- | 6, 093. 19 |
| <hr/> | |
| Overdrawn----- | 93. 19 |

ANALYSIS OF EXPENDITURES.

| | |
|-----------------------|------------|
| Construction----- | 1, 818. 65 |
| Repairs to plant----- | 4, 274. 54 |
| <hr/> | |
| Total----- | 6, 093. 19 |

Appropriation of \$10,000 in 1915 act for "Special repairs," \$8,392.56 of which was expended during the year.

Statistical statement for year ending June 30, 1915.

| | |
|---|------------|
| Value of school plant, real property----- | \$201, 200 |
| Number of buildings----- | 28 |
| Number of employees----- | 43 |
| Average attendance of pupils----- | 341 |
| Enrollment----- | 384 |
| Capacity----- | 360 |

| | | |
|--|-------|----------|
| Cost per capita based on enrollment | ----- | \$166 |
| Cost per capita based on average attendance | ----- | \$187 |
| Area of school land (acres) | ----- | 481 |
| Area of school land (acres cultivated) | ----- | 132 |
| Value of products of school | ----- | \$10,721 |
| Superintendent's estimate of absolute needs for 1917: | | |
| Support | ----- | |
| Repairs and improvements | ----- | 63,300 |
| New buildings | ----- | 6,000 |
| | ----- | 8,000 |
| Total | ----- | 77,000 |
| Requested in proposed bill: | | |
| Support and education of 365 Indian pupils at the Flandreau Indian School, Flandreau, S. Dak., and superintendent's salary | ----- | 62,955 |
| Repairs and improvements | ----- | 6,000 |
| Total | ----- | 68,955 |

| | Salaries. | | Salaries. |
|--------------------------------------|-----------|--------------------------------------|-----------|
| Superintendent | \$2,000 | Assistant seamstress | \$300 |
| Clerk | 1,320 | Do | 300 |
| Assistant clerk | 780 | Laundress | 520 |
| Do | 720 | Assistant laundress | 300 |
| Physician | 720 | Baker | 520 |
| Disciplinarian and band instructor | 1,000 | Cook | 560 |
| Principal and teacher of agriculture | 1,000 | Assistant cook | 300 |
| Teacher | 780 | Farmer | 840 |
| Do | 750 | Carpenter | 720 |
| Do | 720 | Shoe and harness maker | 760 |
| Do | 720 | Gardener | 720 |
| Do | 690 | Engineer | 1,000 |
| Do | 630 | Assistant engineer | 600 |
| Do | 600 | Do | 600 |
| Manual-training teacher | 900 | Do | 420 |
| Teacher | 600 | Do | 420 |
| Domestic-science teacher | 660 | Do | 600 |
| Matron | 720 | Do | 600 |
| Assistant matron | 600 | Do | 300 |
| Do | 560 | Laborer | 540 |
| Housekeeper | 560 | Laborer, 6 months, at \$40 per month | 240 |
| Nurse | 720 | | |
| Seamstress | 600 | Total | 29,510 |

The amount for support, \$62,955, provides for maintenance of 365 pupils plus the superintendent's salary, which is \$2,000.

Six thousand dollars are needed for general repairs and improvements. This is about 3½ per cent on the valuation of the plant, which is \$201,200, and is a very moderate upkeep expense, there being 28 buildings at this school. It is more than 22 years since the main part of the plant was constructed, and repairs are very necessary to prevent deterioration.

The school is well located, is well equipped, has a large farm, and is doing splendid work. It should be maintained for many years, in order that adequate facilities may be furnished for advanced Indian pupils from adjoining States, from which the school largely draws its pupils.

The CHAIRMAN. Do you desire to make any further statement?

Mr. MERITT. No, sir. The justification covers it. It is practically the same amount asked for last year.

Mr. CARTER. I notice that you have an increase for support, as you have in the other items, of \$1,455, I think it is?

¹ This includes \$2,393.61 used in the transportation of pupils and \$1,206.78 in the transportation of supplies. There was also expended \$1,715.79 "Miscellaneous receipts, Class IV."

Mr. MERITT. That is for the purpose of making uniform the requests for support so as to include \$167 per capita in addition to the salary of the superintendent.

Mr. CARTER. There is no necessity for putting it in inasmuch as they were able to get along with the amount appropriated last year?

Mr. MERITT. We will be satisfied with the old amount.

The CHAIRMAN. The next item is:

For support and education of two hundred and fifty Indian pupils at the Indian school at Pierre, South Dakota, including pay of superintendent, \$46,000; for general repairs and improvements, \$6,000; for steel water tank, \$2,000; for addition to shop building, \$1,000; in all, \$55,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Indian school, Pierre, S. Dak.

| | |
|--|-------------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$43, 750. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 43, 750. 00 |
| Amount expended----- | 41, 714. 36 |
| <hr/> | |
| Unexpended balance----- | ¹ 2, 035. 64 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-------------|
| Salaries, wages, etc----- | 16, 161. 33 |
| Traveling expenses----- | 33. 66 |
| Transportation of supplies----- | 396. 85 |
| Heat, light, and power (service)----- | 914. 70 |
| Telegraph and telephone service----- | 45. 74 |
| Printing, binding, and advertising----- | 140. 50 |
| Subsistence supplies----- | 9, 475. 48 |
| Dry goods, clothing, etc----- | 5, 041. 03 |
| Forage----- | 792. 25 |
| Fuel----- | 1, 488. 85 |
| Stationery and office supplies----- | 586. 56 |
| Educational supplies----- | 96. 88 |
| Medical supplies----- | 122. 85 |
| Equipment, material, etc----- | 6, 351. 60 |
| Miscellaneous----- | 66. 08 |
| <hr/> | |
| Total----- | 41, 714. 36 |

Indian school, Pierre, S. Dak., repairs and improvements.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6, 000. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 6, 000. 00 |
| Amount expended----- | 5, 624. 71 |
| <hr/> | |
| Unexpended balance----- | 375. 29 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|------------|
| Telegraph and telephone service----- | 2. 55 |
| Construction----- | 975. 09 |
| Repairs (to plant)----- | 4, 647. 07 |
| <hr/> | |
| Total----- | 5, 624. 71 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Expended from appropriation, "Indian school, Pierre, S. Dak., land," \$3,500; from appropriation, "Indian school, Pierre, S. Dak., irrigation system," \$1,848.28; from appropriation, "Indian school, Pierre, S. Dak., buildings," \$10,011.61.

Statistical statement for year ending June 30, 1915.

| | |
|---|--------------------|
| Value of school plant—real property..... | \$172,247 |
| Number of buildings..... | 27 |
| Number of employees..... | 28 |
| Average attendance of pupils..... | 195 |
| Enrollment..... | 251 |
| Capacity..... | 250 |
| Cost per capita based on enrollment..... | ¹ \$221 |
| Cost per capita based on average attendance..... | ¹ \$221 |
| Area of school land (acres)..... | 302 |
| Area of school land (acres cultivated)..... | 112 |
| Value of products of school..... | \$4,671.78 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support..... | 47,375.00 |
| Repairs and improvements..... | 10,600.00 |
| New buildings..... | 41,000.00 |
| Total | 98,975.00 |

Requested in proposed bill:

| | |
|--|------------------|
| Support and education of 250 Indian pupils at the Indian school, Pierre, S. Dak., and superintendent's salary..... | 46,000.00 |
| Repairs and improvements..... | 6,000.00 |
| For steel water tank..... | 2,000.00 |
| For addition to shop building..... | 1,000.00 |
| Total | 55,000.00 |

| | Salaries. | | Salaries. |
|------------------------|-----------|-----------------------------|---------------|
| Superintendent..... | \$2,000 | Seamstress..... | \$540 |
| Clerk..... | 840 | Laundress..... | 500 |
| Financial clerk..... | 720 | Cook..... | 500 |
| Physician..... | 720 | Nurse..... | 720 |
| Disciplinarian..... | 720 | Farmer..... | 840 |
| Principal teacher..... | 900 | Carpenter..... | 720 |
| Teacher..... | 690 | Shoe and harness maker..... | 720 |
| Do..... | 600 | Engineer..... | 1,000 |
| Do..... | 570 | Laborer..... | 600 |
| Matron..... | 720 | Do..... | 600 |
| Assistant matron..... | 600 | Indian assistant..... | 300 |
| Do..... | 500 | | |
| Do..... | 300 | Total | 16,920 |

The support item, \$46,000, is for maintenance of 250 children plus the superintendent's salary, \$2,000.

There are 27 buildings at this school. The majority of these buildings are old and require considerable repairs each year, and \$6,000 for this purpose is not excessive. This amount is less than 5 per cent on the valuation of the buildings, which is \$172,247.

Two thousand dollars is needed to build a steel water tank. The present tank is rotten and very leaky. While the initial cost of a steel tank is greater than a wooden one, it will outlast several wooden tanks.

One thousand dollars is needed to enlarge the shop at this school, so that power machinery may be installed and practical instruction given the boys along manual training lines. At present there is not room enough for any machinery.

The school is favorably located, being practically in the center of the State and almost surrounded by Indian reservations. It has a good farm, is doing excellent work, and should be maintained for many years.

¹This includes \$1,043.07 used in the transportation of pupils and \$396.85 in the transportation of supplies. There was also expended \$871.13 "Miscellaneous receipts, Class IV."

Mr. Chairman, you will note that the support fund of this school has been raised and the support fund for the school at Rapid City, the next item, has been lowered. In view of the fact that both schools are in the same State and average the same enrollment, it seems but fair that they should be both placed on the same footing, and we would be glad if they could each be given \$46,000 instead of one being given \$43,750 and the other \$48,500.

Mr. CAMPBELL. Give each of them how much?

Mr. MERITT. Forty-six thousand dollars for support.

Mr. CAMPBELL. The attendance is the same?

Mr. MERITT. It is the same; yes, sir.

The CHAIRMAN. And the per capita cost is the same?

Mr. MERITT. Practically the same amount. The cost per capita at the Pierre school is \$221. That is high. The cost at the Rapid City school per capita is \$195.

Mr. CARTER. There would not be any necessity to raise the amount for the Pierre school \$2,250 since they were able to get along as they did last year?

Mr. MERITT. No, sir. In view of the per capita cost shown at that school, I shall not ask for an increase.

The CHAIRMAN. In order to save time, will that run clear through the bill?

Mr. MERITT. We have made slight changes in the support item so as to make the amounts requested uniform, but I shall not ask for an increase for the Pierre school on account of the high per capita cost.

The CHAIRMAN. The next item is:

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, including pay of superintendent, \$46,000; for general repairs and improvement, \$5,000; in all, \$51,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman.

Indian school, Rapid City, S. Dak.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$48,500.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 48,500.00 |
| Amount expended..... | 47,290.20 |
| Unexpended balance..... | 1,209.80 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc..... | 20,852.35 |
| Transportation of supplies..... | 919.82 |
| Heat, light, and power (service)..... | 1,271.80 |
| Telegraph and telephone service..... | 143.58 |
| Printing, binding, and advertising..... | 13.17 |
| Subsistence supplies..... | 8,858.48 |
| Dry goods, clothing, etc..... | 4,695.80 |
| Forage..... | 796.90 |
| Fuel..... | 6,419.70 |
| Stationery and office supplies..... | 101.20 |
| Educational supplies..... | 319.63 |
| Medical supplies..... | 235.95 |
| Equipment, material, etc..... | 2,406.32 |
| Miscellaneous..... | 255.50 |
| Total..... | 47,290.20 |

Indian school, Rapid City, S. Dak., repairs and improvements.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$5,000. 00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 5,000. 00 |
| Amount expended..... | 4,912. 34 |
| Unexpended balance..... | 87. 66 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|-----------|
| Repairs (to plant)..... | 4,912. 34 |
|-------------------------|-----------|

Statistical statement for year ending June 30, 1915.

| | |
|--|------------------------|
| Value of school plant—real property..... | \$234,410. 00 |
| Number of buildings..... | 36 |
| Number of employees..... | 32 |
| Average attendance of pupils..... | 254 |
| Enrollment..... | 291 |
| Capacity..... | 300 |
| Cost per capita based on enrollment..... | ¹ \$170. 00 |
| Cost per capita based on average attendance..... | ¹ \$195. 00 |
| Area of school land (acres)..... | 350 |
| Area of school land (acres cultivated)..... | 350 |
| Value of product of school..... | 12,259. 75 |
| Superintendent's estimate of absolute needs for 1917: Support..... | 50,840 |

Requested in proposed bill:

| | |
|---|--------|
| Support and education of 250 Indian pupils at the Indian School, Rapid City, S. Dak., and superintendent's salary..... | 46,000 |
| Repairs and improvements..... | 5,000 |
| Total..... | 51,000 |

| | Salaries. | | Salaries. |
|-------------------------------|-----------|-----------------------------|-----------|
| Superintendent..... | \$2,000 | Assistant seamstress..... | \$300 |
| Clerk..... | 1,000 | Laundress..... | 540 |
| Assistant clerk..... | 600 | Assistant laundress..... | 300 |
| Principal..... | 1,000 | Baker..... | 540 |
| Disciplinarian..... | 800 | Cook..... | 600 |
| Physician..... | 550 | Assistant..... | 300 |
| Teacher..... | 600 | Farmer..... | 900 |
| Do..... | 600 | Assistant farmer..... | 300 |
| Do..... | 600 | Carpenter..... | 900 |
| Do..... | 720 | Shoe and harness maker..... | 720 |
| Domestic science teacher..... | 600 | Engineer..... | 900 |
| Industrial teacher..... | 720 | Dairyman..... | 720 |
| Matron..... | 720 | Assistant..... | 300 |
| Assistant matron..... | 660 | Do..... | 300 |
| Do..... | 540 | Laborer..... | 540 |
| Do..... | 600 | | |
| Nurse..... | 720 | Total..... | 21,730 |
| Seamstress..... | 540 | | |

Forty-six thousand dollars is for the support of the school and superintendent's salary, \$2,000. Five thousand dollars is needed for general repairs and improvements, and is slightly more than 2 per cent on the valuation of the plant, which is \$234,410, and is a very low percentage for upkeep expenses, there being 36 buildings at this school.

An important feature of the work of the school is the attention given stock raising and dairying. The school maintains a good herd of cattle, both stock and dairy animals, from which excellent results are achieved.

The school is located near large groups of Indians; it is doing very efficient work, and should be maintained for several years.

¹This includes \$1,393.83 used in the transportation of pupils, and \$919.82 in the transportation of supplies. There was also expended \$1,759.54 "Miscellaneous receipts Class IV."

It will be noted that the superintendent's estimate of needs for 1917 is less than the item requested. It will be seen, however, that the superintendent did not estimate any amount for general repairs and improvements, whereas the item proposes \$5,000 for such purposes. Money for repairs and improvements is obviously necessary, and it is presumed the superintendent's omission was due to inadvertence.

The CHAIRMAN. The next item is:

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article thirteen, treaty of April twenty-ninth, eighteen hundred and sixty-eight), \$10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article eight of same treaty), \$1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, \$95,000; for subsistence of the Sioux, other than the Rosebud, Cheyenne River, and Standing Rock Tribes, and for purposes of their civilization (act of February twenty-eighth, eighteen hundred and seventy-seven), \$200,000; in all, \$307,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Support of Sioux of different tribes, employees, South Dakota.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$107,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 107,000.00 |
| Amount expended..... | 104,049.16 |
| <hr/> | |
| Unexpended balance..... | 2,950.84 |

ANALYSIS OF EXPENDITURES.

Salaries, wages, etc..... 104,049.16

Support of Sioux of different tribes, subsistence and civilization, South Dakota.

Fiscal year ending June 30, 1916, amount appropriated..... \$200,000.00

Fiscal year ended June 30, 1915:

 Amount appropriated..... 200,000.00

 Received from sale of hides, stock, etc..... 7,152.17

207,152.17

 Amount expended..... 164,055.86

43,096.31

Analysis of expenditures:

 Salaries, wages, etc..... 13,801.29

 Traveling expenses..... 1,238.42

 Transportation of supplies..... 21,372.45

 Telegraph and telephone service..... 150.64

 Printing, binding, and advertising..... 47.00

 Subsistence supplies..... 99,324.44

 Dry goods, clothing, etc..... 13.58

 Forage..... 6,036.11

 Fuel..... 5,689.86

 Stationery and office supplies..... 804.88

 Medical supplies..... 1,654.40

 Equipment, material, etc..... 6,919.69

 Construction..... 2,164.55

 Seed..... 4,401.17

 Paid Indians for diseased horses killed..... 100.00

 Miscellaneous..... 337.38

 Total..... 164,055.86

| | |
|---|--------------|
| Support of Sioux of different tribes, employees, etc., South Dakota, 1917----- | \$107,000.00 |
| Support of Sioux of different tribes, subsistence and civilization. South Dakota, 1917----- | 200,000.00 |
| Total----- | 307,000.00 |

This is the same amount as was asked for the pay of employees and support and civilization for the agencies using this fund in South Dakota last year.

One hundred and seven thousand dollars of this fund will be set aside for the employees, and includes \$10,400 for the purpose of paying employees provided for by article 13 of the treaty with the Sioux Nation, dated April 29, 1868, and \$1,600 for the pay of the second blacksmith and the furnishing of iron, steel, and other materials. Thus, out of this fund, after the above deductions are made, \$95,000 will be left with which to pay the salaries of the employees working on the eight reservations that are allowed to use same. For the last fiscal year \$92,049.16 was expended for salaries outside of treaty obligations; this, added to the salaries of the persons mentioned in the treaty, made a total of \$104,049.16, thus leaving the unexpended balance of only \$2,950.84. This balance was returned only after the most economical handling of the employee question on these reservations.

The remaining \$200,000 of this appropriation Congress has specifically provided shall be used for the subsistence and civilization of the Sioux Tribe, with the exception of the Creyenne River, Rosebud, and Standing Rock Sioux; these three reservations have other funds which are used for their support and civilization. The reservations benefiting by this \$200,000 are the Pine Ridge, Lower Brudle, Santee, Crow Creek, and Flandreau Reservations.

Salaries, wages, etc., charged up to this fund for the fiscal year ending June 30, 1915, totals \$13,801.29, transportation of supplies amounted to \$21,372.45, subsistence supplies aggregated \$99,324.44, purchase of forage and fuel amounted to \$11,725.97, and equipment, material, etc., purchased for these agencies came to \$6,919.69. These items alone made a total of \$153,143.84, thus leaving about \$46,000 to be divided up among the five agencies for the payment of telephone and telegraph charges, heat and light, purchase of office and stationery supplies, medical supplies, and the carrying out of the industrial policies of this office toward these Indians. Steel and iron for the purpose of making repairs to agency equipment and to wagons belonging to the Indians, repairs to agency automobiles, irregular Indian labor, and medicinal drugs and surgical supplies have to be purchased from this fund. Three of the reservations using this fund are unfavorably situated with relation to railroad facilities and the cost of forage and provisions for these agencies are big items of expense.

You will note, Mr. Chairman, that the proviso has been eliminated, because that is permanent legislation and is not needed for this year.

The CHAIRMAN. The next item is:

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, \$200,000, to be expended under the agreement with said Indians in section seventeen of the act of March second, eighteen hundred and eighty-nine, which agreement is hereby extended to and including June thirtieth, nineteen hundred and seventeen.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for the record:

Education, Sioux Nation, South Dakota.

| | |
|--|--------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$200,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 200,000.00 |
| Amount expended----- | 192,604.31 |
| Unexpended balance----- | 7,395.69 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|---------------------|
| Salaries, wages, etc | \$104, 835. 90 |
| Traveling expenses | 526. 03 |
| Transportation of supplies | 1, 074. 38 |
| Subsistence supplies | 21, 727. 30 |
| Dry goods, clothing, etc | 18, 433. 13 |
| Forage | 2, 770. 28 |
| Fuel | 17, 801. 43 |
| Stationery and office supplies | 125. 78 |
| Educational supplies | 2, 956. 23 |
| Medical supplies | 763. 42 |
| Equipment, material, etc | 7, 609. 44 |
| Construction | 7, 753. 01 |
| Repairs (to plant) | 6, 167. 18 |
| Rent | 60. 00 |
| Miscellaneous | . 80 |
| Total | 192, 604. 31 |

The superintendents of the schools using this fund have estimated as follows for 1917:

| | |
|--|-----------------|
| Cheyenne River: | |
| Supervision | \$2, 100 |
| Education | 35, 830 |
| Crow Creek: | |
| Education | 37, 070 |
| Field matrons (current expenses) | 600 |
| Lower Brule: | |
| Education | 21, 507 |
| Field matrons (current expenses) | 600 |
| Pine Ridge: | |
| Supervision | 2, 500 |
| Education | 118, 860 |
| Health | 2, 900 |
| Irrigation | 500 |
| Rosebud: | |
| Education | 33, 555 |
| Standing Rock: | |
| Education | 37, 698 |
| Health | 2, 150 |
| Agriculture and stock | 4, 353 |
| Total | 300, 223 |

This appropriation is to be expended under the agreement with the Sioux Indians in section 17 of the act of March 2, 1889, and is applied to the support and maintenance of 54 day schools and 7 boarding schools, the combined schools having an enrollment of more than 2,400 pupils. This fund is augmented by the appropriation made for subsistence and civilization. The valuation of the school plants exceeds \$623,000. There are paid from this fund the salaries of 185 persons, amounting to \$115,425.

Of this appropriation so much as can be spared will be used for application to contracts with mission schools for education of Sioux children therein. At this time (December, 1915) there has been hypothecated from the appropriation for the fiscal year 1916 the sum of \$14,460 covering two contracts of this character.

The CHAIRMAN. Is there any further statement you desire to make?

Mr. MERITT. No, sir.

The CHAIRMAN. What objection would there be to adding \$200,000 to the general school item which is in the same language in the lump-sum appropriation in the first part of the bill? This is a gratuity?

Mr. MERITT. No, sir. As worded now this makes it a treaty item.

The CHAIRMAN. But the treaty has expired?

Mr. MERITT. Yes, sir. The treaty has expired, but has been continued by authority of Congress from year to year.

The CHAIRMAN. Would it not be better, in order to keep the bill straight, to show what this item is? This is not a treaty item if it has been extended several years.

Mr. MERITT. The appropriation, of course, could be consolidated with the regular school appropriation if the committee desires.

The CHAIRMAN. What I had in mind was this, putting a provision to the language, provided that \$200,000 of the same shall be used for the support of day and industrial schools among the Sioux Indians, and only having one item. That would prevent putting this language in and having the trouble with it that we have. It is a gratuity, and yet it is under the treaty items. What is the amount of the lump sum?

Mr. MERITT. The lump sum is \$1,550,000 for the support of day and industrial schools. If this is to be consolidated with the other item, Mr. Chairman, of course we would need the additional \$200,000.

The CHAIRMAN. I understand.

Mr. CAMPBELL. Would you find any difficulty in administration by the consolidation?

Mr. MERITT. There would be an objection, Mr. Campbell, to consolidating this item with the gratuity appropriation, for the simple reason that it would not be available for certain purposes that it is now used for, in view of the decision of the supreme court in the case of *Quick Bear v. Leupp* (210 U. S., 51).

The CHAIRMAN. That decision applies to the treaty items?

Mr. MERITT. This would be construed as a treaty item, provided the provisions of the treaty were extended by this legislation.

The CHAIRMAN. Suppose the treaty is not extended, then it is a gratuity item and belongs under the gratuity items?

Mr. MERITT. If the treaty part of the item were eliminated, of course it could very easily go in with the gratuity appropriation.

The CHAIRMAN. And the Indians would get the same benefit of the school which they now get, the same amount of money, \$200,000?

Mr. MERITT. Part of this fund, I believe, Mr. Chairman, goes to the support of mission schools and under the decision of the Supreme Court in the *Quick Bear* case; if it were made a gratuity item and consolidated with the gratuity appropriation of \$1,550,000 for the support of day and industrial schools it could not be used for that purpose under the decision of the Supreme Court.

The CHAIRMAN. As a matter of fact, it is not a treaty item unless we make it so by law. It is a gratuity, unless Congress makes it a treaty item. Should we do that, should we extend one treaty when we are not extending the others?

Mr. MERITT. That is a matter of legislative policy for Congress to decide.

Mr. NORTON. What purpose did you say it could not be used for if included in the general appropriation?

Mr. MERITT. It could not be used for the support of mission schools under the decision of the Supreme Court in the *Quick Bear* case.

Mr. NORTON. How many mission schools are supported by this item?

Mr. MERITT. I will include that in the record. It is a very important question and I want to be absolutely correct.

Mr. CAMPBELL. That will appear in your statement?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And that will show how the \$200,000 is expended at the present time?

Mr. MERITT. The information requested is as follows:

During the fiscal year 1916 from the appropriation "Education, Sioux Nation, 1916," there has been applied the sum of \$14,460 to the following mission contracts with the Bureau of Catholic Indian Missions:

| | |
|--|-----------|
| No. 21801. Holy Rosary Mission Boarding School, Pine Ridge Reservation, S. Dak | \$12, 300 |
| No. 21802. St. Francis Mission Boarding School, Rosebud Reservation, S. Dak | 2, 160 |

During the fiscal year 1915 none of this appropriation was applied to these contracts, tribal funds having been used therefor. The remainder of the appropriation for 1916 which is not used for the contracts mentioned above will be used for the various purposes, including salaries, subsistence, clothing, fuel, forage, construction, and repairs, at the schools which are entitled to the benefit of the appropriation, namely, Cheyenne River, Crow Creek, Lower Brule, Pine Ridge, Rosebud, and Standing Rock, as will be noted from the justification which has been submitted for this appropriation.

Mr. CARTER. Suppose you should strike out lines 9 and 10, would that make any difference in your authority to expend the money?

Mr. MERITT. If you should strike out all after the \$200,000 it certainly would. I am not sure what the effect of striking out all the language in lines 9 and 10 would be. There is a limitation in this law providing that this money shall be used for a certain period of years. That period has expired, and Congress has each year extended that period in connection with this item.

Mr. NORTON. The only question is whether Congress wishes to continue that policy or not. If we strike out that provision in lines 9 and 10 it would simply amount to a consolidation of this appropriation with the larger lump-sum appropriation, would it not?

Mr. MERITT. That would make it a gratuity appropriation absolutely, and it could not be used except for the support of day and industrial Indian schools and would not be available for mission or sectarian schools.

The CHAIRMAN. Let me call your attention to this fact: There is an old law—I do not remember what year it was enacted, but since I have been in Congress—that no gratuity fund shall be used for sectarian schools. If continued, would not that be in conflict with the old law?

Mr. MERITT. That law is found in the act of June 7, 1896 (29 Stat. L., 345), and reads:

It is hereby declared to be the stated policy of the Government to make no appropriation whatever for education in any sectarian schools.

The CHAIRMAN. That means gratuity money?

Mr. MERITT. The courts have so held, but treaty funds are available.

The CHAIRMAN. Striking out the language after \$200,000 would make it what it is in fact, a gratuity?

Mr. MERITT. If you were to strike out that language, you would make it a gratuity appropriation without question.

The CHAIRMAN. As a matter of fact, is it not a gratuity appropriation, because we have no treaty unless expired, the treaty having expired?

Mr. MERITT. That would be an interpretation of the law that I feel the members of the committee would be better able to decide.

The CHAIRMAN. The next item is:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$14,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item:

Support of Sioux, Yankton Tribes, South Dakota.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$14,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 14,000.00 |
| Amount expended..... | 13,216.70 |
| <hr/> | |
| Unexpended balance..... | 783.30 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 7,701.77 |
| Traveling expenses..... | 129.80 |
| Transportation of supplies..... | 412.82 |
| Telegraph and telephone service..... | 135.72 |
| Subsistence supplies..... | 635.82 |
| Dry goods, clothing, etc..... | 13.75 |
| Forage..... | 755.09 |
| Fuel..... | 630.31 |
| Stationery and office supplies..... | 141.70 |
| Medical supplies..... | 542.44 |
| Equipment, material, etc..... | 1,834.48 |
| Miscellaneous..... | 283.00 |
| <hr/> | |
| Total..... | 13,216.70 |

This is the same amount as was asked for the expenses of this agency during the last fiscal year.

There was expended from this fund during the past year \$13,216.70, leaving a balance of \$783.30. This agency is located in the southern part of South Dakota and has 618,263 acres of allotted land. It was created by the treaty of April 19, 1851 (11 Stats., 743). There are 1,805 Indians on this reservation, 655 of whom are holding trust allotments.

The salary roll of this agency for the fiscal year 1915 totaled \$7,740. This same salary roll will be carried for the next fiscal year and it will leave only \$6,260 to cover the purchase of equipment and material for the agency, subsistence supplies, transportation and traveling expenses, and all other necessary incidental expenditures for the proper administration of the Indian Office policy at this place.

The CHAIRMAN. Do you desire to make any further statement?

Mr. MERITT. No, sir; it is the same amount as appropriated heretofore.

The CHAIRMAN. The next item is:

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$45,000.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item:

Analysis of expenses—Canton Asylum.

| | |
|---|-------------|
| Fiscal year ended June 30, 1916, amount appropriated..... | \$37,500.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 37,500.00 |
| Amount expended..... | 26,837.37 |
| <hr/> | |
| Unexpended balance..... | 10,662.63 |

ANALYSIS OF EXPENDITURES.

| | |
|---|--------------------|
| Salaries, wages, etc | \$11, 127. 91 |
| Traveling expenses | 235. 22 |
| Transportation of supplies..... | 1, 222. 98 |
| Heat, light, and power (service)..... | 318. 16 |
| Communication service | 32. 45 |
| Subsistence supplies..... | 4, 989. 48 |
| Dry goods, wearing apparel, etc..... | 852. 61 |
| Forage..... | 3. 75 |
| Fuel, illuminants, lubricants, etc..... | 1, 367. 95 |
| Stationery and office supplies..... | 20. 35 |
| Educational supplies..... | 3. 15 |
| Medical supplies..... | 127. 22 |
| Equipment, material, etc..... | 1, 114. 37 |
| Construction..... | 2, 156. 75 |
| Repairs (material) | 3, 074. 21 |
| Miscellaneous | 190. 81 |
| Total..... | 26, 837. 37 |

| | Salaries. | | Salaries. |
|----------------------|-----------|-------------------|----------------|
| Superintendent | \$2, 500 | Laborer..... | \$480 |
| Financial clerk..... | 960 | Do | 480 |
| Physician | 1, 300 | Do | 480 |
| Matron | 660 | Do | 420 |
| Seamstress | 500 | Do | 420 |
| Laundress | 480 | Do | 360 |
| Cook | 500 | Do | 360 |
| Engineer | 720 | Do | 360 |
| Laborer | 540 | Total..... | 12, 540 |
| Do | 540 | | |
| Do | 480 | | |

For the fiscal year 1916 there was appropriated for the Canton Asylum for insane Indians in South Dakota, \$37,500, and for 1917 an increase is requested of \$7,500, making in all \$45,000. This appropriation is required for the support of insane Indians, for equipment, pay of employees, repairs, improvements, incidentals, and for the transportation of Indians to and from the asylum.

The increase in the item requested is necessitated by increased capacity, owing to the construction of a new hospital building which will be open for patients January 1, 1916. Prior to the erection of this building the capacity was 53, and the new building has a capacity of 40 patients and a present total capacity of 93. It will be seen that the increase is much greater than the increase requested in the appropriation. This increase in capacity at Canton has been urgently needed. The latest available figures show 168 insane Indians under the jurisdiction of the United States, including those already in the asylum. The obligation is one which must be assumed by the United States, as some of the States refuse to receive these Indians in the State institutions. These patients are usually incurable and will remain charges for years. While the outlook is hopeless, yet it is absolutely necessary that such an institution as Canton be maintained for the care of the insane among the Indian wards of the Nation. There is no Indian reservation at this point other than the Government land on which the buildings are located.

The increased capacity will increase the number of employees, the subsistence, clothing, etc., which will be necessary. Insane patients require a greater amount of supervision than patients in any other kind of institution.

The superintendents' advance requests for the fiscal year 1917 total \$17,100, including an employees' home, an epileptic cottage, chapel, and amusement hall. This amount has been materially reduced, but it is possible that should it prove impossible to care for all the cases which are absolutely necessary, action may be taken looking toward the erection of an employees' building, which may relieve the tension somewhat, as the rooms now used by employees can be occupied by patients.

We have recently increased the capacity of this asylum, and we would like to have an increased appropriation from \$37,500 to \$45,000.

The CHAIRMAN. How many patients have you in this asylum?

Mr. MERITT. We will be able to care for about 80 patients.

The CHAIRMAN. How many patients have you now?

Mr. MERITT. Prior to the increased buildings, we cared for only about 50.

The CHAIRMAN. And you want to provide for 80—30 additional?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What is the per capita cost for the 50 patients?

Mr. MERITT. I will include that in the record.

The CHAIRMAN. The next item is:

UTAH.

SEC. 24. For support and civilization of Confederated Bands of Utes: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article fifteen, treaty of March second, eighteen hundred and sixty-eight), \$6,720; for pay of two teachers (same article and treaty), \$1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article nine, same treaty), \$220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food and clothing and farming equipment (article twelve, same treaty), \$30,000; for pay of employees at the several Ute agencies, \$15,000; in all, \$53,740.

What justification have you to offer for this item?

Mr. MERITT. We offer the following justification for this item, Mr. Chairman:

Support of Confederated Bands of Utes—employees, etc., Utah.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$23,740.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 23,740.00 |
| Amount expended..... | 22,973.67 |
| <hr/> | |
| Unexpended balance..... | 766.33 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------|-----------|
| Salaries, wages, etc..... | 22,073.67 |
|---------------------------|-----------|

Support of Confederated Bands of Utes—Subsistence, Utah.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$30,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 30,000.00 |
| Amount expended..... | 21,488.86 |
| <hr/> | |
| Unexpended balance..... | 8,511.14 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------|-----------|
| Wages in lieu of rations..... | 836.66 |
| Subsistence supplies..... | 20,652.20 |
| <hr/> | |
| Total..... | 21,488.86 |

The funds asked for under this item may be properly divided into four sections, three of them being based on treaties between the Government and the Ute Indians, thus constituting a moral obligation on the part of the United States to appropriate the necessary funds to carry out the provisions thereof.

Article 9 of the treaty of March 2, 1868 (15 Stat. L. 619), provides as follows:

"It is further stipulated that an additional blacksmith to the one provided for in the treaty of October 7, 1863, referred to in article 1 of this treaty, shall be provided, with such iron, steel, and other materials as may be needed for the Uintah, Yampa, and Grand River Agency."

This treaty also provides that—

"The United States hereby agrees to furnish the Indians the teacher, carpenters, millers, farmers, and blacksmiths as herein contemplated, and that

such appropriations shall be made from time to time on the estimate of the Secretary of the Interior as will be sufficient to employ such persons."

Article 12 of this treaty provides—

"That an additional sum, sufficient in the discretion of Congress (but not to exceed \$30,000 per annum) to supply the wants of the said Indians for food, shall be annually expended under the direction of the Secretary of the Interior in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes until such time as said Indians shall be found capable of sustaining themselves."

There are 2,051 Indians under the three jurisdictions (Southern Ute, Uintah and Ouray, and Ute Mountain), and during the fiscal year 1915 rations were issued to 963 Indians at a total cost of \$19,261.17, leaving \$10,738.83 for the subsistence of 190 Indian children in the Government schools on these three reservations and for such unexpected emergencies as may arise during the year.

The gratuitous issuance of rations is being reduced as rapidly as possible as the Indians become self-supporting, and this partly explains the unexpended balance of \$8,511.14 in this appropriation for the fiscal year 1915. However, it is believed necessary to retain the original amount (\$30,000) in the bill, in order to provide for emergencies such as an unusually hard winter, lack of employment, etc., requiring the issuance of food supplies, as it is impracticable to estimate accurately in advance the exact amount which will be required for this purpose.

The same amount has been appropriated for several years.

The CHAIRMAN. The next item is:

For the support and civilization of detached Indians in Utah, including pay of employees, \$10,000.

What justification have you to offer for this item?

MR. MERITT. We offer the following justification for this item:

Support of Indians in Utah.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 10,000.00 |
| Amount expended..... | 7,067.55 |
| <hr/> | |
| Unexpended balance..... | 2,932.45 |
| <hr/> | |
| ANALYSIS OF EXPENDITURES. | |
| Salaries, wages, etc..... | 3,447.00 |
| Traveling expenses..... | 1,326.01 |
| Transportation of supplies..... | 784.05 |
| Subsistence supplies..... | 89.31 |
| Dry goods, clothing, etc..... | 74.20 |
| Forage..... | 98.33 |
| Stationery and office supplies..... | 45.90 |
| Medical supplies..... | 37.99 |
| Equipment, material, etc..... | 1,064.85 |
| Miscellaneous..... | 99.91 |
| <hr/> | |
| Total..... | 7,067.55 |

Previous to the activities made possible by this legislation there were a number of roving bands of Indians, altogether about 1,200, scattered throughout the State not under jurisdiction. Many of these were in a destitute condition and in many cases annoyed the white people of the State through depredations. It became necessary, therefore, to establish some sort of jurisdiction over these Indians the origin of the legislation being an appropriation for the relief of certain bands in the vicinity of Skull Valley and Deep Creek, reports of their condition having reached the office.

Since the appointment of a responsible official much has been accomplished in the way of building Indian houses, instruction in farming, supplying agricultural implements, seed, fencing materials, etc., but not nearly all that needs being done. The value of the crops raised during the past fiscal year approximates \$4,562. Rations are not issued. Many of these Indians have valuable water rights, which require protection and use. Supervision is a difficult task because they are so widely scattered and much traveling is necessary.

It is the same amount appropriated last year and the previous year.

The CHAIRMAN. The next item is:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, with his discretion, the sum of \$300,000 of the principal funds to the credit of the Confederated Bands of Ute Indians and to expend the sum of \$50,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of \$200,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of \$50,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June thirtieth, nineteen hundred and sixteen, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March fourth, nineteen hundred and thirteen (Thirty-seventh Statutes at Large, page nine hundred and thirty-four), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the said Secretary of the Interior shall report to Congress on the first Monday in December, nineteen hundred and seventeen, a detailed statement as to all moneys expended as provided for herein.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Tribal funds (Confederated Bands of Utes).

The act of March 4, 1913 (37 Stat. L., 934), provides for the payment of the net amount of the judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians (\$3,305,257.19), to remain in the Treasury of the United States to the credit of said Indians and to bear interest at the rate of 4 per cent per annum from February 13, 1911, both principal and interest to be available under annual appropriations by Congress for cash payment to said Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior.

Confederated Bands of Utes 4 per cent fund, 1915.

ANALYSIS OF EXPENDITURES.

| Purpose. | Reservation. | | | | | | Total. |
|---|------------------------|-------------------|-------------------|-------------------|-------------------|-------------|-------------------|
| | Southern Ute. | | Uintah and Ouray. | | Ute Mountain. | | |
| | Principal ¹ | Interest. | Principal. | Interest. | Principal. | Interest. | |
| Salaries and wages..... | | \$811.70 | | \$4,808.02 | \$395.25 | \$11,888.11 | \$17,903.08 |
| Traveling expenses..... | | 829.55 | | | 136.88 | 936.61 | 1,903.04 |
| Transportation of supplies..... | | 1,154.90 | | 1,870.96 | 302.23 | 103.24 | 3,431.33 |
| Heat, light, and power..... | | | | | | 72.00 | 72.00 |
| Telegraph and telephone..... | | | | | 21.07 | 14.74 | 35.81 |
| Subsistence..... | | | | 74.61 | | 233.70 | 308.31 |
| Forage..... | | | | 292.63 | 2,136.00 | 55.74 | 2,484.37 |
| Medical supplies..... | | | | 142.81 | | 4.20 | 147.01 |
| Implements, harness, etc..... | 5,083.02 | | 13,312.66 | | | 2,015.45 | 20,411.13 |
| Furniture..... | 1,206.00 | | 904.53 | | | | 2,110.53 |
| Live stock..... | | | 12,337.50 | 83,905.00 | | | 96,242.50 |
| Fencing..... | 12.48 | | 14,187.80 | 1,344.00 | | | 15,544.28 |
| Bridges and culverts..... | | | 15.00 | | 2,450.27 | | 2,465.27 |
| Lumber and paint..... | | | 1,387.29 | | | | 1,387.29 |
| Per capita payments ² | 72,200.00 | \$200,000.00 | 149,200.00 | | 50,700.00 | | 472,100.00 |
| Construction and repair of buildings..... | | | 3,673.76 | 8,891.30 | 500.13 | | 13,065.19 |
| Seed..... | 476.85 | | | 279.26 | | | 756.11 |
| Miscellaneous..... | 50.10 | | 219.99 | 33.60 | 157.86 | | 461.55 |
| Balance..... | 1,184.51 | | 67,813.23 | 2,555.41 | 47,080.71 | | 118,633.86 |
| Total..... | 83,009.11 | 200,000.00 | 270,240.79 | 100,000.00 | 116,212.76 | | 769,462.66 |

¹ Nothing appropriated.

² Not paid in cash, but deposited in bank to credit of each Indian and expended under supervision for industrial purposes.

The Southern Ute Indians were allotted several years ago in 80 and 160 acre tracts. These allotments, however, are only partially developed, and in some cases practically no development work whatever has been undertaken, largely for the lack of necessary funds. It will be noted that nothing was appropriated last year for the Southern Ute Indians from the principal of this fund, and the only money they have thus far received has been their pro rata share of the accumulated interest, amounting to \$83,009.11, of which \$72,000 was distributed in per capita shares of \$200 each to the 360 Indians under this jurisdiction. This money, however, was not paid in cash but deposited in bank to the credit of each Indian and expended under supervision for industrial purposes. Of the remainder (\$11,009.11), \$9,824.60 has been expended for teams, implements, seed, and miscellaneous supplies, leaving a balance in the Treasury on July 1, 1915, of \$1,184.51.

From the principal of this fund, \$50,000 is asked for herein for the Southern Ute Indians. This money will be used (1) to develop the individual holdings of the allottees; (2) in the purchase of live stock, implements, etc.; (3) for other industrial purposes which will benefit the Indians. An irrigation project has been constructed on this reservation at a total cost of \$203,751.89, and in order to reap proper benefit from this large expenditure the Indians must be provided with teams, agricultural implements, seed, and other supplies for developing their allotments.

The sum of \$200,000 from the principal was appropriated for the fiscal year 1915 for the Indians under the Uintah and Ouray jurisdiction, plus their share of \$270,240.79 in the accumulated interest, making a total of \$470,240.79, of which \$349,200 was expended in making a per capita distribution of \$300 each to the 1,164 Indians under this jurisdiction. Of the remainder (\$131,040.79), \$53,227.56 has been expended for teams, implements, furniture, live stock, fencing, lumber, seed, and miscellaneous purposes, leaving a balance in the Treasury on July 1, 1915, of \$67,813.23, which will all be required for expenses of this nature during the current fiscal year.

An extensive irrigation project has been constructed under this jurisdiction at a total cost of \$935,887.98. 83,282 acres of land being now under ditch. It will be noted, however, that only 6,167 acres have been actually brought under cultivation by the Indians. Under present conditions it is necessary that all of this land be brought under cultivation and beneficial use made of the water not later than June and July, 1919, else there is danger of the forfeiture of the valuable water rights attached to the land.

This land is very fertile and adapted to the growth of alfalfa, fruits, grain, and vegetables. However, much of it is now raw, unbroken sage-brush land, and it has been found by actual experience that the cost of clearing the land, fencing it, as required by law, plowing, leveling, and constructing of necessary laterals and ditches, is about \$10 per acre, and in the case of very rough or sandy land the cost is much greater than this.

It is intended to expend the money asked for herein largely as follows:

(1) For the purpose of developing the land of all allottees who can not do such work themselves, thereby perfecting the water rights.

(2) To aid able-bodied Indians in the purchase of teams, implements, etc., so that they may develop their own lands, and

(3) In cases where the land is already developed and the water rights perfected, to help the allottees in making better improvements, in the purchase of live stock, the erection of sanitary homes, and for such other industrial purposes as may be authorized.

There is also included in this item \$50,000 for the Indians under the Ute Mountain jurisdiction in Colorado, who received \$100,000 from the principal in the appropriation for the fiscal year 1915, plus their share of \$116,212.76 in the accumulated interest, making a total of \$216,312.76. Of this amount, \$83,900 was expended for live stock, \$50,700 in making a per capita distribution of \$100 each to the 507 Indians under this jurisdiction, \$34,527.05 for forage, fences, salaries, implements, construction, and repair of buildings, and miscellaneous supplies, leaving a balance in the Treasury on July 1, 1915, \$47,080.71, which, however, will all be required for similar purposes during the current fiscal year.

The Indians of this reservation are unallotted, and while reports apparently show 40,030 acres of agricultural land, yet much of it is not well adapted to farming, partly owing to lack of sufficient water. However, there are approximately 310,000 acres of good grazing land on this reservation; hence it will be necessary for the Indians to depend largely on the live-stock industry for self-

support. Part of the grazing land is now leased to white stockmen, but as the contracts expire they will probably not be renewed, as it is planned to utilize the grazing lands of the reservation in developing the live-stock industry among the Indians themselves.

While this reservation is adapted to the live-stock industry, yet considerable water development will be necessary in order to place the industry on a successful basis, and if appropriated it is proposed to expend the \$50,000 asked for herein, largely for the purchase of additional live stock and for the development of an adequate water supply on the reservation.

The following statement shows in a condensed form the industrial and economic condition of the Indians under the three Ute jurisdictions:

Confederated Bands of Utes.

| Item. | Reservation. | | | Total. |
|------------------------------|---------------|-------------------|---------------|----------|
| | Southern Ute. | Uintah and Ouray. | Ute Mountain. | |
| Population..... | 366 | 1,161 | 524 | 2,051 |
| Able-bodied male adults..... | 96 | 291 | 102 | 489 |
| Indians farming..... | 70 | 199 | 3 | 271 |
| Agricultural land..... | 6,800 | 92,328 | 40,030 | 139,158 |
| Acreage cultivated..... | 2,500 | 6,167 | 24 | 8,691 |
| Value of crops..... | \$11,640 | \$35,663 | \$423 | \$47,682 |
| Live stock..... | 37,260 | 209,407 | 44,800 | 291,467 |
| Other property..... | 90,047 | 455,926 | 62,098 | 608,071 |
| Total..... | 127,307 | 665,333 | 106,898 | 899,538 |
| Average per capita..... | 348 | 573 | 204 | 438 |
| Grazing land (acreage)..... | 39,480 | 228,487 | 310,000 | 577,967 |

It is believed that the amounts asked for herein are absolutely essential to the successful continuation of the industrial program formulated for these Indians in order to place them fairly on the road to self-support.

The report requested may be found in House Document No. 137, Sixty-fourth Congress, first session. It is a short report and we will include it in the record.

The CHAIRMAN. Do you desire to add anything else?

Mr. MERITT. Nothing, except to say that the total amount requested in this item is the same as last year. We have reduced the amount to go to the Confederated Bands of Ute Indians from \$100,000 to \$50,000, and are asking that the \$50,000 be paid to the southern Ute Indians in Colorado, who share in this general tribal fund.

The CHAIRMAN. Why is it necessary to put that additional language in the law?

Mr. MERITT. Because last year we did not pay the southern Ute Indians any money direct, and we feel that we should. Of course, all of this money will be apportioned among each tribe and each Indian will receive his per capita share. And we are asking this year that we have an appropriation of \$50,000 to go to the Indians on the southern Ute Reservation.

The CHAIRMAN. They share equally with the others?

Mr. MERITT. Yes, sir. This fund is the outcome of a decision by the Court of Claims which awarded these Indians a judgment of three million and some odd dollars.

The CHAIRMAN. The next item is:

To carry into effect the provision of article nine of the treaty of March second, eighteen hundred and sixty-eight (Fifteenth Statutes at Large, page six hundred and nineteen), with the Confederated Bands of Ute Indians, for furnishing seeds and agricultural implements, the sum of \$10,000, or so much thereof as may be necessary.

Mr. MERITT. I offer for the record the following justification:

Support of Confederated Bands of Utes—seeds and implements—Utah.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$10,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 10,000.00 |
| Amount expended..... | 4,779.95 |
| <hr/> | |
| Unexpended balance..... | 5,220.05 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------|----------|
| Forage..... | 82.52 |
| Agricultural implements..... | 3,120.80 |
| Seed..... | 1,576.63 |
| <hr/> | |
| * Total..... | 4,779.95 |

Article 9 of the treaty dated March 2, 1868, reads as follows:

"When the head of a family or lodge shall have selected lands and received his certificate as above described, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value \$100, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid not exceeding in value \$50; and it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; * * *"

The Indians of the Southern Ute and Uintah and Ouray jurisdictions have been allotted, and of the total population of the two jurisdictions (1,527) 390 are heads of families and would be entitled to seeds and implements under this treaty provision if cultivating the soil. The Navajo Springs Utes are unallotted and hence would not share in such benefits from this particular fund.

The Southern Ute Indians are very backward, from an industrial standpoint, 70 cultivating 2,500 acres of land during the fiscal year 1915, producing crops valued at \$11,640, practically all of which was used for home consumption. The value of agricultural implements owned by them, exclusive of vehicles, is only \$5,000.

Under the Uintah and Ouray jurisdiction 199 Indians engaged in farming during the fiscal year 1915 and produced crops valued at \$35,663, the value of agricultural implements owned by them being \$12,000. While they are better situated than the Southern Utes, yet they also need additional agricultural tools and implements, which this treaty item will assist in providing.

This item was first included in the Indian act for 1915.

The CHAIRMAN. The next item is:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June twenty-first, nineteen hundred and six, reimbursable as therein provided, \$40,000, to remain available until expended: *Provided*, That this appropriation shall be used to hold, maintain, and operate said system so as to secure to the Indians their paramount rights to so much of the waters of the streams in said reservation as may be needed by them for agricultural and domestic purposes, and to regulate the use, enlargement, and extension of said system by any person, association, or corporation under the provisions of the act of June twenty-first nineteen hundred and six (Thirty-fourth Statutes at Large, page three hundred and twenty-five), only upon the acquisition of a right thereto as provided in the act of March first, eighteen hundred and ninety-nine (Thirtieth Statutes at Large, page nine hundred and forty-one).

Mr. MERITT. Mr. Chairman, that amount should be \$40,000, in accordance with our estimates.

The CHAIRMAN. \$40,000 instead of \$10,000?

Mr. MERITT. Yes, sir; and I submit the following justification in support of the item:

Irrigation system, Uintah Reservation, Utah (reimbursable).

| | |
|---|-------------|
| Fiscal year ending June 30, 1916, amount appropriated | \$10,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 10,000.00 |
| Unexpended balance from previous years | 87,765.12 |
| | 97,765.12 |
| Amount expended | 36,458.01 |
| | 61,307.11 |

ANALYSIS OF EXPENDITURES.

| | |
|------------------------------------|-----------|
| Salaries, wages, etc. | 30,594.41 |
| Traveling expenses | 758.45 |
| Transportation of supplies | 194.59 |
| Heat, light, and power (service) | 20.73 |
| Telegraph and telephone service | 18.27 |
| Printing, binding, and advertising | 3.35 |
| Forage | 2,192.07 |
| Fuel | 79.90 |
| Stationery and office supplies | 10.65 |
| Medical supplies | 16.63 |
| Equipment, material, etc. | 2,292.86 |
| Repairs to buildings | 254.02 |
| Rent | 15.00 |
| Miscellaneous | 7.08 |
| Total | 36,458.01 |

Uintah Reservation irrigation project.

Indian tribes: Uncompahgre Utes.

| | |
|--|--------------|
| Number of Indians | 1,185 |
| Area of reservation, acres | 2,600,000 |
| Area irrigable from constructed works, acres | 77,682 |
| Area actually irrigated, acres | 18,399 |
| Area farmed by Indians, acres | 6,167 |
| Area farmed by lessees, acres | 9,116 |
| Area farmed by white owners, acres | 3,116 |
| Area of whole project, acres | 83,282 |
| Cost of irrigation construction | \$819,459.02 |
| Cost of irrigation operation and maintenance and miscellaneous | \$116,428.96 |
| Maintenance collections | \$23,414.76 |
| Average value of irrigated lands, per acre | \$30 |
| Average annual precipitation, inches | 9 |

Source of water supply: Green River system.

Market for products: Local (fair).

Distance from railroad: 90 miles.

The Uintah irrigation system is now being operated over portions of the entire area of the former reservation and covers a very large acreage. This involves more work than if the irrigated lands were in a compact body, and as the small ditches are not built until there is a necessity for them this construction is evidence of increasing irrigated area and may be expected to continue for several years.

The installation of diversion boxes and checks is becoming imperative owing to the increased acreage under cultivation. This is also an expense incidental to the utilization of the system.

Most of the structures of this system are of timber, and replacements and repairs are constantly needed. The distance from a railroad makes the expense of cement structures very high, which has prevented their use.

The estimate includes salaries and wages, telegraph and telephone service, heat, light, and power service, fuel, forage, material for construction and repairs, repairs to buildings and property, and traveling expenses.

The total number of Indians attached to this reservation is 1,185, and there are nearly 80,000 acres included in the present areas under ditch. A large advance has been made in the amount of land which is actually being cultivated, the area having been more than doubled during the past year, nearly 40,000 acres actually being irrigated at the end of the irrigation season, and it is expected that this area will be considerably increased, requiring, of course, larger expenditures for proper upkeep and operation of nearly 200 miles of canal and more than 600 wooden structures.

The unexpended balance in this appropriation on July 1, 1915, was \$61,307.11, the appropriation made for the fiscal year 1916 was \$10,000, thus a total of \$71,307.11 being available for the project construction and maintenance. The cost for 1915 reported by the chief engineer is approximately \$37,500. The work for the current fiscal year is expected to cost \$15,000 or \$20,000 more than last year's cost on account of the necessary construction of lateral ditches and structures for control, measurement, and distribution of water and some increase in the maintenance expenses, aggregating probably \$55,000. This will leave about \$16,000, which, with the amount of the 1917 estimates, will provide for continuing the work during 1917 on the same scale as is now necessary.

The preparation of a large area of land for actual irrigation requires this work and its completion at an early date to permit such irrigation as must be done to perfect the water rights. The increase next irrigation season, which occurs during the current fiscal year, will be about 20,000 acres. As 18,000 acres are now irrigated it will be seen that 20,000 acres per year for the next three years will provide for not quite the whole area of land to be irrigated, and by the end of that period our priority under State filings must be protected by actual use of water.

The CHAIRMAN. This is the same amount that you had last year?

Mr. MERITT. No, sir; we only asked for \$10,000 last year because of the large amount of unexpended balance. We are doing some unusual development work on this reservation. We have put 20,000 acres of land under irrigation within the last two years. It is necessary that we build laterals to the allotments of the Indians in order to preserve their water rights, and we will need this additional appropriation for that purpose. The appropriation is reimbursable.

The CHAIRMAN. Have the Indians requested this as a tribe?

Mr. MERITT. No, sir; they have not requested the appropriation, but they are cooperating with us in getting the lands under cultivation.

The CHAIRMAN. Is there any protest against this legislation?

Mr. MERITT. No, sir; although if the question should be raised now I doubt if we would expend at this time the amount that has been expended on this irrigation project. It was constructed several years ago and about \$1,000,000 has been expended on the project—between \$900,000 and \$1,000,000.

The CHAIRMAN. I see you have added quite a long provision relating to the manner in which this appropriation shall be used. Is that necessary in order to make the law more explicit?

Mr. MERITT. It is necessary to more thoroughly secure the water rights of the Indians.

The CHAIRMAN. And to maintain them in the future?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next item is:

WASHINGTON.

SEC. 25. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, \$7,000.

Mr. MERITT. I offer the following justification in support of this item:

Support of D'Wamish and other allied tribes in Washington.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$7,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 7,000.00 |
| Amount expended..... | 6,770.83 |
| Unexpended balance..... | 229.17 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|----------|
| Salaries, wages, etc..... | 5,252.00 |
| Traveling expenses..... | 108.50 |
| Telegraph and telephone service..... | 51.50 |
| Forage..... | 315.43 |
| Fuel..... | 478.67 |
| Stationery and office supplies..... | 2.30 |
| Medical supplies..... | 411.31 |
| Equipment, material, etc..... | 142.02 |
| Miscellaneous..... | 9.10 |
| Total..... | 6,770.83 |

This appropriation is required for the administration of the affairs of the Indians under the jurisdiction of Tulalip Agency, comprising four widely separated reservations, with a total population of 1,239 Indians. It is used for the pay of employees, equipment, medical supplies, and general support items.

The CHAIRMAN. The next item is:

For support and civilization of the Makahs, including pay of employees, \$2,000.

Mr. MERITT. I offer the following justification in support of this item:

Support of Makahs, Washington.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$2,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 2,000.00 |
| Amount expended..... | 1,586.87 |
| Unexpended balance..... | 413.13 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------------|----------|
| Salaries, wages, etc..... | 600.00 |
| Traveling expenses..... | 51.60 |
| Transportation of supplies..... | 129.82 |
| Subsistence supplies..... | 149.41 |
| Dry goods, clothing, etc..... | 1.20 |
| Forage..... | 80.00 |
| Fuel..... | 8.52 |
| Stationery and office supplies..... | 72.00 |
| Medical supplies..... | 101.04 |
| Equipment, material, etc..... | 393.28 |
| Total..... | 1,586.87 |

This appropriation is required for the administration of the affairs of the Makah Indians, numbering 401, under the jurisdiction of Neah Bay Agency. It is used for general support items and the pay of one clerk.

The CHAIRMAN. The next item is:

For support and civilization of Qui-nai-elts and Quil-leh-utes, including pay of employees, \$1,000.

Mr. MERITT. I offer the following justification in support of that item:

Support of Qui-nai-elts and Qui-leh-utes, Washington.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$1,000.00 |
| <hr/> | |
| Fiscal year ending June 30, 1915: | |
| Amount appropriated..... | 1,000.00 |
| Amount expended..... | 817.80 |
| <hr/> | |
| Unexpended balance..... | 182.20 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------|--------|
| Traveling expenses..... | 117.80 |
| Subsistence supplies..... | 300.00 |
| Equipment, materials, etc..... | 400.00 |
| <hr/> | |
| Total..... | 817.80 |

This appropriation is required for the administration of the affairs of 958 Indians of the two tribes mentioned, under the jurisdiction of Taholah and Neah Bay Agencies, respectively. It is used for traveling expenses and general support items.

The CHAIRMAN. The next item is:

For support and civilization of Indians at Yakima Agency, including pay of employees, \$3,000.

Mr. MERITT. The following justification is submitted in support of that item.

Support of Indians at Yakima Agency, Wash.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$3,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 3,000.00 |
| Amount expended..... | 2,947.38 |
| <hr/> | |
| Unexpended balance..... | 52.62 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|----------|
| Salaries, wages, etc..... | 455.75 |
| Telegraph and telephone service..... | 121.54 |
| Subsistence supplies..... | 186.65 |
| Dry goods, clothing, etc..... | .52 |
| Forage..... | 742.42 |
| Fuel..... | 222.89 |
| Stationery and office supplies..... | 190.00 |
| Medical supplies..... | 428.38 |
| Equipment, material, etc..... | 599.23 |
| <hr/> | |
| Total..... | 2,947.38 |

This appropriation is required for the administration of the affairs of 3,149 Indians at Yakima Agency. It is the general support fund from which equipment, fuel, forage, medical and other supplies, and miscellaneous items are provided.

The CHAIRMAN. The next item is:

For support and civilization of Indians at Colville, Taholah, Puyallup, and Spokane Agencies, including pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, \$18,000.

Mr. MERITT. The following justification is submitted, Mr. Chairman:

Support of Indians of Colville and Puyallup Agencies and Joseph's Band of Nez Percés, Washington.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$13,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 13,000.00 |
| Amount expended..... | 9,694.84 |
| <hr/> | |
| Unexpended balance..... | 3,305.16 |

ANALYSIS OF EXPENDITURES.

| | |
|---|----------|
| Salaries, wages, etc..... | 6,213.98 |
| Traveling expenses..... | 902.04 |
| Transportation of supplies..... | 243.05 |
| Telegraph and telephone service..... | 239.44 |
| Printing, binding, and advertising..... | 8.60 |
| Subsistence supplies..... | 335.44 |
| Forage..... | 1,319.68 |
| Fuel..... | 187.50 |
| Stationery and office supplies..... | 37.18 |
| Equipment, material, etc..... | 154.58 |
| Miscellaneous..... | 53.55 |
| <hr/> | |
| Total..... | 9,694.84 |

The appropriation of previous years corresponding to this item has provided \$13,000 for only Puyallup and Colville Agencies, including Joseph's Band of Nez Percés. Because they were so far removed from headquarters that the superintendent, who is fully occupied with the trades school at Tacoma, could give their interests but meager attention, the Quinaielts were segregated from Cushman School during the fiscal year 1915, and a new agency established at Taholah to have jurisdiction over them and other scattered Indians along the coast. These Indians are now receiving the attention which they require, but this, of course, involves somewhat greater expense. For a number of years Spokane Agency was supported from the unexpended balance of appropriations, aggregating \$95,000, made in pursuance of article 5 of the agreement with the Spokanes dated March 18, 1887, and ratified by the act of July 13, 1892 (27 Stats., 120-139), the last installment of which was appropriated in the act of March 3, 1901 (31 Stat., 1058-1070), but this fund became exhausted during the fiscal year 1915. Because of the failure of passage of the 1916 appropriation bill this agency is being supported during the current fiscal year from the appropriation for general expenses. There are under these four jurisdictions 6,100 Indians and considerably more than one and one-half millions acres of land. The share of the Quinaielt Indians in the item of \$1,000 for the "support of the Quinaielts and Quillehutes" and the treaty item of \$1,000 for the "support of Spokanes" are the only other support items which contribute to the support of these four agencies; therefore it will be apparent, it is believed, that the amount asked for is conservative. It is required for pay of employees, equipment, medical and other supplies, and general support purposes.

We have found it necessary to establish a new agency at Taholah, Wash., to take care of Indians who were formerly under the Cushman School.

The CHAIRMAN. How many of those Indians are there?

Mr. MERITT. There are six or seven hundred, Mr. Chairman. And we are also supporting the Spokane Agency out of this appropriation, which makes it necessary to have an increased amount of \$5,000.

The CHAIRMAN. You have had an agency at Spokane all the while, have you not?

MR. MERITT. Yes, sir; but we have had certain tribal funds that were applicable but which are no longer available, and it will be desirable to have an increased gratuity appropriation.

The CHAIRMAN. The next item is:

For support of Spokanes in Washington (article six of agreement with said Indians, dated March eighteenth, eighteen hundred and eighty-seven, ratified by act of July thirteenth, eighteen hundred and ninety-two), \$1,000.

MR. MERITT. We offer the following justification for this item, Mr. Chairman:

Support of Spokanes, Washington.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$1,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 1,000.00 |
| Amount expended----- | 862.35 |
| Unexpended balance----- | 137.65 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------------|----------|
| Salaries, wages, etc----- | \$590.50 |
| Equipment, material, etc----- | 271.85 |
| Total----- | 862.35 |

This appropriation is required to enable the office to carry out the following provision of the agreement with the Spokane Indians dated March 18, 1887 (Kappler—453), ratified by the act of July 13, 1892 (27 Stat., 120-139).

"It is further agreed that in addition to the foregoing provisions the United States shall employ and furnish a blacksmith and a carpenter to do necessary work and to instruct the Indians, parties hereto, in those trades."

The CHAIRMAN. The next item is:

For operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, \$15,000, reimbursable in accordance with the provisions of the act of March 1, 1907: *Provided*, That money received under agreements for temporary water supply may be expended under the direction of the Secretary of the Interior for maintenance and improvement of the irrigation system on said lands.

MR. MERITT. We offer the following justification for this item:

Maintenance and operation, irrigation system, Yakima Reservation, Wash. (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$15,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 15,000.00 |
| Amount expended----- | 15,107.75 |
| Overdrawn----- | 107.75 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc----- | 11,910.20 |
| Traveling expenses----- | 104.00 |
| Transportation of supplies----- | 192.60 |
| Heat, light, and power service----- | 6.00 |
| Telegraph and telephone service----- | 47.02 |
| Forage----- | 271.78 |
| Fuel----- | 25.40 |
| Stationery and office supplies----- | 42.55 |

| | |
|-------------------------------|------------|
| Equipment, material, etc..... | \$2,260.85 |
| Repairs (to plant)..... | 14.85 |
| Rent..... | 135.00 |
| Miscellaneous..... | 97.50 |
| Total..... | 15,107.75 |

This amount is needed for maintenance and repair of the canals and structures of this very extensive project. There are more than 400 miles of canals and 3,278 structures to keep up. Many of the smaller structures are of timber 17 to 18 years old and are replaced as they gradually fail. A maintenance charge is collected from the non-Indian irrigators, and the amount here requested will be required as the proportion for the Indians themselves.

Mr. CARTER. What is the necessity for that proviso, Mr. Meritt?

Mr. MERITT. It is in order to enable us to use the proceeds from water supplied to maintain the irrigation ditches and laterals. We are selling certain of the water supply out there, and we want to use the proceeds in keeping the irrigation system in order.

Mr. CARTER. You are not permitted to do that now?

Mr. MERITT. No, sir.

Mr. CARTER. How much is that, usually?

Mr. REED. Well, the funds that are covered there come from the charges made for the delivery of water throughout the ditches to lessees and white owners, etc. That has been running from 50 to 75 cents per acre per year and runs from \$15,000 to \$20,000.

Mr. CARTER. So you would have \$30,000 or \$35,000 instead of \$15,000?

Mr. REED. Yes. There is, however, on that reservation about 38,000 acres under cultivation right now.

Mr. CARTER. How much land is owned by white people there?

Mr. REED. I imagine we have been talking about different matters.

The CHAIRMAN. Can you furnish us that information?

Mr. REED. I can give you that amount right now. Nine thousand eight hundred and forty acres are owned and irrigated by white men.

Mr. CARTER. How did they get title to this land?

Mr. REED. They have purchased allotments.

Mr. CARTER. From inherited estates or from the Indians themselves?

Mr. REED. Inherited, mostly.

Mr. MERITT. Both.

Mr. CARTER. If the land was allotted to an Indian with a water right, does not that water right follow the land when the white man purchases it?

Mr. REED. I do not want to pass on that question.

Mr. CARTER. Are any of them who purchased land with a water right paying for the water right now?

Mr. MERITT. There is not any water right paid for entirely.

Mr. CARTER. I mean, water supplied?

Mr. CONNER. The matter under discussion relates not to the money collected as maintenance charges, which amounts to several thousand dollars, but to certain small amounts of money, probably \$2,000 or \$3,000, which will be derived under agreements for a temporary storage supply which have been made with certain owners of irrigable lands. The act of August 1, 1914, provided water for 40 acres of each allotment, but only a part of those allotments can be reached; we have water which can not be used for the land for which it was

provided, and in order to prevent any legal complications we have prescribed contracts for the temporary use and supply of this water on other lands; that is, lands within the service of the ditches, but which only have a partial water supply. And it is only a small amount of money that this proviso is supposed to cover.

The CHAIRMAN. Could you give us a statement showing how much money has been received and how much money has been expended?

Mr. CONNER. I will get the figures.

The CHAIRMAN. And put that information in the record at this point?

Mr. MERITT. The amount collected to June 30, 1915, under agreements for temporary water supply is \$5,202.53, the total to November 30, 1915, being \$5,330.53.

Mr. NORTON. Mr. Reed, I understood you to say you were not now permitted, under existing law, to expend the money received from rentals for the maintenance of this project. Is that a fact?

Mr. REED. No; I did not intend to say that, if I did.

Mr. NORTON. What is the cost of the maintenance and operation of the project now?

Mr. REED. I do not know that we have it here. We can give it to you, though, if you would like to have it.

Mr. NORTON. It is very much in excess of \$15,000, is it not?

Mr. REED. Oh, yes; in that country it will run fully \$1 an acre.

Mr. NORTON. Is this plant paying operating expenses?

Mr. CONNER. Yes, sir; the charge is fixed at the rate, I believe, of \$1 per acre, and that is about what it costs.

Mr. NORTON. And this \$15,000, or any portion of it, is not to be used to help pay for the actual maintenance of the plant, is it?

Mr. CONNER. Practically; yes, sir; but it is reimbursable by the Indians, and it is used in some cases to defray expenses where the Indians have no individual funds, where the land is not leased, and the Indian is farming it himself.

Mr. NORTON. The amount appropriated in 1916 was \$15,000?

Mr. CONNER. Yes, sir.

Mr. NORTON. Has any part of that been reimbursed?

Mr. CONNER. It is all reimbursable.

Mr. NORTON. But has it been reimbursed?

Mr. CONNER. No.

Mr. NORTON. How much did this plant cost?

Mr. CONNER. So far the expenditures on this reservation amount to about \$600,000.

Mr. NORTON. Is it not a fact that this is one of those plants that does not pay for its maintenance and operation?

Mr. CONNER. Yes, sir.

Mr. CAMPBELL. Has it been the custom to collect for water given to users and to use that money in paying the expenses of maintaining the ditches?

Mr. REED. Yes, sir; for the last two or three years.

Mr. CAMPBELL. By what authority have any moneys that have been collected been used in that way?

Mr. CONNER. The act of August 1, 1914.

Mr. MERITT. There is a provision in the general irrigation items at the beginning of the appropriation bill, the second item, which gives authority to do that.

Mr. CONNER. I would say, in connection with this project, that from the tabulated statement it seems that the collections for operation and maintenance to date have exceeded by \$2,000 the total cost of operation and maintenance to date.

Mr. CAMPBELL. I would suggest that you furnish an itemized statement of the moneys collected and the manner in which they have been expended.

Mr. MERITT. And do you desire to know the total cost of this project?

Mr. NORTON. Yes; if that will not be too much trouble.

Mr. MERITT. The statement requested is as follows:

The total maintenance collections on the Wapato project, Yakima Reservation, to June 30, 1915, is shown in the justification to be \$133,096.79.

The total cost of maintenance and operation to June 30, 1915, is shown to be \$131,132.48.

The amount expended during the fiscal year 1915 is \$34,180.63, classified as follows:

| | |
|-----------------------------------|-------------|
| Salaries and wages..... | \$30,311.08 |
| Travel expenses..... | 86.05 |
| Heat, light, and power..... | 19.70 |
| Telegraphing and telephoning..... | 121.41 |
| Printing..... | 1.10 |
| Forage..... | 166.91 |
| Fuel..... | 216.62 |
| Stationery..... | 365.26 |
| Equipment..... | 2,549.92 |
| Rent..... | 265.00 |
| Miscellaneous..... | 77.58 |
| Total..... | 34,180.63 |

The work of maintenance and operation is under an engineer, at a salary of \$2,100 per annum, and a supervisor of ditches, at \$1,800 per annum. The force consists of 12 ditch riders, at salaries not exceeding \$1,080 per annum, and necessary survey parties, foremen, and repair crews of laborers and mechanics.

The total cost of construction of this project to June 30, 1915, is \$312,494.34, to which is to be added part of an undistributed sum expended on the Yakima Reservation, amounting to \$188,175.17. Revision and distribution not yet completed.

The CHAIRMAN. The next item is:

For support and education of three hundred and fifty Indian pupils at the Cushman Indian School, Tacoma, Washington, including repairs and improvements, and for pay of superintendent, \$50,000, said appropriation being made to supplement the Puyallup school funds used for said school.

Mr. MERITT. I offer the following justification for this item:

Indian school, Tacoma, Wash.

| | |
|--|-------------|
| Fiscal year ending June 30, 1915, amount appropriated..... | \$50,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 50,000.00 |
| Amount expended..... | 49,155.84 |
| <hr/> | |
| Unexpended balance..... | 844.16 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc..... | 22,411.61 |
| Heat, light, and power (service)..... | 480.76 |
| Telegraph and telephone service..... | 11.45 |
| Printing, binding, and advertising..... | 51.90 |

| | |
|-------------------------------------|------------|
| Subsistence supplies..... | \$9,385.99 |
| Dry goods, clothing, etc..... | 1,364.68 |
| Forage..... | 336.50 |
| Fuel..... | 10,720.78 |
| Stationery and office supplies..... | 238.98 |
| Educational supplies..... | 554.91 |
| Medical supplies..... | 157.82 |
| Equipment, material, etc..... | 1,510.17 |
| Repairs (to plant)..... | 1,831.64 |
| Miscellaneous..... | 98.65 |
| Total..... | 49,155.84 |

Statistical statement for year ending June 30, 1915.

| | |
|---|--------------------|
| Value of school plant—real property..... | \$392,427 |
| Number of buildings..... | 39 |
| Number of employees..... | 33 |
| Average attendance of pupils..... | 306 |
| Enrollment..... | 382 |
| Capacity..... | 350 |
| Cost per capita based on enrollment..... | ¹ \$183 |
| Cost per capita based on average attendance..... | ¹ \$228 |
| Area of school land (acres)..... | 43 |
| Area of school land (acres cultivated)..... | 11 |
| Value of products of school..... | \$850 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support..... | \$59,895 |
| Repairs and improvements..... | 105 |
| Total..... | 60,000 |

Requested in proposed bill: Support and education of 350 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements and superintendent's salary, \$50,000, being made to supplement the Puyallup School funds used for said school.

| | Salaries. | | Salaries. |
|---|-----------|---------------------|-----------|
| Superintendent..... | \$2,000 | Housekeeper..... | \$720 |
| Clerk..... | 1,000 | Nurse..... | 720 |
| Assistant clerk..... | 800 | Seamstress..... | 600 |
| Physician..... | 600 | Laundress..... | 500 |
| Assistant superintendent and principal..... | 1,500 | Baker..... | 300 |
| Teacher..... | 630 | Cook..... | 660 |
| Do..... | 630 | Assistant cook..... | 300 |
| Do..... | 600 | Tailor..... | 900 |
| Do..... | 600 | Gardener..... | 720 |
| Do..... | 600 | Engineer..... | 1,200 |
| Instructor of forging..... | 900 | Disciplinarian..... | 720 |
| Manual-training teacher..... | 1,000 | Carpenter..... | 840 |
| Do..... | 1,200 | Fireman..... | 840 |
| Matron..... | 660 | Do..... | 300 |
| Boys' matron..... | 600 | Laborer..... | 500 |
| Assistant matron..... | 500 | Do..... | 500 |
| Do..... | 500 | Total..... | 24,640 |

This is the same amount that was appropriated last year and provides for 350 pupils plus the superintendent's salary, \$2,000.

The school has heretofore been supported to a considerable extent out of special funds available only here. These funds are not large enough now to take care of the support and repairs and improvements that are necessary to be made to the plant.

¹This includes \$768.47 used in the transportation of pupils. There was also expended \$21,794 Puyallup funds and \$272.88 "Miscellaneous receipts, Class IV."

The Cushman School is the best equipped trades school in the Northwest, and special attention is given to the work of preparing Indian pupils for useful occupations.

The CHAIRMAN. The next item is:

For construction of a dam across the Yakima River for the diversion and utilization of water provided for 40 acres of each Indian allotment on the Yakima Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian land on said reservation, and for beginning the enlargement and extension of the distribution and drainage system on said reservation, \$200,000, to be immediately available and to remain available until expended: *Provided*, That the cost of the entire diversion works and distribution and drainage system shall be reimbursed to the United States by the owners of the lands irrigable thereunder in not to exceed 20 annual payments, and the Secretary of the Interior may fix operation and maintenance charges which shall be paid as he may direct.

In the apportionment of charges against Indians, due allowance shall be made for such amounts as may have been repaid the United States on account of reimbursable appropriations heretofore made for this project, and for the construction of the irrigation system prior to the passage of the act of December 21, 1904 (33 Stat. L., p. 595), as therein provided. All charges against Indian allottees herein authorized, unless otherwise paid, may be paid from individual shares in the tribal fund when the same is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment, and the fact of such lien shall be recited in such patent and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and should any Indian sell any part of his allotment with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused within the discretion of the Secretary of the Interior until all dues are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe, and he is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

Mr. MERITT. I offer the following justification for that item:

Yakima Reserration, Wapato project.

| | |
|--|----------------|
| Indian tribes: Confederated Yakimas. | |
| Number of Indians..... | 3, 052 |
| Area of reservation, acres..... | 1, 145, 069 |
| Area irrigable from constructed works, acres..... | 40, 000 |
| Area actually irrigated, acres..... | 37, 424 |
| Area farmed by Indians, acres..... | 5, 415 |
| Area farmed by lessees, acres..... | 22, 169 |
| Area farmed by white owners, acres..... | 9, 840 |
| Area of whole project, acres..... | 120, 000 |
| Cost of irrigation construction..... | \$312, 494. 34 |
| Cost of irrigation, maintenance, operation, and miscellaneous..... | \$131, 132. 48 |
| Collections for operation and maintenance..... | \$133, 096. 79 |
| Estimated additional cost to complete project..... | \$2, 350, 000 |
| Estimated total cost of irrigated lands, per acre..... | \$24 |
| Average value of irrigated lands per acre..... | \$125 |
| Average annual precipitation, inches..... | 7 |
| Source of water supply: Yakima River. | |
| Markets for products: Local and general (excellent). | |
| Distance from railroad: 0 to 20 miles. | |

The act of August 1, 1914 (38 Stat. L., 604), provides for water for 40 acres of each Indian allotment within the Wapato project. At the present time about 250 of the 1,800 allotments are provided with water, while the remaining 1,550 have no facilities whatever for furnishing them with the water provided by Congress.

The water users claim that the present lack of diversion works has caused considerable damage to crops this season. It is now necessary each year to do considerable temporary work at the head of the two reservation canals. This work can not be done until the river gets low, and then it can not be done sufficiently fast to supply the demand for water. The river channel at the old reservation canal has so changed that it is impossible to get water into the canal when there is plenty of water in the river, although more work has been done than usual.

The amount requested would enable all the water to be taken through the main reservation canal, which, with the diversion dam, would properly control the water at all times. Under the present system a summer flood might destroy all temporary work and leave the reservation canals high and dry, damaging the water users thousands of dollars before the water could again be diverted.

In a period of 10 years the cost of these temporary methods of diversion will amount to more than the cost of the proposed diversion dam.

The estimates submitted are intended to be spent as follows:

Diversion dam and headgate at Union Gap, including raising the Northern Pacific tracks, complete; beginning work of enlarging main canal with necessary structures, bridges, laterals, etc.; beginning work on the main supply and power canal with necessary structures; beginning ditches to properly drain more of the land now irrigated.

In order that the work may be carried on in an economical manner, we should complete the project within a period of five or six years, and sufficient funds should be furnished, if possible, to construct the works which are required each year, so as to make use of the appropriation already expended.

The estimated value of the crops raised upon the 37,000 acres now irrigated for the season of 1915 is \$1,110,000, based on accurate crop census. At this rate the completed project of 120,000 acres would produce approximately \$4,000,000, or more every year than the entire cost of the completed project.

THE CHAIRMAN. Do you desire to make any further statement in connection with this item?

MR. REED. This is required for the construction of a dam. The Congress has provided that 720 second-feet shall be provided by the Reclamation Service from storage, so that there will be a perpetual supply at the head of Yakima ditch of 720 second-feet. At the present time there is no diversion dam and heretofore they have made annual attempts to divert by means of temporary construction but, as is usual with all such temporary construction, it has been taken away with the floods, and it will require a permanent dam entirely across the river before there can be anything safe and of a permanent nature. This will not require the entire \$200,000. The purpose is to enlarge and extend the ditch so that the land which was provided for in the act of Congress can receive some of the water which has been provided for it. At the present time many of the 40 acres, which are provided for by act of Congress, can not receive any of the water because there is no canal system leading to it.

MR. CAMPBELL. The irrigation system was constructed without providing for water?

MR. REED. A portion of the irrigation system, yes. That may be explained in this way, that at the time this was constructed, some years ago, the waters of the Yakima River had not been appropriated, the flow was always much larger than it is now, and at the time it was initiated it was probably not necessary—

MR. CARTER (interposing). You mean it had not been appropriated above this point?

Mr. REED. Yes, sir. It was not necessary to put in a diversion dam because there was depth enough in the river to supply the canal. Since that time every drop of the normal flow of the river has been appropriated and the Reclamation Service is spending millions in storing all of the flood water at the present time.

The CHAIRMAN. Is it proposed to build this dam above the Sunnyside Dam, where the intake for the Sunnyside plant is?

Mr. REED. Yes, sir.

The CHAIRMAN. And the Indians will get the water ahead of this if this dam is constructed?

Mr. REED. The Indians' dam is above the point of the diversion of the Sunnyside, yes.

Mr. CARTER. Is it to be where the dam is now?

Mr. REED. Yes, sir; nearly. It turns in at the same head but not at the same location.

Mr. CARTER. Have they not also increased the capacity of the lake at the head of the Yakima River?

Mr. REED. You mean in storage?

Mr. CARTER. Yes.

Mr. REED. Oh, yes; there are two or three reservoir sites that they are working on now. That is, the Reclamation Service, however.

Mr. CARTER. The difficulty now is that you can not put the water back upon the high lands. Is that what you mean?

Mr. REED. The difficulty now is that at the low-water flow of the river we can not get water into the canals.

The CHAIRMAN. The canals are higher than the water of the river?

Mr. REED. Yes. Only a small portion of the water flows into the canals, the canals being at the grade of the river. This year there was quite a shortage.

Mr. MERITT. Mr. Chairman, in order to save time I would suggest that the next few items are legislative items, and for those I will place justifications in the record.

The CHAIRMAN. The next item is:

That the Secretary of the Interior be, and he is hereby, authorized to patent to the Washington State Historical Society, for memorial and park purposes, the following described lands in the diminished Colville Indian Reservation, in the State of Washington, to wit: A tract of land not exceeding 4 acres in area located in the northwest corner of lot 2 of section 17, the precise description of said tract to be determined by said Washington Historical Society and the Secretary of the Interior prior to the issuance of the patent therefor, and lot 7, containing 20.90 acres of section 21, all in township 30 north, range 25 east of the Willamette meridian, in Washington: *Provided*, That the lands hereby granted shall be paid for by the said society at their appraised value, to be ascertained in such manner as the Secretary of the Interior may prescribe, and the proceeds thereof placed in the Treasury of the United States to the credit of the Indians belonging on the reservation of which the lands herein described are a part and thereafter paid to the said Indians or used for their benefit in such manner as the Secretary of the Interior may deem for their best interests: *Provided further*, That the lands hereby granted shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

Mr. MERITT. I offer for the record the following justification, Mr. Chairman:

The proposed conveyance to the Washington State Historical Society of certain land on the Colville Reservation was first brought up in Senate bill 5379, Sixty-second Congress, third session. In March, 1912, Special Allotting Agent Hunt and Superintendent Johnson in charge of the reservation made what ap-

pears to have been a careful investigation into the historical interests of the lands as described in the original bill, and suggested certain changes in descriptions for the reason that parts of the lands therein were then included in allotment selections and also for the further reason that the original descriptions covered three detached pieces of land.

The matter was gone over at that time in the field with the secretary of the historical society, who expressed the willingness to confine the selections of the society to a tract of about 4 acres in the northwest corner of lot 2, on which the Astor Co.'s settlement was made, to lot 4 in section 18, on which there is evidence of excavation made years ago, and to lot 7 of section 21, on which the Hudson Bay Co.'s fort was located. At that time the superintendent reported that lot 4, of section 18, just mentioned, was requested at the solicitation of the people of the neighboring town of Brewster who erected a flagpole thereon on July 5, 1911, the centennial of the discovery of the Okanogan River. A new bill was therefore drafted and transmitted to the Congress with the favorable report of the department July 12, 1912.

The department made another favorable report on the proposed legislation, as Senate bill 3130, in January, 1915, in its letter to Hon. William J. Stone, then chairman of the Senate Committee on Indian Affairs. Provision was made in the original bill and in the new form, as proposed by the department, and also in Senate bill 3130, for paying to the Indians the appraised value of the lands and to provide that the lands shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country. In view of these two provisions and of the fact that no doubt the people of that particular locality of the State attach great historical importance to the trading posts of the Hudson Bay and Astor Companies, apparently no reasonable grounds exist for objecting to the passage of the item in the form suggested by the department.

The CHAIRMAN. The next item is:

That there be, and hereby is, granted to school district No. 56, Klickitat County, Wash., the northwest quarter of the northwest quarter of the northeast quarter of the northeast quarter of section 11, township 6 north, range 14 east of the Willamette meridian, containing $2\frac{1}{2}$ acres, now used as a public-school site by said district, and being a part of the Yakima Indian Reservation, and the Secretary of the Interior is authorized to issue patent to said district for said lands, the same to be used for school purposes.

Mr. MERITT. I offer for the record the following justification, Mr. Chairman:

School district No. 56, Klickitat County, Wash., is situated, in part at least, within that portion of the Yakima Indian Reservation which was annexed thereto in section 1 of the act of December 21, 1904 (33 Stat. L., 595, 596). The school grounds are described as the NW. $\frac{1}{4}$ of NW. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, sec. 11, T. 6 N., R. 14 E., W. M., containing $2\frac{1}{2}$ acres.

The act contained a provision that "where valid rights have been acquired prior to March fifth, nineteen hundred and four, to lands within said tract by bona fide settlers or purchasers under the public-land laws, such rights shall not be abridged, and any claim of said Indians to these lands is hereby declared to be fully compensated for by the expenditure of money heretofore made for their benefit in the construction of irrigation works on the Yakima Indian Reservation."

The district was established, as the record indicates, prior to the annexation, a public school having been conducted on the tract for more than 20 years. The provision above cited, however, does not appear to be for the benefit of any but "bona fide settlers or purchasers."

As better facilities are now imperative, and the $2\frac{1}{2}$ acres occupied for public-school purposes are not required for Government, administrative, or Indian use, and are not claimed by any Indian, and the policy of the Indian Office has been to encourage the establishment and maintenance of public schools within Indian reservations, it is believed a patent should issue to the school board.

The CHAIRMAN. The next item is:

That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 80 acres of land within the diminished Colville Indian Reservation, in the State of Washington, to Se-cum-ka-nullax in lieu

of a portion of the Moses agreement allotment No. 36 embraced within the homestead entry of Charles M. Hickerson.

That the Secretary of the Interior be, and he is hereby, authorized and directed to accept the homestead proof submitted by Charles M. Hickerson for that part of his homestead embraced within allotment No. 36 to Se-cum-kannullax of Chief Moses's band of Indians if the same is shown to be in compliance with the homestead laws, and the title of said Indian to that part of said allotment embraced within said entry is hereby extinguished.

Mr. MERITT. I offer for the record the following justification, Mr. Chairman:

These two items are necessary by reason of the inclusion in the homestead entry of one Charles M. Hickerson of a part of the land previously allotted to Se-cum-ka-nullax (now deceased), whose allotment is No. 36 of the Moses agreement group, the extent of the conflict being 50.35 acres. Senate bill 4310 Sixty-third Congress, second session, was drafted to authorize the allotment to the Indian of land elsewhere in lieu of that included in the Hickerson entry, and to permit of the acceptance of the entry of Hickerson for the land in conflict.

In our report of May 14, 1914, on the bill in question it was suggested that it be amended to provide for the allotment of not to exceed 80 acres to the Indian in lieu of that portion of his allotment within the homestead entry of Hickerson. The proposed legislation is not only very desirable, but necessary, both in the interest of the homestead entryman and the Indian. The entryman will get the land he has occupied and improved, and the heirs of the Indian allottee will get lieu land to make up for that lost to them through no fault of their own.

The CHAIRMAN. All right. The next item, then, is:

WISCONSIN.

SEC. 26. For the support and education of two hundred and fifty Indian pupils at the Indian school at Hayward, Wisconsin, including pay of superintendent, \$43,400; for general repairs and improvements, \$5,000; for dairy barn, \$3,200; in all, \$51,600.

Mr. MERITT. I offer for the record the following justification, Mr. Chairman:

Indian school, Hayward, Wis.

| | |
|--|-------------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$36, 670. 00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 36, 670. 00 |
| Amount expended----- | 33, 971. 57 |
| <hr/> | |
| Unexpended balance----- | ¹ 2, 698. 43 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|-------------|
| Salaries, wages, etc----- | 15, 425. 20 |
| Traveling expenses----- | 6. 98 |
| Transportation of supplies----- | 292. 50 |
| Heat, light, and power (service)----- | 500. 00 |
| Telegraph and telephone service----- | 72. 00 |
| Subsistence supplies----- | 6, 795. 73 |
| Dry goods, clothing, etc----- | 5, 063. 91 |
| Forage----- | 639. 38 |
| Fuel----- | 2, 969. 21 |
| Stationery and office supplies----- | 3. 35 |
| Educational supplies----- | 213. 51 |
| Medical supplies----- | 161. 11 |
| Equipment, material, etc----- | 1, 617. 68 |
| Miscellaneous----- | 211. 01 |
| <hr/> | |
| Total----- | 33, 971. 57 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Indian school, Hayward, Wis., repairs and improvements.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$5,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 5,000.00 |
| Amount expended----- | 4,990.53 |
| Unexpended balance----- | 9.47 |

ANALYSIS OF EXPENDITURES.

| | |
|-------------------------|----------|
| Repairs (to plant)----- | 4,990.53 |
|-------------------------|----------|

Statistical statement for year ending June 30, 1915.

| | |
|---|-----------------------|
| Value of school plant—real property----- | \$110,815 |
| Number of buildings----- | 18 |
| Number of employees----- | 22 |
| Average attendance of pupils----- | 191 |
| Enrollment----- | 226 |
| Capacity----- | 200 |
| Cost per capita based on enrollment----- | ¹ \$150.93 |
| Cost per capita based on average attendance----- | ¹ \$178.95 |
| Area of school land, acres----- | 640 |
| Area of school land, acres cultivated----- | 260 |
| Value of products of school----- | \$4,574.36 |
| Superintendent's estimate of absolute needs for 1917: | |
| Support----- | \$38,572.00 |
| Repairs and improvements----- | 1,250.00 |
| New construction----- | 23,500.00 |
| Total----- | 63,322.00 |

Amount requested in proposed bill:

| | |
|---|-----------|
| Support and education of 250 Indian pupils at the Indian school, Hayward, Wis., and superintendent's salary----- | 43,400.00 |
| Repairs and improvements----- | 5,000.00 |
| New buildings----- | 3,200.00 |
| Total----- | 51,600.00 |

| | Salaries. | | Salaries. |
|-------------------------|-----------|-----------------------|-----------|
| Superintendent----- | \$1,650 | Assistant matron----- | \$300 |
| Clerk----- | 1,000 | Nurse----- | 720 |
| Financial clerk----- | 600 | Seamstress----- | 540 |
| Physician----- | 1,000 | Laundress----- | 500 |
| Disciplinarian----- | 720 | Baker----- | 540 |
| Teacher----- | 780 | Cook----- | 540 |
| Do----- | 660 | General mechanic----- | 720 |
| Do----- | 600 | Engineer----- | 840 |
| Do----- | 600 | Laborer----- | 450 |
| Industrial teacher----- | 840 | Do----- | 300 |
| Matron----- | 600 | | |
| Assistant matron----- | 540 | Total----- | 15,040 |

This is a nonreservation boarding school located on 640 acres of Government land. The superintendent also has supervision over the Lac Courte Oreille Reservation.

The school plant is old and all the buildings need more or less repairs, such as new chimneys, plastering, etc. The school plant exclusive of the land is valued at \$97,015, and the \$5,000 required for repairs is about 5 per cent of that amount, or 4½ per cent of the total value of the school plant. This is a reasonable percentage for repairs at a plant having the hard wear incident

¹This includes \$147.88 used in the transportation of pupils. There was also expended \$314.15 "Miscellaneous receipts, Class IV."

to the conduct of a boarding school, and is needed if the buildings are to be kept in proper condition.

The present barn is a combined horse and dairy barn of the side-hill type, which is objectionable for dairy purposes. If a new dairy barn is provided, the present one can be remodeled for use as a horse barn. It is estimated \$3,200 will provide a suitable dairy barn.

The CHAIRMAN. Do you desire to make any further statement?

Mr. MERITT. No, sir. We have been improving this plant, and we can provide for 40 additional pupils if we can get this appropriation, and it would appear to be good economical administration to do that.

The CHAIRMAN. What is the distance from any reservation?

Mr. MERITT. It is conveniently located to the Sioux country and to the Indians in Wisconsin and Minnesota.

The CHAIRMAN. You are asking for \$3,200 for a dairy barn. Have you no barn there now?

Mr. MERITT. We have an old and very unsatisfactory dairy barn there. We are emphasizing industrial training at that school and dairying is one of the principal industries of that country, and we would like to have that small dairy barn.

The CHAIRMAN. You have raised the amount nearly \$10,000 and have asked for a dairy barn at \$3,200. Where does the other increase come in?

Mr. MERITT. We are proposing to increase the number of pupils from 210 to 250.

The CHAIRMAN. The next item is:

For support and education of two hundred and seventy-five Indian pupils at the Indian school, Tomah, Wisconsin, including pay of superintendent, \$47,925; for general repairs and improvements, \$6,000; in all, \$53,925.

Mr. MERITT. We offer for the record the following justification for this item:

Indian school, Tomah, Wis.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$43,450.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 43,450.00 |
| Amount expended----- | 42,453.11 |
| <hr/> | |
| Unexpended balance----- | 1,996.89 |

ANALYSIS OF EXPENDITURES.

| | |
|---------------------------------------|-----------|
| Salaries, wages, etc----- | 18,487.06 |
| Traveling expenses----- | 31.71 |
| Transportation of supplies----- | 691.80 |
| Heat, light, and power (service)----- | 744.30 |
| Telegraph and telephone service----- | 15.05 |
| Subsistence supplies----- | 7,341.72 |
| Dry goods, clothing, etc----- | 5,937.83 |
| Forage----- | 1,145.99 |
| Fuel----- | 4,761.61 |
| Stationery and office supplies----- | 27.60 |
| Educational supplies----- | 291.90 |
| Medical supplies----- | 125.79 |
| Equipment, material, etc----- | 2,583.89 |
| Miscellaneous----- | 266.86 |
| <hr/> | |
| Total----- | 42,453.11 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

Indian school, Tomah, Wis., repairs and improvements.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 6,000.00 |
| Amount expended----- | 5,807.07 |
| Unexpended balance----- | ¹ 192.93 |

ANALYSIS OF EXPENDITURES.

Repairs (to plant)----- 5,807.07

Expended during the year from appropriation "Indian school, Tomah, Wis., employees' building," \$4,043.11; from the appropriation, "Indian school, Tomah, Wis., special repairs, 1915," \$2,302.57.

| | Salaries. | | Salaries. |
|-----------------------|-----------|---------------------------|-----------|
| Superintendent----- | \$2,000 | Assistant seamstress----- | 300 |
| Financial clerk----- | 900 | Laundress----- | 480 |
| Property clerk----- | 660 | Baker----- | 500 |
| Physician----- | 600 | Cook----- | 600 |
| Disciplinarian----- | 800 | Assistant cook----- | 300 |
| Teacher----- | 780 | Dairyman----- | 720 |
| Do----- | 600 | Farmer----- | 1,000 |
| Do----- | 540 | Assistant farmer----- | 300 |
| Kindergartner----- | 600 | Carpenter----- | 720 |
| Matron----- | 660 | Engineer----- | 1,000 |
| Assistant matron----- | 500 | Assistant engineer----- | 300 |
| Do----- | 500 | Laborer----- | 600 |
| Do----- | 300 | Do----- | 480 |
| Do----- | 300 | | |
| Housekeeper----- | 660 | Total----- | 18,300 |
| Seamstress----- | 600 | | |

Statistical statement for year ending June 30, 1915.

| | |
|--|-----------------------|
| Value of school plant, real property----- | \$135,448.00 |
| Number of buildings----- | 23 |
| Number of employees----- | 29 |
| Average attendance of pupils----- | 214 |
| Enrollment----- | 257 |
| Capacity----- | 275 |
| Cost per capita based on enrollment----- | ² \$170.49 |
| Cost per capita based on average attendance----- | ² \$204.65 |
| Area of school land (acres)----- | 340 |
| Area of school land (acres cultivated)----- | 235 |
| Value of products of school----- | \$4,960.00 |

Superintendent's estimate of absolute needs for 1917:

| | |
|--|-----------|
| Support----- | 47,925.00 |
| Repairs and improvements----- | 10,000.00 |
| New buildings----- | 2,500.00 |
| Total----- | 60,425.00 |
| Amount requested in proposed bill: | |
| Support and education of 275 Indian pupils at the Indian school, Tomah, Wis., and superintendent's salary----- | 47,925.00 |
| Repairs and improvements----- | 6,000.00 |
| Total----- | 53,925.00 |

This school is located in the midst of a large Indian population, and although a nonreservation school the superintendent has supervision over the Wisconsin

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriations.

² This includes \$1,363.31 used in the transportation of pupils. There was also expended \$1,192.38, "Miscellaneous receipts, Class IV."

Winnebago Indians. The school plant is old and consists of 23 buildings valued at \$108,248, not including the land. The \$6,000 estimated for repairs and improvements is 5½ per cent of that amount, or 4½ per cent of the value of the plant, including the land. This is a reasonable percentage for repairs of buildings which necessarily receive hard and constant use.

The CHAIRMAN. This is not on a reservation?

Mr. MERITT. This is a nonreservation school. We have been improving this plant during the last few years and we can now provide for 275 pupils instead of 250. We would like very much to have the appropriation.

The CHAIRMAN. The next item is:

For support and civilization of the Chippewas of Lake Superior, Wisconsin, including pay of employees, \$7,000.

Mr. MERITT. We offer the following justification for this item:

Support of Chippewas of Lake Superior, Wis.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$7,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated | 7,000.00 |
| Amount expended | 7,145.60 |
| <hr/> | |
| Overdrawn | 145.60 |

ANALYSIS OF EXPENDITURES.

| | |
|---|----------|
| Salaries, wages, etc..... | 3,780.00 |
| Traveling expenses | 116.86 |
| Transportation of supplies..... | 15.92 |
| Heat, light, and power (service)..... | 20.34 |
| Telegraph and telephone service..... | 117.68 |
| Printing, binding, and advertising..... | 1.65 |
| Subsistence supplies | 1,007.16 |
| Dry goods, clothing, etc..... | 22.41 |
| Forage | 466.53 |
| Fuel | 276.54 |
| Stationery and office supplies..... | 11.00 |
| Medical supplies | 680.44 |
| Equipment, material, etc..... | 491.59 |
| Miscellaneous | 137.48 |
| <hr/> | |
| Total | 7,145.60 |
| Support Chippewas, Lake Superior, Wis., 1917..... | 7,000.00 |

The Chippewas of Lake Superior, approximately 4,000, are under jurisdiction of the superintendents of La Pointe, Hayward, Lac du Flambeau, and Red Cliff, respectively, being too widely scattered for one jurisdiction. The responsibilities connected with the administration of their affairs are great, especially among the Bad River Indians (under La Pointe), who have large sums of individual Indian moneys aggregating over \$2,000,000, which the superintendent administers as trust funds. The future of these Indians depends on agriculture, the soil of their allotments, when properly drained, producing great crops; but much constructive work must be done along these lines. The lumber industry, their former principal means of livelihood, will soon no longer form a dependence, as the timber is being cut rapidly from their reservations. The small appropriation made for these Indians is not sufficient to cover necessary expenses.

The same amount has been appropriated heretofore.

The CHAIRMAN. The next item is:

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, including pay of employees, \$7,000.

Mr. MERITT. The following justification is submitted, Mr. Chairman:

Support of Pottawatomis, Wisconsin.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$7,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated ----- | 7,000.00 |
| Amount expended ----- | 6,475.77 |
| <hr/> | |
| Unexpended balance ----- | 524.23 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|----------|
| Salaries, wages, etc----- | 4,259.99 |
| Traveling expenses ----- | 622.71 |
| Transportation of supplies----- | 2.00 |
| Telegraph and telephone service----- | 35.22 |
| Subsistence supplies ----- | 367.53 |
| Dry goods, clothing, etc----- | 73.53 |
| Forage ----- | 439.87 |
| Medical supplies ----- | 171.57 |
| Equipment, material, etc----- | 173.35 |
| Hospital expenses, etc----- | 330.00 |
| <hr/> | |
| Total ----- | 6,475.77 |

The Pottawatomie Indians of Wisconsin are now under jurisdiction of one superintendency located at Carter. Previous to the establishment of this jurisdiction there was no one charged with the responsibility of their affairs, and there was great distress among them. Rations are now issued in cases of necessity and medical attention given. Employment is obtained for them when possible, although this is often difficult, as Indian labor is not generally considered desirable. The superintendent has, however, succeeded to an extent, which considerably reduces the necessary amount of rations, through relations with the lumbermen throughout the State. The number of these Indians is stated as 313.

The same amount has been appropriated heretofore.

The CHAIRMAN. The next item is:

For the support and civilization of those portions of the Wisconsin Band of Pottawatomie Indians residing in the States of Wisconsin and Michigan, and to aid said Indians in establishing homes on the lands purchased for them under the provisions of the act of Congress approved June thirtieth, nineteen hundred and thirteen, \$50,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, said sum to be reimbursed to the United States out of the appropriation, when made, of the principal due as the proportionate share of said Indians in annuities and moneys of the Pottawattomie Tribe in which they have not shared, as set forth in House Document Numbered Eight hundred and thirty (Sixtieth Congress, first session), and the Secretary of the Interior is hereby authorized to expend the said sum of \$50,000 in the clearing of land and the purchase of houses, building material, seed, animals, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting.

Mr. MERITT. I offer the following justification for that item, Mr. Chairman:

FOR THE INDUSTRIAL ADVANCEMENT OF THE WISCONSIN BAND OF POTTAWATOMIE INDIANS RESIDING IN WISCONSIN AND MICHIGAN (REIMBURSABLE).

Under the treaty of September 26, 1833 (7 Stat. L., 431), the Pottawatomie Indians in Wisconsin and Michigan ceded to the Government all their lands in the States mentioned and agreed to remove west of the Mississippi River. Half of the tribe, numbering about 2,000, were so removed, and the remainder fled to northern Wisconsin, Michigan, and Canada. One Rev. Erik O. Morstad, a

Lutheran missionary, who has spent his life among these refugees, prepared a roll about the year 1906 and urged that their claim to tribal benefits and annuities, including the lands which should have been given to them had they removed, be adjudicated by the Government. A bill was introduced and passed by Congress on June 21, 1906 (34 Stat. L., 380), authorizing the Secretary of the Interior to prepare a roll and report what funds were due the refugee branch. Such a roll was prepared and submitted, showing 454 Wisconsin-Pottawatomie Indians in the United States and about 1,500 Pottawatomies and descendants in Canada. The report is embodied in House Document 830, Sixtieth Congress, first session. This report also shows that there was due about \$450,000 to the branch of these Indians residing in the United States. Congress from time to time has appropriated small sums for the support of nominal schools for these Indians at Carter, Wis., and small amounts for relief have been also appropriated. Several bills have been introduced to appropriate the entire amount found due the Indians residing in the United States, but no action by Congress has been taken with respect to the Canadian branch.

The Wisconsin Pottawatomie Indians are located in several different counties in northern Wisconsin and the upper peninsula of Michigan. The act of June 30, 1913 (38 Stat. L., 77-102), appropriated the sum of \$150,000, reimbursable, from the money due the Indians when appropriated, for the purchase of lands in Wisconsin for those Pottawatomie Indians residing in the United States, and this money, with the exception of about \$8,049.53, which was the balance in the Treasury on November 12, 1915, has been expended for the purpose indicated. Approximately 13,640 acres of land have been purchased. The act of June 30, 1913, supra, provides that the land purchased, except such as may be needed for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor shall be issued in accordance with the general allotment law of the United States set forth in the act approved February 8, 1887 (24 Stat. L., 388). It is estimated that there are at the present time about 309 Indians entitled to share in the distribution of this land, so that each Indian will receive about 44 acres.

The land purchased for these Indians is all cut-over land, heavily covered with brush, stumps, and small trees, and its clearing for cultivation is a task entirely too large and expensive for the Indians to undertake without assistance. It is estimated that there are about 62 heads of families, and it is believed advisable to aid them in the clearing of small 10-acre tracts and the erection of suitable homes, fences, and outbuildings thereon, so that they may have a basis for the beginning of agricultural pursuits. It is estimated that it will cost from \$300 to \$400 to clear, fence, and prepare 10 acres of land for cultivation, from \$600 to \$800 for the necessary buildings, and between \$400 and \$500 additional for work stock and agricultural equipment, making a total of approximately \$1,600 to each family. It is appreciated that the sum asked for in the proposed appropriation will not be sufficient to do all that is contemplated, for to give each head of family \$1,600 would require an appropriation of approximately \$100,000. The amount asked for, however, will be sufficient to make a beginning. The land is rich and well adapted to agriculture, and all that is needed is to clear off the stumps, brush, and small trees.

The majority of the Indians are not occupying the lands purchased for them, for the reason that there are no improvements thereon and they have no means with which to build homes and improve the land. The reports indicate that the Indians are living under wretched conditions. The houses in which they now live are, as a rule, very poor log buildings or mere shacks; they have no live stock, with the exception that possibly a few have Indian ponies; the agricultural implements which they have are very few and of no value and consist of a few old plows and harrows. The able-bodied Indians are industrious and work in lumber camps when they can get such employment, but the reports indicate that this industry has been very dull during the past year and consequently the Indians have been unable to obtain but very little work.

The proposed appropriation, as will be observed, is one intended to be reimbursable to the United States just as soon as Congress appropriates the full amount of money due these Indians. If made, it will permit the giving of urgently needed assistance to a very worthy people.

This is a request for an appropriation simply to advance to these Indians, from whom we have purchased lands, certain money so

they can build homes, have farm equipment, and get started on their allotments.

The CHAIRMAN. Is it reimbursable?

Mr. MERITT. Yes, sir; and it is a very deserving appropriation.

The CHAIRMAN. How much money have these Indians in the Treasury?

Mr. MERITT. They have very little money in the Treasury, but they have a claim against the Government which will ultimately secure the money necessary, and this is simply drawing on that claim.

The CHAIRMAN. The next item is a legislative item:

Section 3 of the act of Mar. 28, 1908 (35 Stat. L., p. 51) is hereby amended to read: "That the lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp wood, and other marketable materials obtained from the forests on the Menominee Reservation shall be sold under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of all forest products shall be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe.

Mr. MERITT. I offer the following justification for this item, Mr. Chairman:

Section 3 of the act of March 28, 1908 (35 Stat. L., 51) requires that all products manufactured at the Menominee Indian Mills shall be sold for cash. It is believed that much better prices could be received for such products if the department were able to sell on short-time credits, as is done by manufacturers of lumber. This legislation is aimed at attaining a more satisfactory system of sales for the products of the Menominee Indian mills.

Mr. CARTER. The next one is, too:

That without bias or prejudice to the rights or interest of any party to the litigation hereinafter mentioned the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State, or parties claiming title therefrom be obtained before any such sale shall be made.

Mr. MERITT. Yes, sir; I offer the following justification for this item:

On the Bad River Indian Reservation, in Wisconsin, there is timber standing upon lands which are claimed by the State as "swamp lands" that should be cut at once, while the timber on adjacent lands is being logged. A serious loss of this timber will be sustained if it is not cut in the near future. Legislation is required to authorize such cutting. There are also lands on the Lac du Flambeau Reservation in the same legal status.

The CHAIRMAN. The next item is:

The allotment of any Indian on the Lac du Flambeau Reservation, in the State of Wisconsin, or any part of such an allotment, with the consent of the allottee, or in case of death of his heirs, may be leased for residence or business purposes for terms not exceeding 20 years, under such rules and regulations as the Secretary of the Interior may prescribe, and with the consent of the Indians of the Lac du Flambeau Tribe, to be obtained in such manner as the Secretary of the Interior may require, the unallotted tribal lands within the said reservation may be leased under like conditions and for similar terms and purposes.

MR. MERITT. I offer the following justification for this item, Mr. Chairman:

The Lac du Flambeau Reservation was established in pursuance to the provisions of the treaty with the Chippewas of Lake Superior and the Mississippi, dated September 30, 1854 (10 Stat. L., 1109). Article 3 of this treaty provided for the survey of the tract of land reserved and the assignment to heads of families or single persons over 21 years of age of 80 acres of land each.

The act of February 3, 1903 (32 Stat. L., 795), provided for the allotment of the Chippewa Indians at Lac du Flambeau who did not receive prior allotments, subject in all respects, except as to age and conditions of the allottee, to the provisions of the third article of the treaty of 1854, supra.

There are approximately 702 Indians on the Lac du Flambeau Reservation under Federal supervision. Approximately 44,876.20 acres of land have been allotted, and there is an unallotted area of about 24,359.30 acres of land. Of the unallotted area 629.2 acres have been reserved for school purposes. There are only about 250 acres of agricultural land allotted to the Indians, and these are cultivated by them in small tracts. The remaining allotted area consists of approximately 37,129.12 acres of timber land and 4,000 acres which apparently are unfit for any purposes. About 13,613.59 acres of the unallotted area is timberland and 10,116.51 acres are unfit for any purposes.

For some 20 years or more past logging operations, lumber manufacturing, etc., have been carried on on the reservation, and all Indians willing to work have had the opportunity to do so at good wages. These operations, however, have been discontinued, and consequently the employment heretofore received in connection with the logging operations is not now open to them. These Indians must of necessity in the future derive their living from agricultural and native resources, such as gathering berries, hunting, fishing, the manufacture of souvenirs, etc. The climatic conditions and the soil are adverse to farming, and this fact, together with the existence of many stumps resulting from timber operations, which it is difficult and expensive to remove, does not make the farming industry a promising one. Practically no grain is raised and the land is not adapted to the grazing of stock. Very little timber of value is left on the reservation, although the Indians may derive some revenue from the sale of wood, posts, and small timber suitable for box lumber.

In view of these conditions some other source of employment for the Indians must be found. During the summer months a number of Indians find employment acting as guides for tourists wishing to fish in the lakes and hunt on the reservation. There are a number of lakes within the reservation which are very attractive, and summer tourists and fishermen are increasing in numbers each year.

The reports indicate that the surrounding country has been for years reaping large financial returns from the tourist business, while the reservation has been virtually closed. Tourists have been encouraged to come to the reservation, but the industry has not had an opportunity to develop, probably because of the inability of the tourists to lease permanent camp sites.

The Indians are able to earn good wages guiding tourists through the reservation and on the lakes; and that vocation perhaps offers the most promising field of activity in which the Indians might engage, but the conditions must be improved so that tourists may be induced to come to the reservation. If the proposed item meets with the approval of Congress, a way will be open for the negotiation of leases with many summer tourists with profit to the Indians. They will not only be able to obtain employment as guides, but those who give their attention to agriculture will find a market for the vegetables they raise, and those who manufacture articles from birch bark, buckskin, beads, etc., will have a market for their products.

The CHAIRMAN. The next item is:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$300,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians, in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and Mar. 28, 1908 (35 Stat. L., p. 51), and to expend the same for the purpose of promoting civilization and self-support among said Indians, in such manner and under such regulations as he may prescribe.

Mr. MERITT. I offer the following justification for the record, Mr. Chairman:

These funds have arisen under the acts of June 12, 1890 (26 Stats. L., 146), and March 28, 1908 (35 Stats. L., 51), reading, in part, as follows:

June 12, 1890.—"That from the net proceeds of sales of said Menominee logs shall be deducted one-fifth part, which shall be deposited in the Treasury of the United States to the credit of the Menominee Indians in Wisconsin, to be used under the direction of the Secretary of the Interior for the benefit of said Indians, and the residue of said proceeds shall be funded in the United States Treasury, interest on which shall be allowed said tribe annually at the rate of five per centum per annum, to be paid to the tribe per capita or expended for their benefit under the direction of the Secretary of the Interior."

March 28, 1908.—"That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other material shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

"That the Secretary of the Interior is hereby authorized to pay, out of the funds of the tribe of Indians located upon said reservation, the necessary expenses of the lumber operations herein provided for, including the erection of sawmills, equipment and necessary buildings, logging camps, logging equipment, the building of roads, improvement of streams, and all other necessary expenses, including those for the protection, preservation, and harvest of the forest upon such reservation."

The principal of this fund now amounts to approximately \$1,800,000, but no authority of law exists for the withdrawal of any portion thereof, except for purposes in connection with the logging and milling operations. This fund draws 5 per cent interest, or about \$90,000 annually, which may be paid to the Indians in cash or expended for their benefit, in the discretion of the Secretary of the Interior. However, this interest is all used for the support of the agency and school each year, so that nothing is left for expenditure for the direct industrial benefit of the Indians.

There are 1,730 Indians under this jurisdiction, 391 being able-bodied male adults, of whom 237 cultivated 2,766 acres of land during the fiscal year 1915, producing crops valued at approximately \$32,410. These Indians own live stock worth approximately \$44,151, and are engaged in other occupations, as follows:

| Industry. | Number. | Amount earned, 1915. |
|---------------------------------|---------|----------------------|
| Basket making..... | 20 | \$300.00 |
| Beadwork..... | 50 | 200.00 |
| Fishing..... | 500 | 2,000.00 |
| Wood and timber operations..... | 50 | 3,000.00 |
| Other industries..... | 385 | 3,125.00 |
| Total..... | 1,005 | 8,625.00 |

There are 126 Indians under this jurisdiction either mentally or physically disabled to whom free rations were issued during the fiscal year 1915, valued at \$5,947.92.

While reports show 218 families as living in permanent dwellings, yet many of the houses are small, overcrowded, and insanitary, and great need exists for providing these Indians with modern sanitary cottages. They are likewise in need of farming implements, teams, etc., and the reservation is well adapted to the dairying industry. Unfortunately, however, the Indians lack the necessary individual funds with which to erect homes or purchase farming equipment and dairy stock. It is therefore desired to withdraw \$300,000 of the tribal funds on deposit in the United States Treasury to the credit of these

Indians, accruing under the above acts, to be expended for their benefit in the discretion of the Secretary of the Interior, in order that a start may be made toward getting them established on their allotments and engage in dairying, farming, or stock raising, and thus placing them fairly on the road to self-support and independent citizenship.

Should this appropriation be procured it is not proposed to pay the money to the Indians in cash, but to segregate a portion thereof into individual shares, to be deposited in bank to the credit of each Indian under this jurisdiction, and expended under supervision, in accord with the regulations for the handling of individual Indian money for teams, implements, milch cows, or other industrial purposes. The balance would be used by the Government as a reimbursable fund to purchase the supplies to be later sold to the Indians and paid for from the segregated shares previously deposited to their credit.

The Indians themselves have asked that an appropriation be made from their tribal funds for such purposes, in a petition dated February 10, 1915, as follows:

"At various times our superintendent has brought to our attention the desires of the United States Indian Office for progress of the Indian. He, through his farmers, has inaugurated and is pushing a campaign for the increase of farming activities amongst our people, and is no doubt aiding them to such an extent as is possible with the implements furnished him.

"We desire very much as Indians, representative of the efforts the Government has put forth in the past, to set out to you some facts which are vital to the success of any plan concerning our welfare and in which you must be interested. We aim not to represent any feeling or faction. What we propose is a consensus of the very best thought of the Indians who have been reared on our reservation, educated in the Indian schools of the Nation, and returned home to make their own way and blaze a path for our people.

"First we shall consider our people, numbering to-day 1,726 members. Of this number 70 per cent may be considered of various degrees of Indian blood and 50 per cent or more one-half blood and less. Our people can be safely divided into three classes:

"Competent: Embracing those who earn their own living by daily wage or farming, and have such degree of education as to be able to read, write, and speak English and understand ordinary business transactions.

"Semicompetent: Those who earn a living, but through lack of education, with no understanding of English, could be imposed upon enough so as to make it not yet the time to let them handle financial affairs without supervision.

"Incompetent: The old and aged, the widow, the orphan, children, the helpless through disease or accident, and those Indians not self-supporting, or those who through acquired habits would waste financial resources and then become a burden on others.

"Sixty per cent of our people have some part of an education, acquired either through schools or by residence amongst whites, and have picked up English so that they can converse intelligently.

"We have at Keshena a Government school giving industrial training to our children, as well as a mission school doing the same under contract.

"At Neopit is the timber operation of the reserve, embracing a large mill, manufacturing 40,000,000 feet of lumber yearly; and two day schools—Government and mission—for educational purposes.

"The reservation consists of 10 townships of land, the western portion heavily timbered and the eastern part cut-over lands or open lands.

"Two facts face us, that of earning a living by daily labor at the Menominee lumber mills plant; while not detracting a moment from its value as a center for industrial and social development, we have to consider this, that it but teaches the Indian to labor, which earnings are principally spent for subsistence. The other opening left to the Indian for development is agriculture in all its various phases—stock, dairy, and general farming.

"We have provided educational facilities for our children and industrial education and wages for the able-bodied who desire work, but for the class who should be of the most value to all there is no way out.

"A remedy for this would be the depositing to the individual credit of each member of the tribe justly on the rolls by right of descent by blood as a Menominee Indian of a sufficient sum that would at once give him a good start.

"If each member had to his credit \$500, this would give a man and wife \$1,000 between them—ample means for a good start in farming. It would be an inducement to young people coming of age to take hold and make a start.

It would provide the aged or totally helpless, the widow, and the orphan child with ample to live out their lives.

"With close supervision every interest would be protected; those whom it might be feared would waste their share could be restrained until individual effort on their part showed they had mended their habits and would not become dependent on their more careful brother members; and regulations carefully prescribed that would induce or reward good agricultural or industrial effort.

"We have here a certain number of members who farm in a way, and outside of the small number each year who can obtain aid through the reimbursable fund, about 25 or 30, none can go ahead through lack of means, and even these, when they should be enlarging and clearing, have to turn out to work to earn money to meet reimbursable payments.

"For 10 years past and longer our children have been coming back from the Indian schools, and excepting ordinary labor, they have no means with which to start in to display what has been taught them and learned at school.

"Common labor soon takes initiative away from men. Indian boys learning farming and dairy work at school have no chance to start in on returning home because the old folks are not able to give them a chance. Young women educated in home making and the woman's part on a farm have nothing to start themselves and when they take a husband, he has nothing to look forward to but a job some place at which he can earn wages.

"Some of our people will no doubt always be workmen, but from birth this and several generations past we first saw light in the little farmhouse. Before 1908 we were all an agricultural people—from early times our people tilled the soil in some degree. Agricultural pursuits mean independence to the Indian. We would be a producer, rather than a consumer. We have the land but lack the individual means.

"We ask and solicit your aid in thought and action for us for real first aid in line with our wish. We present you in crude form our ideas in the shape of a proposed bill, which is capable of improvement, no doubt. If something in this line could be pushed through, a long start would be made in accomplishing what the United States Indian Office wishes, what you wish, and what we desire to see and know will happen, a permanent improvement in every single condition on the reservation, health, wealth, and real progress."

The CHAIRMAN. The next item for Wyoming is:

WYOMING.

SEC. 27. For support and civilization of Shoshone Indians in Wyoming, including pay of employees, \$15,000.

Mr. MERITT. I offer for the record the following justification:

Support of Shoshones in Wyoming.

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$15,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 15,000.00 |
| Amount expended----- | 11,567.95 |
| Unexpended balance----- | 3,432.05 |

ANALYSIS OF EXPENDITURES.

| | |
|---|-----------|
| Salaries, wages, etc----- | 2,261.80 |
| Traveling expenses----- | 547.82 |
| Transportation of supplies----- | 318.99 |
| Telegraph and telephone service----- | 57.82 |
| Printing, binding, and advertising----- | 29.63 |
| Subsistence supplies----- | 4,303.60 |
| Forage----- | 151.50 |
| Fuel----- | 713.97 |
| Stationery and office supplies----- | 135.35 |
| Medical supplies----- | 34.79 |
| Equipment, material, etc----- | 3,012.68 |
| Total----- | 11,567.95 |

This is for support and civilization of the Shoshone Indians in Wyoming, and is the same as the amount appropriated in previous years.

There are approximately 834 of said Indians on the reservation. The amount asked for is necessary for subsistence supplies for old and indigent Indians, widows, and children not of school age; for labor in lieu of rations, such labor being used in road and bridge work and general agency and reservation work; for other issues, general agency expenses, including fuel, forage, traveling expenses, telephone rentals, medical supplies, repairs to farm machinery, etc.; and for salaries of necessary employees, etc.

The CHAIRMAN. The next item is:

For the support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., including pay of superintendents, \$31,725; for general repairs and improvements, \$5,000; in all, \$36,725.

Mr. MERITT. I offer the following justification for the record:

Indian school, Shoshone Reservation, Wyo.

| | |
|--|---------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$31,025.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 31,025.00 |
| Amount expended..... | 30,199.03 |
| Unexpended balance..... | ¹ 825.97 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 13,617.91 |
| Transportation of supplies..... | 3,548.66 |
| Telegraph and telephone service..... | 69.26 |
| Subsistence supplies..... | 5,307.42 |
| Dry goods, clothing, etc..... | 2,437.31 |
| Fuel..... | 3,549.47 |
| Educational supplies..... | 236.64 |
| Medical supplies..... | 125.56 |
| Equipment, material, etc..... | 1,306.80 |
| Total..... | 30,199.03 |

Indian school, Shoshone Reservation, Wyo., repairs and improvements.

| | |
|--|-----------------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$6,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 6,000.00 |
| Amount expended..... | 2,930.52 |
| Unexpended balance..... | ¹ 3,069.48 |

ANALYSIS OF EXPENDITURES.

| | |
|-----------------------|----------|
| Construction..... | 1,980.48 |
| Repairs to plant..... | 950.04 |
| Total..... | 2,930.52 |

Statistical statement for year ended June 30, 1915.

| | |
|--|-----------|
| Value of school plant—real property..... | \$145,523 |
| Number of buildings..... | 19 |
| Number of employees..... | 17 |

¹ This is not a final balance, as there may be outstanding obligations yet to be charged against the appropriation.

| | |
|--|------------------------|
| Average attendance of pupils..... | 168 |
| Enrollment..... | 182 |
| Capacity..... | 135 |
| Cost per capita based on enrollment..... | ¹ \$166 |
| Cost per capita based on average attendance..... | ¹ \$178. 72 |
| Area of school land, acres..... | 1, 209 |
| Area of school land, acres cultivated..... | ² 775 |
| Value of products of school..... | \$22, 656 |

Superintendent's estimate of absolute needs for 1917 :

| | |
|-------------------------------|----------------|
| Support..... | \$30, 775 |
| Repairs and improvements..... | 6, 000 |
| New buildings..... | 26, 000 |
| Total | 62, 775 |

Amount requested in proposed bill :

| | |
|---|----------------|
| Support and education of 175 Indian pupils at the Shoshone Indian School, Fort Washakie, Wyo., and superintendent's salary..... | 31, 725 |
| Repairs and improvements..... | 5, 000 |
| Total | 36, 725 |

| | Salaries. | | Salaries. |
|-----------------------|-----------|---------------------------|----------------|
| Superintendent..... | \$2, 500 | Assistant seamstress..... | \$180 |
| Principal..... | 1, 500 | Laundress..... | 500 |
| Disciplinarian..... | 840 | Baker..... | 300 |
| Teacher..... | 660 | Cook..... | 600 |
| Do..... | 630 | Farmer..... | 1, 200 |
| Do..... | 600 | Engineer..... | 1, 000 |
| Do..... | 570 | General mechanic..... | 720 |
| Matron..... | 780 | | |
| Assistant matron..... | 540 | Total | 13, 720 |
| Seamstress..... | 600 | | |

The proposed bill provides \$31,725 for the support and education of 175 pupils, which also includes the salary of the superintendent, \$2,500, and is estimated upon the basis observed in determining the former needs of this and other schools receiving specific appropriations.

The attendance is steadily maintained at considerably above the normal capacity of the school and results in some overcrowding, which, as soon as possible, should be relieved by enlarging the buildings so as to accommodate 200 pupils. There seems to be a reasonable demand for this, for while in addition to the boarding school, one Government day school, three mission schools, and the public schools afford generally very good educational facilities for the reservation, there is still quite a number of Indian children, approximately 100, not enrolled and for whom school accommodations should be available.

The item of \$5,000, requested for repairs and improvements, is \$1,000 less than was appropriated for the fiscal years 1915 and 1916 and will be fully needed to keep up necessary repairs to the plant and take care of minor and essential improvements.

The CHAIRMAN. The next item is:

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), \$5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article eight, same treaty, \$1,000; in all, \$6,000.

¹ This includes \$29.25 used in the transportation of pupils. There was also expended \$1,876.55, "Miscellaneous receipts, Class IV."

² This does not include 398 acres of pasture.

Mr. MERITT. I offer for the record the following justification :

Support of Shoshones: Employees, etc., Wyoming.

| | |
|--|------------|
| Fiscal year ending June 30, 1916, amount appropriated----- | \$6,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated----- | 6,000.00 |
| Amount expended----- | 5,561.67 |
| <hr/> | |
| Unexpended balance----- | 438.33 |

ANALYSIS OF EXPENDITURES.

Salaries, wages, etc----- 5,561.67

Indian population of Shoshones, about 834.

This is the same amount as has been authorized in previous years, and is for the purpose of providing Indians with the services of the physician, teachers, and tradesmen called for in the treaty of July 3, 1868, with these Indians. Of the amount appropriated, \$5,800 is paid out for the salaries of employees specified and the remainder for iron and steel or such other needs as are believed to be most essential for the support and civilization of said Indians.

Article 8 of the treaty with the Eastern Band of Shoshones and the Bannock Tribe of Indians, which was concluded July 3, 1868 (15 Stat. L., 673-677), provides in part as follows:

“And it is further stipulated that such persons as commence farming shall receive instruction from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.”

Article 10 of said treaty provides:

“The United States hereby agrees to furnish annually to the Indians a physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.”

The CHAIRMAN. The next item is:

For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyoming, \$1,721.66, from the amount heretofore collected as rentals of buildings at said post.

Mr. MERITT. I offer the following justification for that item, Mr. Chairman:

The agency quarters for the Wind River Reservation are now located at the site occupied by the former military post of Fort Washakie. A number of buildings are rented to traders and others, and the proceeds of such rentals are covered into the Treasury of the United States. There was expended during the fiscal year 1913 in construction and repair work at this site approximately \$15,000 from the appropriation “Indian school and agency buildings—1913,” and during the fiscal year 1914 a sum of \$2,700 was expended in addition to \$1,427 appropriated by the act of June 30, 1912.

The appropriation act for the fiscal year 1915 contains an item of \$1,732.80 for repairs to the buildings at this post, payable from the amount theretofore collected as rentals of such buildings.

Since that time there has been collected the further sum of \$1,721.66 as rentals, which, it is believed, should properly be expended for the repair and upkeep of the buildings.

The CHAIRMAN. Is it necessary that we keep up these repairs? It would seem to me that when we make a repair once that would answer.

Mr. MERITT. We are simply getting permission to use funds that have been derived from the rental of these buildings in order to repair them. This was an old military post, and we rent part of the

post, and we would like legislative authority to use those rentals in keeping the buildings in proper repair.

The CHAIRMAN. Does the justification show that?

Mr. MERITT. Yes, sir.

Mr. NORTON. Does it show how much is secured from the rentals?

Mr. MERITT. Yes, sir.

The CHAIRMAN. We would like to have a statement showing the amount that you have received and what you have done with it.

Mr. MERITT. This statement is as follows:

| | |
|---|------------|
| Appropriation, fiscal year 1914, making available all receipts from rentals..... | \$1,427.00 |
| Amount expended for material and labor for repairs..... | 1,370.42 |
| | 56.58 |
| Second appropriation, fiscal year 1915, making available all subsequent receipts..... | 1,732.82 |
| Amount expended..... | 1,712.87 |
| | 19.95 |
| Total appropriated..... | 3,159.82 |
| Total expended..... | 3,083.29 |
| | 76.53 |

It is only fair that we use the proceeds from the buildings in keeping them in proper repair.

The CHAIRMAN. The next item is:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the maintenance and operation of completed canals, \$50,000, reimbursable in accordance with the provisions of the act of March third, nineteen hundred and five, and to remain available until expended.

Mr. MERITT. We offer the following justification in support of this item:

Irrigation system, Wind River Diminished Reservation, Wyo. (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$25,000.00 |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 25,000.00 |
| Balance from previous years..... | 34,316.01 |
| | 59,316.01 |
| Amount expended..... | 53,093.79 |
| | 6,222.22 |

ANALYSIS OF EXPENDITURES.

| | |
|--------------------------------------|-----------|
| Salaries, wages, etc..... | 42,552.96 |
| Traveling expenses..... | 101.84 |
| Transportation of supplies..... | 1,814.95 |
| Telegraph and telephone service..... | 110.48 |
| Forage..... | 1,553.77 |
| Fuel..... | 733.86 |
| Stationery and office supplies..... | 54.75 |
| Equipment, material, etc..... | 5,721.25 |
| Repairs to buildings..... | 426.93 |
| Rent..... | 20.00 |
| Miscellaneous..... | 3.00 |
| | 53,093.79 |

| | |
|---|--------------|
| Indian tribes: Shoshone and Northern Arapahoes. | |
| Number of Indians | 1,724 |
| Area of reservation, acres | 807,680 |
| Area irrigable from constructed works, acres | 40,000 |
| Area actually irrigated, acres | 19,857 |
| Area farmed by Indians, acres | 6,760 |
| Area farmed by lessees, acres | 4,579 |
| Area farmed by white owners, acres | 8,518 |
| Area of whole project, acres | 65,674 |
| Cost of irrigation construction | \$666,739 |
| Cost of irrigation operation, maintenance and miscellaneous | \$100,063.17 |
| Maintenance collections | \$2,956.83 |
| Estimated additional cost to complete project | \$100,000 |
| Estimated total cost of irrigation, per acre | \$14 |
| Average value of irrigated land per acre | \$30 |
| Average annual precipitation, inches | 16 |

Source of water supply: Big Wind River.

Market for products: Local (good).

Distance from railroad: 0 to 70 miles.

This reservation covers 1,262 square miles and has a population of 1,724 Indians. The irrigation system is an extensive one and is being utilized by the Indians, a very decided increase in farming operations having been made in the past year. There are more than 223 miles of canals and about 700 structures to maintain and operate.

The estimate covers salaries and wages, fuel, forage, transportation of supplies, equipment, and materials for construction for both new work and repairs to old work.

On this reservation the usual policy of replacing old decayed timber structures with concrete ones is being followed, and the lateral systems are being extended to a proper outlet, so as to prevent damage from waste water which had formerly been a source of considerable trouble. Additional laterals are to be constructed as land is put under cultivation, and the amount of work is therefore a measure of the industry of the Indians.

The estimate includes the proportion of the salary, traveling expenses, and miscellaneous expenses of the superintendent of irrigation for this district when he is engaged in the supervision of the Wind River work.

There are four major projects included within the work here estimated for in addition to several smaller ditches, the total affording a water supply for approximately 65,000 acres, more than 40,000 acres of which may be reached by the present constructed works. Nearly 20,000 acres are now being farmed and the area is being increased rapidly, so that it is evident that the funds requested are needed to meet all expenses of extending the later system as well as the cost of repairs, maintenance, and operation previously described.

Mr. Reed will make a statement in regard to this item.

Mr. REED. In order to extend the laterals and reach some of the Indian lands—it is almost parallel to the case I described at Klamath—

The CHAIRMAN (interposing). Have you a willow growth there?

Mr. REED. The willow growth is not so bad, but we have a great many of the lands lying in an isolated position. It was at first thought, apparently, when the system was laid out, that the Indians would construct the sublaterals to reach their own lands, but that has not been the case. It has not been at all possible. Besides that, many of the original works, such as gates, drops, flumes, etc., were made of lumber a number of years ago, and they have reached the stage where they are rotting out and they will have to be replaced. We are replacing them with concrete so there will not be any other replacements.

The CHAIRMAN. This is on all fours with the other proposition?

Mr. REED. Yes, sir.

The CHAIRMAN. The next item is as follows:

For continuing the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation in Wyoming, \$10,000, said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians.

Mr. MERITT. The following justification is submitted:

Roads and bridges, Shoshone Reservation, Wyo. (reimbursable).

| | |
|--|-------------|
| Fiscal year ending June 30, 1916, amount appropriated..... | \$25,000.00 |
| <hr/> | |
| Fiscal year ended June 30, 1915: | |
| Amount appropriated..... | 25,000.00 |
| Amount expended..... | 24,845.92 |
| <hr/> | |
| Unexpended balance..... | 154.98 |
| Analysis of expenditure: | |
| Salaries, wages, etc..... | 18,966.70 |
| Transportation of supplies..... | 1,400.92 |
| Forage..... | 3.00 |
| Equipment and material..... | 4,474.40 |
| <hr/> | |
| Total..... | 24,845.92 |

The Indian appropriation act for the fiscal year 1913 (37 Stat., 539) contained an item appropriating the sum of \$10,000 for continuing the work of road and bridge construction on the Shoshone or Wind River Reservation in Wyoming, reimbursable from tribal funds. That was the first specific appropriation made for road work on the Shoshone or Wind River Reservation. At that time it was estimated that \$67,000 would be required to improve roads on the reservation in order to place them in comparatively as good condition as those constructed outside the limits of the reservation by Fremont County, in which the reservation is located.

Approximately \$500 was the amount expended from this appropriation, the balance being reappropriated and used the fiscal year following, 1914. In addition to the reappropriation of this sum there was also appropriated \$1,000 to be used in investigating the condition of the roads and bridges on the Wind River or Shoshone Reservation, including the making of surveys, maps, plats, and other items necessary to estimate the cost of suitable and necessary roads and bridges. After the expenditure of the \$10,000 and the completion of the surveys, the estimated cost of the construction of roads and bridges yet necessary totaled \$111,032.21. Copies of the data compiled and complete report were forwarded to the Speaker of the House of Representatives and to the President of the Senate under date of December 27, 1913.

There was further appropriated for expenditure during the fiscal year 1915 the sum of \$25,000 reimbursable from tribal funds. An additional appropriation of \$25,000 was made available by Public Resolution No. 74, Sixty-third Congress (38 Stat. L., 1228). This makes a total of \$50,000 appropriated since the estimate of \$111,032.21 for the project was made.

Under date of October 20, 1915, in reporting the progress being made, the superintendent says:

"From the appropriation made for this year there has or will have been expended by the latter part of this month, nearly all of which has now been expended, approximately between nineteen and twenty thousand dollars, all of which has or will have gone for labor, except approximately \$500 expended for road grader, drags, blacksmith bills, and a few other incidentals. All of this money is going to the Indians for wages, except for a part of the plow and grader teams and the services of two white foremen a part of the time and a portion of the time but one white foreman. With reference to the manner in which the Indians have worked your attention is respectfully invited to my letter of September 20, 1915, on this subject. It is expected that all of the \$25,000 appropriated for this year will have been expended before the close of the calendar year, with the exception of between \$3,000 and \$4,000, which it is my purpose to keep until spring in order to give the Indians some work at that time and to properly maintain the roads already constructed and extend them somewhat during the remainder of the fiscal year.

"By reference to my said report of December, 1913, and the accompanying tracings made by the engineer it will be noted that the main system of roads to be constructed on this reservation should extend from a point on the south line of the reservation near Milford and Lander to the agency, a distance of approximately 13 to 14 miles, and from a point near Riverton on the extreme eastern edge of the reservation west to Arapahoe and thence up Little Wind River to the agency, a distance of approximately 35 miles; thence from the agency to the northwest corner of the reservation, a distance of approximately 55 miles. Also, three mountain roads—one up Trout Creek, one between North and South Fork of Little Wind River, and one up Meadow Creek—in order that the available timber might be made accessible to be used for building purposes and sawmill material (a complete mill including matcher, molder, edger, planer, lath and shingle machine and cut-off saw having been installed at this agency and is now ready for operation).

"With the appropriations heretofore made we have constructed and completed the best dirt graded road in this State, from the reservation line near Lander to the agency and $1\frac{1}{2}$ miles beyond in a northerly direction; between 26 and 27 miles of the same kind of road between the agency, Arapahoe, and Riverton, the remainder of which will be open for travel within three weeks; approximately 4 miles of the same kind of road around and near Wind River, the school farm, and the agency; nearly \$2,500 worth of work making dugways and roads in the neighborhood of Crow Heart and Dinwoodie on the northwest part of the reservation, besides approximately 6 miles of mountain road; erected a 50-foot span steel bridge across Little Wind River near the agency; installed numerous small bridges with concrete abutments over the small streams and installed many corrugated culvert bridges. All of this work, between 80 and 90 per cent of which has been done by the Indians, will bear the closest inspection and is what, most of it, is conceded to be, even though done by the Indians under my supervision, the best dirt graded road in this State.

"There will yet remain to be constructed a great portion of the road from the agency to the northwest corner of the reservation, some additional grading of between 7 and 8 miles of the road to Arapahoe, which on account of being above the ditches will not receive as much attention this year as the roads below the irrigation ditches; a road opening up the Mill Creek Valley country to market, and two mountain roads.

"In view of the fact that these roads are badly needed and that it affords the Indians a partial source of livelihood, and has largely been the means of my reducing the ration list from between 400 and 500 persons to slightly over 100 now, consisting of the old and decrepit and some orphan children, and that the construction of these roads has, in their vicinity, made the sale and leasing of lands more popular and is beginning to increase values, it is respectfully but earnestly urged that an additional appropriation of \$25,000 be recommended and urged, to be expended next year.

Only \$15,000 was estimated for use during the fiscal year 1916, but \$25,000 became available under the resolution above mentioned, continuing the appropriations of the Indian Service for the fiscal year 1915. In view of the fact that this amount was \$10,000 in excess of the estimate and, further, on account of the fact that the report of the superintendent, recommending an appropriation of \$25,000 for 1917, was not received until after the estimate had been completed, only \$10,000 has been requested.

Mr. CARTER. Have these Indians any funds on hand?

Mr. MERITT. Yes, sir.

Mr. CARTER. How much?

Mr. MERITT. Approximately \$10,000. They have also a very large amount of land that will be sold and the Government will have the handling of the proceeds of that land. There will be no question about the Government being reimbursed for this item. They have several million dollars worth of property.

The CHAIRMAN. The next item is as follows:

SEC. 28. Section 26 of the Indian appropriation Act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and three), is hereby amended so as to read as follows:

"On or before the first day of July, nineteen hundred and seventeen, the Secretary of the Interior shall cause a system of bookkeeping and accounting

to be installed in the Bureau of Indian Affairs which will afford a ready analysis of expenditures by appropriations and by units of the service showing for each activity or class of work the expenditures for salaries and wages of employees; construction, repair, and rent of buildings; traveling expenses; transportation of supplies; stationery, printing, and binding; telegraphing and telephoning; heat, light, and power service; dry goods, clothing, and subsistence; purchase, repair, and operation of passenger-carrying vehicles; equipment; fuel; forage; schoolroom supplies; medical supplies; and for other purposes. Such further analysis and such additional changes and improvements in the system of bookkeeping and accounting shall be made as may be advisable in the judgment of the said Secretary.

"On the first Monday in December, nineteen hundred and eighteen, and annually thereafter, a detailed statement of expenditures, as heretofore described, for the preceding fiscal year shall be transmitted to Congress by the Secretary of the Interior.

"The sum of \$12,000 is hereby appropriated for expenses of installing the new system of bookkeeping and accounting required by this section, including the pay of expert accountants, at a rate of not exceeding \$15 per day, and their assistants, to be employed by the Secretary of the Interior; transportation and sleeping-car fare of such employees when traveling under orders of the Commissioner of Indian Affairs; and the purchase of such books, stationery, and other supplies as may be necessary.

That is subject to a point of order, is it not?

Mr. MERITT. It probably would be, as it changes existing law. I would like, however, to submit our justification for the item:

Similar amendments, in different forms, were passed by the Senate in the first and third sessions of the Sixty-third Congress, but failed each time of enactment into law. The Indian Office was thus left in the position of being required to make a complete revision of its bookkeeping system without an appropriation for the employment of assistants, and, at the same time, to carry on the regular work of the office, which has been, and is, a physical impossibility.

Attention is invited in this connection to a hearing before the subcommittee of the Senate Committee on Appropriations on H. R. 7898 (63d Cong., 1st sess., pp. 107-109), to a hearing before the subcommittee of the House Committee on Indian Affairs (63d Cong., 1st sess., pp. 707-708), to a hearing before the Senate Committee on Indian Affairs on H. R. 20150 (63d Cong., 3d sess., pp. 291-296), and to "Report to the Joint Commission of the Congress of the United States, Sixty-third Congress, third session, to investigate Indian affairs relative to business and accounting methods employed in the administration of the office of Indian Affairs."

If an appropriation for installation of a new system can not be obtained it seems imperative that the section be repealed.

(Thereupon, at 4.55 o'clock p. m., the committee adjourned.)

PRESENTED TO
HARTWICK COLLEGE
 ONEONTA, N. Y.
 BY
J. P. KINNEY

HEARINGS

From 1917

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

W. S. ...



PART 2.

PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.

BY
J. P. KINNEY



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COMMITTEE ON INDIAN AFFAIRS.

SIXTY-FOURTH CONGRESS.

JOHN H. STEPHENS, *Chairman*, Texas.

CHARLES D. CARTER, Oklahoma.

THOMAS F. KONOP, Wisconsin.

CARL HAYDEN, Arizona.

LEWIS L. MORGAN, Louisiana.

WILLIAM H. MURRAY, Oklahoma.

DENVER S. CHURCH, California.

CHARLES M. STEDMAN, North Carolina.

WILLIAM J. SEARS, Florida.

C. C. DILL, Washington.

JOHN N. TILLMAN, Arkansas.

HARRY L. GANDY, South Dakota.

PHILIP P. CAMPBELL, Kansas.

PATRICK D. NORTON, North Dakota.

SAMUEL H. MILLER, Pennsylvania.

STEPHEN WALLACE DEMPSEY, New York.

HOMER P. SNYDER, New York.

ROYAL C. JOHNSON, South Dakota.

FRANKLIN F. ELLSWORTH, Minnesota.

BENIGNO C. HERNANDEZ, New Mexico.

JAMES WICKERSHAM, Alaska.

JAMES V. TOWNSEND, *Clerk*.

PAUL N. HUMPHREY, *Assistant Clerk*.

INDIAN APPROPRIATION BILL, 1917.

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, January 18, 1916.

The committee met at 10 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were present before the committee Hon. Cato Sells, Commissioner of Indian Affairs; Mr. E. B. Meritt, Assistant Commissioner of Indian Affairs; Mr. Frank Govern, clerk, Bureau of Indian Affairs; and Mr. Webster Ballinger.

The CHAIRMAN. The committee will come to order.

Commissioner Sells is present this morning and desires to be heard on some matters before the committee that were passed over at the former hearing. The first item is on page 35, beginning with line 3. I see that this item has been reduced from \$205,000 to \$185,000. Then, on page 34 there is an item providing for the expenditure of \$4,000 of the tribal funds of the Chippewa Indians.

Both of these items are contested by members of the tribe here, Mr. Commissioner, and we would like to have an explanation of them. We would also like, if the commissioner would desire, to have some member of the tribe complaining to state their grievances in a short statement, so that the department will know what reply to make.

I requested Mr. Ballinger yesterday to file a brief, but I do not know whether he has done so or not. Mr. Clerk, has that brief been filed?

Mr. BALLINGER. I have a statement here with me, Mr. Chairman, of which I furnished a copy to the commissioner last night.

The CHAIRMAN. I wish you could have furnished a copy of it to the department yesterday.

Mr. BALLINGER. I did, but it was late last evening before I could get it to the department.

Commissioner SELLS. It came to our attention just before starting up here this morning.

The CHAIRMAN. You may proceed, Mr. Ballinger. We wish to expedite matters here this morning, and as you had a few minutes yesterday we can give you the remainder of your time this morning.

STATEMENT OF WEBSTER BALLINGER, REPRESENTING CERTAIN CHIPPEWA INDIANS.

Mr. BALLINGER. Mr. Chairman and gentlemen of the committee, I will be very brief, and rely upon the statement I am filing, in order to conserve your time; and yet I want to be sufficiently explicit so that you will understand the true nature of the complaint made.

Mr. Chairman, this is not the complaint of a few individuals. It is not merely the complaint of the delegates who are here representing the tribe. They are acting pursuant to the action of their council, which is representative of the entire tribe—all the Indians in Minnesota—and their council instructed them to oppose these appropriations, and about a year ago directed the president of their council to employ counsel to oppose in the court the use of the \$160,000 now being used by the department this year. They do not object to the use of their money for any proper purpose for their tribe. They are just as proud and ambitious as any tribe or similar number of people in this country, but they do object to the useless waste of their funds.

Mr. Chairman, by the act of January 14, 1889, arrangements were made for the sale and disposition of the property of these Indians; the proceeds to be placed in a permanent fund bearing interest at the rate of 5 per cent per annum for a period of 50 years, and for the division of the interest accruing thereon annually, three-fourths to be divided among the members of the tribe for their support, and one-fourth to be used for their education.

That fund has now reached more than \$6,000,000.

Mr. KONOP. What do you mean by that, you mean the fund that has come in in the interim?

Mr. BALLINGER. Yes, sir; the fund in the Treasury amounts now to more than \$6,000,000. The interest on that fund now being paid and distributed amounts to more than \$300,000, of which more than \$75,000 is now being used by the department, separate and apart from this appropriation, and of which they are not called upon or required to render an accounting; and there has been no accounting rendered.

Now, Mr. Chairman, section 7 of the act of January 14, 1889, after providing specifically for the distribution of this fund and the interest, contained this provision:

Provided, That Congress may in its discretion from time to time, during the said period of fifty years, appropriate for the purpose of promoting civilization and self-support among said Indians, a portion of said principal, not exceeding five per centum thereof.

Any funds appropriated by Congress were to be used for their support and civilization. A year ago it was claimed by the Indian Office that \$160,000 was appropriated under a joint resolution, and a statement has been rendered of the disposition or expenditure of that fund. Of the \$160,000 now being used this year \$64,109.41 is being paid in salaries.

The CHAIRMAN. What amount do you say is paid in salaries?

Mr. BALLINGER. \$64,109.41 of the \$160,000 is being paid for salaries of employees. Two-fifths of the entire sum appropriated from their trust funds for their support and civilization is being expended in salaries of employees on the reservation.

The CHAIRMAN. You mean annually?

Mr. BALLINGER. Yes; of the \$160,000 being used this year two-fifths is being paid out in salaries of employees, according to their own statement.

But, Mr. Chairman, I find from a letter written by the present Commissioner of Indian Affairs to Hon. C. B. Miller, dated February 16, 1915, that there were 218 employees on this reservation that were paid out of this particular fund. That is the same item that was

included the year before, and there were then a number of vacancies. At that time there were \$140,000 of the funds of the Indians being expended for the payment of salaries of employees and agents.

The CHAIRMAN. Paid out of the 5 per cent?

Mr. BALLINGER. It was paid out of their funds, Mr. Chairman, and it is difficult for me to ascertain the particular fund out of which it has been paid, but here is a statement of the employees, about ten pages—just a continuous list of employees and the salaries paid them.

The CHAIRMAN. How many of those Indians are there?

Mr. BALLINGER. Eleven thousand, about.

The CHAIRMAN. And how many reservations?

Mr. BALLINGER. Six reservations.

The CHAIRMAN. How is it divided? About what is the size, the number of acres, of the different reservations?

Mr. BALLINGER. I can not answer that, Mr. Chairman.

The CHAIRMAN. Can you give the amount of the whole thing, the amount of the territory?

Mr. BALLINGER. I can not state that; but I want to state this to the committee so that they will understand it, that after this agreement was entered into in 1889, and before any fund was accumulated, the Indian Office came to Congress and Congress appropriated \$60,000, which was then sufficient to pay all the expenses of civilization and support, including employees on the reservation. At that time the Indians were not nearly so far advanced in civilization as they are now. Public schools had not been opened in their midst. During the last 25 years public schools have been opened on and around the reservations, so that all the children have access to them, and to-day less than 1,000 Indian children are attending Indian schools supported either by the United States or from their trust funds.

The CHAIRMAN. Does that include the teachers in the public schools?

Mr. BALLINGER. No, sir; they are paid by the counties or the State of Minnesota and not out of this fund.

The CHAIRMAN. Are they included in the employees? You say there were one hundred or more employees—how many did you say?

Mr. BALLINGER. I said there were 218 employees.

The CHAIRMAN. Would that include school-teachers, matrons, and all of that class of employees around the various schools?

Mr. BALLINGER. Yes; it includes the employees of Indian schools, but it does not include other employees who are paid out of the Federal Treasury and are also on that reservation.

The CHAIRMAN. I understood you to say that years ago there were no public schools, and that they have been originated and carried forward in the last few years, which would necessarily compel the Government to employ teachers, and persons to take care of these school buildings, matrons and all that.

Mr. BALLINGER. I want to make myself perfectly plain on that, Mr. Chairman. Twenty-five years ago, when this agreement was entered into, there were very poor school facilities. The Indians had to rely largely, if not entirely, upon their own school facilities, but in the last 25 years the county and State have opened public schools that are accessible to the Indians on and around the reser-

vations, and the Indians are not now compelled to rely upon their own schools, but are afforded public-school facilities.

Mr. KONOP. They are State public schools?

Mr. BALLINGER. Yes, sir.

Mr. KONOP. And the State public-school teachers are not included in this list?

Mr. BALLINGER. No.

The CHAIRMAN. That is what I am trying to get at.

Mr. BALLINGER. Congressman C. B. Miller, who is familiar with the situation on this reservation, appeared before this committee the other day and told you of the extravagant conditions that he found. The moneys that are being expended, according to this statement, for subsistence, supplies, etc., are not going to the Indians, but they are used for the subsistence or maintenance of the support and the employees; and it is against this that the Indians are making complaint.

Mr. HAYDEN. You claim that there is no legal authority to do that?

Mr. BALLINGER. My contention is, that under section 7 of the act of January 14, 1889, Congress reserved the right to appropriate from their funds not to exceed 5 per cent for support and civilization, and that to take and use their money for the support and subsistence of useless employees is a violation of that agreement.

Mr. HAYDEN. Under this Indian bill we appropriate for the support and civilization of Indians, and that appropriation is used for paying school teachers, Indian agents, superintendents, etc., in the Indian Service, who devote their time teaching the Indians the ways of civilization. I can not see any distinction between the use of money in Minnesota and in Arizona for the same purpose.

Mr. BALLINGER. I appreciate your suggestion, and I am very glad you made it.

In every appropriation that I know of for the various tribes, for the maintenance of their agency and the employees, with the exception of the Osage Agency in Oklahoma, the money is appropriated and paid out of the Federal Treasury and not out of the Indian fund.

Mr. HAYDEN. Well, but if the treaty with these Indians authorizes Congress to expend part of their fund for support and civilization, and they use the same method of supporting and civilizing Indians in Minnesota as they do in Arizona and in New Mexico, I can not see why it is not a lawful appropriation.

Mr. BALLINGER. You and I have no controversy there. It is a legitimate expenditure, yes, if it is for their benefit, and the Indians make no complaint then, but they say this is not for their benefit; that there is no necessity for this great army of employees. Mr. Miller told you about these farmers who are out there teaching the Indians how to scientifically dig potatoes with a spade designed for digging post holes. [Laughter.]

Now, that was a fair sample; and I want to say to you, gentlemen, that the farm agency, the farm maintained at White Earth, does not produce enough grain and forage to maintain the stock on the farm. They have to buy a part of their grain and part of their forage and a part of their hay to support the stock used by the scientific employees being paid their salaries as farmers out of the trust funds.

Mr. HAYDEN. Then it is a matter of fact and not a matter of law that you are complaining about?

Mr. BALLINGER. Certainly it is. It is the use of these funds.

Mr. HAYDEN. Now, let us pass that for a moment.

You stated that in addition to the funds appropriated by Congress there were also two other funds of which no accounting was made to Congress. I would like to hear about the two other funds.

Mr. BALLINGER. One is this fund derived from the interest. More than \$75,000 is being used now by the department for the education of these Indians. If they are using that in accordance with their treaty, that is all right; but there has been no accounting made of that money, and the Indians can not get an accounting.

Mr. HAYDEN. Is that money expended under authority of some general law of Congress which gives the Indian Office authority year after year to make such expenditures?

Mr. BALLINGER. It is under authority of section 7 of the act of January 14, 1889.

Mr. HAYDEN. It is expended under authority of law, then?

Mr. BALLINGER. It is expended under authority of law, but they do not have to come to Congress, and there is no provision in this bill, nor are you advised in any statement here that they are using this fund for the civilization of the Indians, as required by law.

The Indians are complaining that a part of their funds derived under the act of June 30, 1902, in connection with the logging operation is being used for the payment of employees and other expenses on the reservation. They claim that from \$25,000 to \$50,000 of that fund is being used and unaccounted for. Under the law the Indian Office conducts logging operations, pays the expenses, and puts what remains in the Treasury. That never comes to Congress for appropriation.

Mr. GANDY. Do you think that it would be well to change that law so that Congress would appropriate all the money expended?

Mr. BALLINGER. If I had my way about it I would make every dollar expended by the Indian Office appropriated annually by Congress, and make them deposit every dollar that came into the tribe into the Treasury. If you did that it would mean a great saving to the Indians.

Mr. KONOP. Do you not think it would be better to give the money to the Indians?

Mr. BALLINGER. That would be the best and wisest thing to do, to give to every Indian who is competent his funds.

The CHAIRMAN. I see an item here on page 34, beginning with line 7, providing for the expenditure of \$4,000 of the tribal fund of the Chippewa Indians, or so much thereof as may be required, for the employment of high-school teachers in the White Earth Indian School, Minnesota. Now, is there any objection to that item?

Mr. BALLINGER. Yes; there is this objection. That item refers back to the appropriation of 1913. Now I have that item before me. The item then included in the bill was:

The sum of \$4,000 is hereby appropriated out of any funds in the United States Treasury to the credit of the Chippewa Indians in the State of Minnesota, to be expended pursuant to article four of the treaty of February twenty-second, eighteen hundred and fifty-five, between the Chippewas of the Mississippi and Pillager Bands, for the higher education of ten Chippewa Indian boys, members of said bands of Chippewa Indians in the State of Minnesota, under the direction of the Indian Education Board of the White Earth Reservation, in the said State, created by act of council of the White Earth Band of Chippewa Indians, held at White Earth March twenty-fifth, nineteen hundred and eleven.

This item is ostensibly for the purpose of employing high-school teachers. There is no high school at White Earth. There has never been a high school at White Earth, but I understand—my information is from the representatives of the tribe—that this fund appropriated to send 10 boys to school was used by the Indian Office for the purpose of establishing a grade school at White Earth. That grade school has continued there for a year or two—or possibly more—but within the last year the county has built a modern up-to-date grade school at White Earth, with ample facilities to take care of the children that are attending this Indian grade school.

Mr. KONOP. What do you mean by "grade school"?

Mr. BALLINGER. A public school up to the seventh grade.

Mr. KONOP. Just an ordinary common school up to the seventh grade?

Mr. BALLINGER. Yes.

Mr. KONOP. Just an ordinary common school?

Mr. BALLINGER. Just an ordinary common school. And a part of the funds have been used for that purpose, that were appropriated to send these children off to school, for higher education. Now, the Indians insist that there is no necessity for a continuation of that grade school, and no authority of law for the establishment of a high school.

The CHAIRMAN. Have you a statement from the council, setting up their grievances, that you could file with the committee? We would like very much to have that.

Mr. BALLINGER. I do not know. I have, I think, in my possession copies of their resolutions.

The CHAIRMAN. We would like to have that.

Mr. BALLINGER. Resolutions directing the president of the council to employ me to oppose these measures—to employ an attorney to oppose these appropriations for their support and civilization out of their own funds.

The CHAIRMAN. Have you that authority?

Mr. BALLINGER. Not with me, but I will be glad to file that with the committee.

The CHAIRMAN. That would show it specifically.

Mr. SNYDER. With reference to this \$185,000, is it not your contention that in view of the fact that the counties and the State have erected what would be known as high schools or grade schools, adjacent to the Indian reservations, and that if the Indian children now attend those schools it makes it less necessary for this large number of employees—makes less necessity for it than there was a few years back?

Mr. BALLINGER. Yes; that is it. And to make that perfectly plain, my proposition is simply this, that out of the fund of \$75,000 now available, coming from the interest, that that is ample for any school facilities, for there are less than 1,000 children now being educated in any reservation school. That is \$70 per head, and that is several times what it costs to educate a child in a public school.

It is my contention that \$185,000 is utterly unnecessary for the support and for the employment of farmers and other employees who are sent there. Almost anyone of the Indian boys could give them instructions in farming.

Mr. KONOP. I would like to ask a question there. You stated here that some years ago the sum of \$90,000 only was being appropriated for education.

Mr. BALLINGER. Yes, sir; in 1891 Congress appropriated \$90,000, which was all the money that was needed or used for the entire support and civilization of all the Indians.

Mr. KONOP. Or was it in 1892?

Mr. BALLINGER. In 1892 there was no fund. The fund did not come into existence until 1901. For nearly 10 years the support, education, and civilization of the Indians did not cost to exceed \$100,000 to \$125,000. And those Indians progressed until to-day they are the equal of any Indians in any State in this country. Now, if that was sufficient to bring them out of a state of ignorance to a condition of intelligence, then certainly this amount of money is not necessary in their present enlightened condition. In other words, it costs more to educate and support ignorant people than intelligent people. But the Indian Office has asked you to adopt the converse.

Mr. TILLMAN. May I ask a question there, please? Do the Indian lands or any of the people there pay school taxes into the State treasury, or the country treasury, from their property—their lands or property?

Mr. BALLINGER. They pay on their personal property.

Mr. TILLMAN. But not on their lands?

Mr. BALLINGER. No; not their allotted lands.

Mr. TILLMAN. Now, do the white people therefore raise the question that the Indians are not contributing their share to the public school revenues, and thereby object to their being educated with State and county revenues?

Mr. BALLINGER. I can not speak from my own personal knowledge, but I am advised that in Minnesota there is a very large public-school fund, and that that fund is apportioned out among the schools in proportion to the number of pupils attending, and therefore every community is anxious to have as many children attending the school as they can.

Mr. TILLMAN. I thought perhaps the opposite was true; that the white people had raised a question that the Indian did not pay his fair share of school revenues, and hence ought not to impose upon the people there who did actually pay the taxes.

Mr. BALLINGER. That is not true in Minnesota, because if there is one place in this country where the people are generous in education it is in Minnesota.

Mr. TILLMAN. That is not the case everywhere. They sometimes raise that question in other places.

Mr. BALLINGER. Now, Mr. Chairman, their objections to these appropriations have been somewhat accenuated by the action of the department in using their funds for purposes other than those which I have mentioned, which the Indians do not consider fair. For instance, a suit is pending out there now in which the validity of what is known as the Clapp amendment, under which many of the Indians received patent in fee to their land, is attacked. The Federal Government is now attempting to have that act declared unconstitutional and void, and a suit for that purpose has been filed in the courts. A part of the people employed to prosecute that suit are being paid out of the funds of the Indians whose title to their property is involved,

and the Indians can not get a dollar to employ an attorney to defend their rights; and the man whose individual allotment is attacked has to come forward and defray all his own expenses.

Mr. KONOP. Does the Department of Justice take charge of those things?

Mr. BALLINGER. Yes, sir.

Mr. KONOP. And you say they take money out of this fund to pay them?

Mr. BALLINGER. I understand that the stenographers and employees of the very men who are prosecuting that suit are being paid out of the funds of these Indians.

The CHAIRMAN. Mr. Ballinger, if they have no funds to pay attorneys' fees, how do you get your pay?

Mr. BALLINGER. I have not received any pay. They appealed to me to take their case, and I took the case. I have not received a dollar. They did chip in and put up enough to pay the actual court costs and expenses. That is all. I have not received a dollar.

Mr. JOHNSON. I would like to know from somebody what is the total amount of money spent a year, the total number of Indian children educated, and the total number of Indians on this reservation.

The CHAIRMAN. The department will furnish all that information. We will be glad to hear from the commissioner now.

STATEMENT OF HON. CATO SELLS, COMMISSIONER OF INDIAN AFFAIRS.

Commissioner SELLS. Mr. Chairman and gentlemen, this seems to be largely a question as to whether the administration of the reservations in the Chippewa country shall be conducted through the expenditure of tribal moneys or gratuity appropriation, and as to whether when so expended it is properly done.

I am not disposed to express an opinion as to the wisdom or unwisdom of congressional enactments along those lines. It is a fact that there are some reservations where the cost of administration is paid out of tribal funds, and some where it is not. There are some where it is paid out of tribal funds when they have but a small amount of funds to pay it out of, and I have had some doubt as to whether it is at all times wisely done. By that I mean as to whether it is not paid out of the tribal funds of some Indians who have scant resources, when it might properly be a gratuity appropriation.

The CHAIRMAN. There are two items here under discussion on pages 34 and 35. The first one, on page 34, is for the expenditure of \$4,000 of the tribal fund of the Chippewa Indians, for the employment of high-school teachers in the White Earth Indian School, Minnesota, etc. From that language I would infer that you already have a high school there for the benefit of the Indians; but it seems—Mr. Ballinger states that these Indians should go to the high school for the whites, therefore there is no necessity for this appropriation of \$4,000.

Commissioner SELLS. For the details of those matters, after a brief statement, I prefer to have some of my assistants here, who are more familiar with the details, talk to you.

I wanted to make this preliminary statement and say that there are six reservations, the children on which are involved in this matter—White Earth, Leech Lake, Grand Portage, Net Lake, Red Lake, and Fond du Lac.

We are glad to have these matters called to our attention. I might say that we have had them under consideration for several months, seeking to advise ourselves. Some time ago I directed a thorough inspection made of all of these reservations. These reports have recently come into the office and are now being given administrative action.

Concerning the details of the matters about which you wish to know I would ask Mr. Meritt and the gentlemen who came up with me to advise you.

Mr. NORTON. The fact is you personally do not know much about how this is being carried out on the reservation, do you?

Mr. SELLS. I do not know all about the details; no, sir.

Mr. NORTON. Would you be in a position to say that \$175,000 is a sufficient amount to pay the administrative costs of the bureau out on that reservation?

Mr. SELLS. On the six reservations?

Mr. NORTON. Well, on the six reservations.

Mr. SELLS. I am not able to say as to that. However, I might say, as a side matter in this connection that an action was brought after the adjournment of the last Congress to restrain the use of the funds, and it was determined by the court that the opinion of the comptroller should be sustained, and that the funds were being lawfully expended.

Mr. NORTON. That the funds were being lawfully appropriated and expended under authority of the act of January 14, 1889?

Mr. BALLINGER. Will the commissioner permit an interruption? That case is now pending. It was decided by the lower court but it is now in the Court of Appeals of the District of Columbia.

Mr. NORTON. Have you been over the reservation?

Commissioner SELLS. No, sir; those are some of the reservations that I have not had the opportunity of visiting, and as to the details of those matters I prefer to have the gentlemen who are more acquainted with them talk to you.

Mr. NORTON. I will say, Mr. Sells, as one of the committee, that we thought this was a very good way to take these matters up and discuss them with the department and get some light on them without any intent to criticize anybody, but yet get at the real facts.

Now, as the statement by Attorney Ballinger has impressed me, it was a general one, simply a mere statement of the expenditure of this gross amount—a statement that the expenditure was a misuse of the funds without any specific charges. Of course, the committee must have something specific to go on. If there is one individual man out there who is being employed unnecessarily we want to know that. But the mere general statement made, so far as I am personally concerned as a member of this committee, gives me no information.

Commissioner SELLS. That is very kind, and we thank you for bringing these matters to our attention, and we think it is entirely proper that you should have such information as we are able to give

you, and that we would be benefited by such suggestions as you might make to us.

Mr. SNYDER. Let me ask one question there. Do you know—speaking now of the school—whether there are a great many of these Indians upon the reservation going to schools outside of the reservation?

Commissioner SELLS. My information is that approximately half of them are going to the schools.

Mr. KONOP. Now, I would like to ask you, Mr. Commissioner, about whether or not in the administration of the affairs of the Indians throughout the entire country the department has adopted or intends to adopt in the future a policy of paying out the competent Indians and getting rid of these trust funds and gradually closing up the affairs of the Indians and letting them go and associate with the civilized whites?

Commissioner SELLS. That is the trend of the policy of the office and the department.

Mr. CARTER. Should not that be the intention?

Commissioner SELLS. I might add that it is the intention.

Mr. HAYDEN. It was stated, Mr. Commissioner, the other day by a gentleman representing these Indians that over 50 per cent of them were self-supporting and competent and that with perfect safety they could receive fee patents for their land; that all trust funds due them could be turned over to them, and the cost of administration could thereby be greatly reduced.

Commissioner SELLS. Answering the first part of your question, that is practically true, so far as White Earth is concerned, but it is not true of other reservations. It is the policy of the department as fast as the Indians make application or are found to be competent to give them patents in fee and let them take possession of their property and be responsible for it.

Mr. HAYDEN. How do you ascertain whether an Indian is competent or not?

Commissioner SELLS. That is done largely through the superintendent; and then in addition to that through two commissions that are operating under the direction of the department.

Mr. HAYDEN. When Mr. Miller of Minnesota was before the committee it was suggested to him that it might be advisable to provide for a special competency commission for the Chippewa Indians of Minnesota—payment for the services of this commission to be made out of their trust funds—to ascertain as soon as possible such of these Indians as were competent and to take them off the rolls and give them their property. Is there any objection to that?

Commissioner SELLS. There is a serious objection to that. I think, however, the procedure that is now in operation will operate the same, and will get the same results.

Mr. HAYDEN. The idea was that we would adopt the same procedure as is now in operation among other Indian tribes, but by appropriating money out of their funds and having a special competency commission their affairs would be cleared up sooner.

Commissioner SELLS. There is no objection to that. However, I might say that the finding of Indians to be competent is going on in all the reservations of the United States continually. There is not a locality where there are competent Indians that applications are not

being made for patents in fee, and being favorably considered by the office all the time.

Mr. HAYDEN. I was aware of that.

Commissioner SELLS. And being favorably considered.

Mr. HAYDEN. The only point was as to the affairs of the Minnesota Chippewas, whether a final settlement can not be speeded up.

Commissioner SELLS. I am inclined to think it might not be inappropriate to do it. However, at this time I would hesitate to give an opinion as to whether or not such action would secure the best results obtainable.

Mr. GANDY. The mere fact that an Indian is declared competent does not close the books so far as he is concerned, or reduce the administrative expenses, does it? Because that Indian is not finally closed out; he is just given one little portion and he still retains his interest in the tribal funds, and all that sort of thing. Now, would it not be a good thing to provide that where Indians are found to be competent, that in order that we may start upon a decreasing administrative proposition, that when the Indian is found to be competent it shall be closed out as far as he is concerned, and everything that he has got be given to him and close up the books for him?

Commissioner SELLS. The thought is good. I believe that when an Indian is found to be competent he should be not only given a patent in fee, but, in so far as it can be done, that all the property coming to him should be paid to him, and that he should be no longer a ward and no longer participate in tribal affairs. In other words, that he should go hence with his property and responsibilities.

Mr. DILL. Has the department any statistics or particulars as to the number of Indians not under the control of the department?

Commissioner SELLS. I think we have approximately—I could not make an estimate that would be worth while.

Mr. HAYDEN. I wish you would put what you have on that point in the record.

The CHAIRMAN. Would it be possible to open individual accounts with each Indian in your bookkeeping matters?

Commissioner SELLS. It would be possible.

The CHAIRMAN. What would be the possible cost of it?

Commissioner SELLS. It would be very expensive.

Mr. KONOP. Now, I want to ask you a few questions about these justifications.

On page 239 of the justifications for the support and civilization of the Indians at the Blackfeet Agency, Mont., including pay of employees, \$25,000. Now, the justification for that is, the amount of \$15,000 was appropriated in the last bill—that is, for the year ending June 30, 1915; the amount expended, \$14,348.19. Of that amount expended, salaries and wages were \$8,113.05, and what was really given to the Indians for subsistence was only \$1,961.58—then some other little minor expenditures.

On page 245 of the hearings you will find that the sum of \$10,000 was appropriated for the support of Rocky Boy's band of Chippewas in Montana. The amount expended was \$5,198.30, and of that amount \$4,252.20 was expended for subsistence supplies, while salaries, wages, etc., were \$110.

Commissioner SELLS. You understand that there is a wide difference in the manner of expenditure.

Mr. KONOP. What I would like to know is, Does it not seem unreasonable and bad business to think that out of a sum of \$15,000 for support and subsistence and for the benefit of the Indians, that only such a small portion should reach the Indians and such a high amount be expended in salaries and wages of Government employees?

Mr. GOVERN. The Blackfeet Indians have several funds in the Treasury applicable for support; one from treaty, another from tribal funds, and when the annual estimates, and the advanced needs reach the office, the funds are apportioned for various purposes.

Mr. KONOP. I am just citing this as a particular case.

Mr. GOVERN. It does show in this case that a very large portion of this fund of \$15,000 was used for the salaries stated here, but nevertheless their needs, including subsistence, were paid in part from other available funds.

Mr. SNYDER. And that does not show there?

Mr. GOVERN. No.

Mr. CARTER. I notice in your fiscal statement on page five of the last fiscal year, you report having spent for support and civilization of the Blackfeet Indians \$223,991.57; and in that statement you also set out \$69,437.78 used for employees, which seems to be in addition to the amount appropriated for them. That is on your fiscal statement, page 5.

Mr. GOVERN. That item there, \$69,437.78, includes salaries of every kind—schools and everything.

Mr. DILL. In addition to what was in your justification?

Mr. GOVERN. That includes everything.

Mr. SNYDER. Well, was it plus or minus that?

Mr. GOVERN. This act requires us to report the total expenditures for all purposes, and the classifications for payments of salaries of employees and support and civilization; so this item of \$69,000 includes salaries for all purposes—school, agency, irrigation, and all other employees regularly and irregularly employed on the Blackfeet Reservation.

Mr. DILL. But does it include this \$8,000 in the justification?

Mr. GOVERN. Yes; it includes everything.

Mr. DILL. Then, this \$69,000 was not all spent out of the trust fund?

Mr. GOVERN. No, sir; it includes other appropriations.

Mr. DILL. But you do not understand me. Your statement says \$69,000 was paid to employees out of the trust fund, out of the public or trust fund. Now, does that include the \$8,000 that the Government appropriated?

Mr. GOVERN. Yes, sir.

Mr. DILL. Now, may I ask you how the department determined the percentage of expenditures on Indian reservations to be borne by the Government and the percentage to be borne by the tribal funds?

Mr. GOVERN. By determining the amount expended from each class of funds.

Mr. DILL. I notice in some of these tribal funds that very large amounts of expenses have been paid out of the tribal funds, and very small amounts out of the Government funds; and in other cases large amounts have been paid out of the Government funds and small amounts from the tribal funds. I wondered, in making up these

estimates, what was the determining or guiding principle which caused a certain amount to be asked by the Government.

Mr. GOVERN. I think the appropriations made by the Government have been practically uniform in most cases. If we had \$15,000 last year we will probably ask for the same amount this year. The other needs of the Indians have to be paid out of the tribal funds or other available appropriations.

Mr. CARTER. Right there, is it or is it not a fact that the amount used out of the tribal funds is determined by legislation by Congress and agreement of the tribe?

Mr. MERITT. Yes, sir; very largely. We have authority to use the funds for certain purposes. In some instances it is for their support and civilization.

The CHAIRMAN. Indians, as I understand it, that have not funds sufficient for support and civilization go to the gratuity fund for it.

Mr. MERITT. The gratuity funds are usually used before the tribal funds.

Mr. NORTON. Now you say that for the support and civilization of a certain tribe an amount is asked one year, and the same amount is usually asked the next year.

In the case of the Flathead Agency in Montana, the appropriation in 1915, or last year, was \$12,000. Now, \$20,000 is asked for this year. It seems that there is a necessity for an additional \$8,000, and that justification appealed to the committee here rather favorably; but in that justification there was not disclosed to most of the members of the committee the fact that for the Flathead Reservation there was expended last year not \$12,000 for support and civilization, but \$157,425.

Mr. MERITT. The reason we are asking for an increased appropriation for the Flathead Agency is because we find that there are a large number of very old and decrepit Indians on the Flathead Reservation who have not heretofore been receiving all the care and attention that they should receive, and it is for the purpose of taking care of those old Indians that we are asking for an increased appropriation for the Flatheads.

In making up the justifications for these various items we justify the particular appropriation that we are asking for, and in these reports that we are required under law to submit to Congress we show the exact amount of funds that are expended at each agency, as well as showing the condition of the funds on the various reservations.

Mr. NORTON. Now, just a moment, in the report of the money expended for support and civilization of the Indians on the Flathead Reservation, which report is found on page 5 of the fiscal report of your department, does that \$157,425 expended for support and civilization include the expenditure of \$12,000 appropriated for in the Indian appropriation bill for 1915?

Mr. MERITT. Yes, sir; that includes everything.

Mr. NORTON. From the form of the report, if I may suggest, it would not seem to include that, for the reason that in the form of the report you give a reference for the appropriation to a statute, a particular statute, how and when the funds were created—but, as you say, that includes all the expenditures. It includes expenditures made under authority of volume 33, Statutes at Large, page 305;

volume 22, Statutes at Large, page 590, and volume 24, Statutes at Large, page 463; and also the law of the appropriation bill for 1915.

Mr. MERITT. Those statutes referred to require us to make certain expenditures, and it is for the convenience of Members of Congress that we give those references. For example, spending money for the construction of an irrigation project on that reservation which will cost several million dollars when completed. We have already expended more than a million dollars on that project.

Mr. NORTON. The amount expended for that project during the fiscal year is included in this statement. Now do those statutes authorize you to expend just approximately \$145,000 a year?

Mr. MERITT. No, sir; the statutes do not authorize the specific expenditure of any certain amount.

Mr. NORTON. Could you, or if it were needed for indigent Indians take out of the tribal funds this year, under those statutes referred to there, and additional \$8,000 over what you took last year?

Mr. MERITT. No, sir.

Mr. NORTON. Why not?

Mr. MERITT. Because the fund is not available for that purpose without authority from Congress, and we are asking for that authority in our estimates for this year.

Mr. DILL. Was not \$157,000 used last year?

Mr. MERITT. We have used part of that for irrigation, which was provided for in the Indian appropriation bill. We have to come to Congress for these specific appropriations each year, but of course there are general laws which permit us to use tribal funds within the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. NORTON. I think that was one thing the committee wanted to get clear in mind. Then you desire us to understand that for the support of the Flathead Indians you would not have authority—

The CHAIRMAN (interposing). Is this reimbursable?

Mr. MERITT. The appropriation for irrigation is reimbursable.

Mr. NORTON. You would not have authority to take out of the tribal funds any money to care for these indigent Indians you refer to?

Mr. MERITT. No, sir; we would not, out of the tribal funds. We would have out of what are known as "Indian money, proceeds of labor." We can use those funds within the discretion of the Secretary of the Interior under the authority granted by Congress.

Mr. GOVERN. The acts of March 3, 1883, and March 2, 1887, authorize the Secretary of the Interior to use grazing and certain other classes of tribal funds for the benefit of the Indians.

Mr. GANDY. Then, wouldn't the taking care of indigent Indians be for the benefit of the Indians?

Mr. MERITT. The funds to the credit of the Flathead Indians are largely from the sale of lands and the sale of timber, therefore those funds can not be used within the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs without specific authority of law.

Mr. DILL. May I ask what would be the attitude of the department to the plan of having these specific amounts of tribal funds being expended, appropriated by Congress? In other words, that Congress appropriate all the money spent for the Indians, whether from tribal funds or otherwise, in order that the committee making an appropri-

ation may know how much money was going to be spent for those Indians; so that this committee would make all appropriations out of tribal funds and out of the Government funds for the Indians?

Mr. MERITT. We furnish to Congress annually reports showing exactly the amount of money expended out of the tribal funds of the Indians. Of course, it is rather difficult to state a year in advance the exact amount that will be needed for all purposes in the Indian Service.

Mr. DILL. Every department of the Government service does that, do they not?

Mr. MERITT. No, sir; a large number of the departments get their appropriations in lump sum, and we probably give more detailed information in connection with our appropriations than any other bureau of the Government.

The CHAIRMAN. Half the amount expended is lump-sum appropriations in this bill, is it not?

Mr. MERITT. Yes, sir; quite a large amount is lump-sum appropriations.

Commissioner SELLS. Mr. Chairman, may I call your attention to a question from Congressman Konop, in which he made reference to Rocky Boy's Band. He called attention to the sum that is used for supplies as compared with the administrative expense. The Rocky Boy's Band consists of a varying number from 400 to 500 roving Indians. They have no home, no fixed place of habitation other than perhaps the State of Montana. They have been wholly without means of support, and have been dependent pretty largely upon public charity. They were located over near Fort Peck at one time, and later in the most barren and the coldest part of the Blackfeet Reservation, in which last place it was impossible for them to survive, and they were dissatisfied and continued their roving. At times they have suffered greatly, and Congress has been asked to contribute to their support. There has been no administrative expense connected with them because they have had no administration, no agency, no particular habitation, until recently when they have been temporarily located on the southern portion of the Fort Assiniboine Reservation or territory.

The CHAIRMAN. Is there no place where you can get public lands in order to have them definitely located?

Commissioner SELLS. We think we have a solution of that matter, and a bill is now pending before Congress asking that four townships on the south end of Fort Assiniboine be made a reservation for these people.

Mr. SNYDER. Is it public land, Mr. Commissioner?

Commissioner SELLS. Yes, sir.

Mr. HAYDEN. I understood that had been transferred to the State of Montana?

Commissioner SELLS. No, just the fort itself, the buildings; but the reservation has not.

Now, these Indians have been temporarily located down there, and they are doing quite well. They have produced good gardens recently, and to the extent that they have had facilities for operating they have surpassed expectations in their industry and accomplishments; and as I say, there is a bill pending before Congress in which

I am very much interested, looking toward establishing a permanent home for them there on a small reservation. They are being looked after by the superintendent of the Fort Belknap Reservations.

The CHAIRMAN. You think we could reduce this appropriation then?

Commissioner SELLS. Not at this time; no. It would be a misfortune if it should be done.

Mr. CARTER. I think it would be impossible to locate that roving band of Indians on a reservation. Has not that been tried in the past?

Commissioner SELLS. Never with justice to the Indians. They have been placed where no white man could live; where it was impossible for them to survive. They have never been given a fair opportunity. It looks now as though the matter was more nearly reaching adjustment than ever before. I trust Congress will pass the bill that is pending and we will be able to work out a permanent solution for the Rocky Boy Indians.

That accounts for the amount that has been given to these Indians for subsistence, and practically nothing for anything else.

Mr. KONOP. Now, I would like to ask a few questions along the lines that I have been thinking about, but have been interrupted and have not had a chance to develop it.

What I want to know is this: It has cost only \$110 to distribute \$4,252.20 for subsistence for this Rocky Boy's Band of Indians, while at other agencies it is costing a whole lot more to distribute supplies and things for subsistence and support of the Indians.

Commissioner SELLS. That is accounted for in this way, that the superintendent of the Blackfeet, Mr. Ellis, formerly did that work, and recently Mr. Martin, of the Fort Belknap, has done it without expense to the Government, except a little incidental expenses.

Mr. KONOP. Well, now, if that can be done in this case, why is it necessary that in all these other cases such large amounts of money have been spent for salaries of officials and only such a small amount of what we appropriate is given to the Indians for subsistence, for support and supplies?

The CHAIRMAN. It would not be a proper comparison, because you have a regular established agency, as I understand, in these other places, and you have to pay the salary of the agent, I suppose; but why could not a lot of these agencies be eliminated and some of these agents do a little extra work among other Indians, and what they are doing over here?

Commissioner SELLS. Well, your objection, of course, looks good in a way, but when you undertake to reduce the expenditure, or rather eliminate the expenditure, of a great reservation with all of its ramifications and accomplishments and possibilities, it is a very serious matter to approach.

The CHAIRMAN. Is it necessary, Mr. Sells, to have a separate agent among the different tribes of Indians; or by reason of the Indian tribes being so scattered over the United States would it be impracticable to do away with any of the tribes you now have?

Commissioner SELLS. Almost universally that is true.

The CHAIRMAN. It would cost more to travel from one agency to another to look after it than would be saved?

Commissioner SELLS. Mr. Chairman, the superintendent of one of those large reservations has a big job if he performs his duties and accomplishes the desires of the bureau in working up betterments looking toward economy, self-support, and advancement of the Indians. It is an administrative function that calls for genius, devotion, and vision. The administrative responsibility, involving sometimes several thousand Indians on a great reservation where efforts are being made to utilize not only of the physical conditions for the betterment of the individual Indian, that he may take on the ways of industry and of self-support, but that the whole machinery of the agency shall be so conducted as to minimize the expense by utilization of every opportunity, if properly done, as we are industriously seeking to have it brought about, is a very big affair.

Mr. KONOP. Let me ask you, is it the intention of the department to have an agency when you finally determine where this Rocky Boy's Band of Chippewas is to be placed? Are you going to create an agency there?

Commissioner SELLS. We will have an agent there for these particular Indians. It will involve some administrative expense, but very little—comparatively small.

Mr. GANDY. When this new agency comes into being and we have an administrative function there, and that agency will be on a par with the rest of them, about 80 per cent of the expenditure will be for salaries and wages and 20 per cent will be spent for subsistence?

Commissioner SELLS. It might be 80 per cent for salaries and 20 per cent for subsistence if the amount was small. I anticipate that the Rocky Boys, if placed on these four townships, would soon become practically self-supporting, and that the administrative expense would be very small.

Mr. JOHNSON. One more question along the line that Mr. Konop has been asking. On pages 12 and 13 of your fiscal report I find that to put subsistence to the amount of \$39,000 in the hands of the Pine Ridge and Rosebud Reservations cost \$117,374.47 in salaries and wages.

To put subsistence \$85,000 into the hands of the Indians on the lower Brule it cost in salaries and wages \$20,664.18; while to put in subsistence \$2,902 in the Siletz and Grande Ronde Indians cost in salaries and wages \$7,674.67. Now, why is there such an immense difference in the salaries and wages and subsistence on a percentage basis?

Mr. MERITT. This amount stated here shows all of the expenditures for salaries on those several reservations. For example, the Pine Ridge Reservation, as you know, covers a large area in South Dakota, as large as some of the New England States, and we have a great many schools on that reservation—probably 30 separate schools. There are more than 6,000 employees and Indians on that reservation, and with such a large Indian country and so many Indians involved, and with all these various schools, it necessarily requires a large number of employees to conduct those educational and industrial operations.

Mr. JOHNSON. Now, Mr. Meritt, in your opinion is it worth while for the department to pay out \$7,674.67 in salaries and wages to get \$2,900 in subsistence, support, and civilization in the Siletz and Grand Ronde Reservations?

MR. MERITT. Certainly not, if that money were simply used for that particular purpose; but it should be borne in mind that those salaries are used not for the purpose of getting this subsistence into the hands of the Indians, but for the purpose of educating the Indian and for the purpose of getting him started industrially on his allotment, for the purpose of supplying medicine and doctors to him when he is sick, and other needs not necessarily connected with subsistence. In fact, the less actual subsistence we give to the Indians on the reservations the higher the standard of civilization those Indians will have obtained. It is not a question of subsistence being given to all Indians. In fact, I would rather see not a dollar given to Indians for actual subsistence where it can be properly avoided, because the sooner we get the Indians absolutely free from Government subsistence the quicker will they rise to a higher standard of civilization; and that is one of the primary objects of the Indian Bureau.

MR. JOHNSON. In other words, the object of the bureau is to educate them, not to support them?

MR. MERITT. Yes, sir.

MR. JOHNSON. That would make a difference in the education.

MR. MERITT. The primary object of the Indian Bureau is to get all the Indians to become self-supporting citizens.

MR. SNYDER. May I ask a question there? In the appropriation bill, here on page 39, is an item for the support and civilization of Indians of the Flathead Agency, including pay of employees. You ask for \$20,000 this year. In the justification, page 238 of the figures is an item for equipment, material, etc., \$1,847.77. I would like to know if that equipment and material was for the actual use of the Indians, or was it for the use of the employees?

MR. MERITT. Part of that was for the carrying on of the operations of the agency.

MR. JOHNSON. And in this whole item here all the Indians got out of the \$12,000 that was appropriated last year was a little better than \$2,000?

MR. MERITT. They got a good deal for other purposes.

MR. JOHNSON. They got \$848 for subsistence supplies, \$1,314 for forage, \$732 for fuel, and some other things here.

MR. MERITT. Yes, sir.

MR. JOHNSON. Now, you ask for \$8,000 more, and on that same percentage, out of the increased \$8,000 they would get about \$1,000. One thousand dollars would get to the Indians and \$7,000 more would be spent for salaries and traveling expenses, etc.?

MR. MERITT. No, sir; we intend to use every dollar of that additional appropriation for the support of those indigent Indians.

MR. JOHNSON. You do not think there would be any further expense of distribution?

MR. MERITT. No, sir; the distribution of that fund would amount to practically nothing.

MR. NORTON. This is one of the items that rather started the inquiry of the committee yesterday. In the justification here the following statement is made:

During the hearings before the Senate Committee on Indian Affairs last January Senator Myers told of reports received by him about the pitiable condition of many aged, insane, indigent, sick, and poverty stricken Indians of that agency; that the Catholic Church was aiding in the alleviation of suffering, and that the annual appro-

priation made by Congress for these Indians should be increased to properly care for the needs. Reports have also been received from the superintendent relative to the old and indigent, and the larger number of those requiring help because of their inability to obtain work.

The committee thought yesterday that that was a rather pathetic justification and appeal, and then they considered the fact that last year for those old Indians out of this \$12,000 appropriation only \$949.16 actually went to subsistence. Now, we took it that that subsistence was for the Indians rather than for the employees.

Mr. MERITT. Oh, yes; all that is for the Indians; none of it for the employees.

Mr. SNYDER. \$800 out of \$12,000 seemed a pretty small amount to actually get for the Indians.

Mr. NORTON. An amendment was suggested that if the additional \$8,000 was granted that the department wanted, that the amendment should recite that it should all go to subsistence.

Mr. MERITT. I have not the slightest objection to that, because that is our purpose in asking for the increased appropriation.

Mr. ELLSWORTH. I would like to suggest that if the commissioner is to be here only this forenoon I hope we will soon be able to get to these matters of these proposed amendments.

Mr. CARTER. There are several things we have gone into that perhaps we should not have done, but since we have wandered into them there are several things I should like to get clear in my mind.

Commissioner SELLS. If it is desired I will be glad to come back this afternoon on other matters. I want to be as helpful as possible to the committee.

The CHAIRMAN. Gentlemen, it seems to me it would be better legislation if we would go through one matter at a time and finish it up. We came here to take up this Minnesota matter, and we have spent five minutes on that and an hour and a half on other matters. It is all very interesting now, but we ought to take these matters up more methodically.

Mr. CARTER. I would like to have about five minutes on these items while we are on them, so we will have the record right together here. It will not take but a few minutes, and I can clear up some of these things that we do not quite understand. Mr. Meritt, I notice you say none of these tribal funds can be used now for the support of these indigent Indians on the Flathead Reservation.

Mr. MERITT. On the Flathead Reservation the funds that are derived from the sale of lands and from the sale of timber, if I remember correctly, would not be available for that purpose without legislation by Congress.

Mr. CARTER. Now you have \$157,425 there expended for the support and civilization. What do you mean by that?

Mr. MERITT. We expended quite a large amount of money for irrigation on that reservation. That would come under the term "support and civilization" of Indians.

Mr. CARTER. How much? Can you tell the committee how much?

Mr. MERITT. As will be seen from the table which we are submitting showing the expenditures at the Flathead Agency, of the amount of \$157,425 expended for support and civilization there was included \$84,624.56 for irrigation purposes. You will notice also from the table submitted that from the amount of \$74,471.71 shown in House

Document No. 154 to have been expended for salaries of employees \$46,111.77 was expended for irrigation purposes, making a total expenditure of \$130,736.33 for irrigation work on the Flathead Reservation.

Mr. CARTER. Have you spent any for schools?

Mr. MERITT. Yes, sir; we have schools on that reservation.

Mr. CARTER. And part of that has been spent for schools?

Mr. MERITT. Part of the appropriations by Congress has been expended for schools on that reservation.

Mr. CARTER. Has any part of this money for support and civilization been spent for schools?

Mr. MERITT. I think so.

Mr. CARTER. What other purposes was it spent for?

Mr. MERITT. For agency employees.

Mr. CARTER. Not for support and civilization. Salaries of employees amounted to \$74,000 in addition.

Mr. MERITT. We can furnish you with a detailed statement of the expenditure of this fund for the entire reservation.

Mr. CARTER. That is what I want to get at. That is, I want to find out what we are expending that for, and that is what the committee wants. The committee is interested to know exactly what benefits the Indians are getting from these funds that are being used of theirs, and what they are being applied to.

Mr. MERITT. The following statement shows in detail the expenditures on account of the Indians at the Flathead Agency, Mont., for the fiscal year 1915:

| | Salaries, wages, etc. | Travel- ing ex- penses. | Trans- porta- tion of supplies. | Per capita pay- ments. | Commu- nication service. | Printing, binding, advertis- ing, etc. |
|--|-----------------------------|-------------------------------|--|---------------------------------|--------------------------------|---|
| FLATHEAD AGENCY. | (1) | (2) | (3) | (4) | (5) | (6) |
| Support of Indians of Flathead Agency, Mont., 1915..... | \$4,606.74 | \$976.49 | \$72.77 | ..... | \$50.90 | \$47.50 |
| Purchase and transportation of Indian supplies, 1915..... | ..... | ..... | 1,977.80 | ..... | ..... | ..... |
| Pay of Indian police, 1915..... | 2,503.49 | ..... | ..... | ..... | ..... | ..... |
| Pay of judges, Indian courts, 1915..... | 168.00 | ..... | ..... | ..... | ..... | ..... |
| Indian moneys, proceeds of labor..... | 7,247.62 | 3.75 | ..... | \$40.00 | ..... | ..... |
| Miscellaneous receipts: | ..... | ..... | ..... | ..... | ..... | ..... |
| Class 4..... | ..... | 97.65 | ..... | ..... | ..... | ..... |
| Class 5..... | ..... | ..... | ..... | ..... | ..... | 32.00 |
| Industry among Indians, 1915..... | ..... | 47.85 | 1,305.00 | ..... | ..... | ..... |
| Industrial work and care of timber, 1916: | ..... | ..... | ..... | ..... | ..... | ..... |
| Farmers..... | 3,641.50 | ..... | ..... | ..... | ..... | ..... |
| Forestry..... | 3,013.00 | ..... | ..... | ..... | ..... | ..... |
| Sawmill, etc., Flathead Reservation, Mont. (reimbursable)..... | 2,070.00 | ..... | ..... | ..... | ..... | ..... |
| Surveying and allotting Indian reserva- tions (reimbursable)..... | ..... | ..... | ..... | ..... | ..... | 209.85 |
| Irrigation system, Flathead Reservation (reimbursable)..... | 46,111.77 | 50.17 | ..... | ..... | ..... | ..... |
| Irrigation, Indian reservations (reimburs- able)..... | ..... | 4.35 | ..... | ..... | ..... | ..... |
| Total..... | 69,362.12 | 1,180.26 | 3,355.57 | 40.00 | 50.90 | 289.35 |
| FLATHEAD DAY SCHOOLS. | ..... | ..... | ..... | ..... | ..... | ..... |
| Indian schools, support, 1915..... | 5,109.59 | ..... | ..... | ..... | ..... | ..... |
| Grand total..... | 74,471.71 | 1,180.26 | 3,355.57 | 40.00 | 50.90 | 289.35 |

| | Subsistence supplies. | Dry goods, wearing apparel, etc. | Forage. | Fuel, illuminants, lubricants, etc. | Stationery and office supplies. | Educational supplies. |
|---|-----------------------|----------------------------------|------------|-------------------------------------|---------------------------------|-----------------------|
| FLATHEAD AGENCY. | | | | | | |
| | (7) | (8) | (9) | (10) | (11) | (12) |
| Support of Indians of Flathead Agency, Mont., 1915..... | \$848.16 | | \$1,314.22 | \$732.33 | \$390.45 | |
| Pay of Indian police, 1915..... | 5.69 | \$217.76 | | | | |
| Indian moneys, proceeds of labor..... | 831.39 | | | 70.50 | | |
| Miscellaneous receipts, class 4..... | | | 25.00 | 103.02 | | |
| Relieving distress and prevention of disease among Indians, 1915..... | | 10.99 | | | | |
| Total..... | 1,685.24 | 228.75 | 1,339.22 | 855.85 | 390.45 | |
| FLATHEAD DAY SCHOOLS. | | | | | | |
| Indian schools, support, 1915..... | 90.37 | | | 104.00 | | \$152.53 |
| Grand total..... | 1,775.61 | 228.75 | 1,339.22 | 959.85 | 390.45 | 152.53 |

| | Medical supplies. | Equipment, material, etc. | Construction. | Repairs. | Miscellaneous. | Total. |
|--|-------------------|---------------------------|---------------|----------|----------------|-------------|
| FLATHEAD AGENCY. | | | | | | |
| | (13) | (14) | (15) | (16) | (17) | (18) |
| Support of Indians of Flathead Agency, Mont., 1915..... | \$192.10 | \$1,847.77 | | | \$371.36 | \$11,450.74 |
| Purchase and transportation of Indian supplies, 1915..... | | | | | | 1,977.86 |
| Indian school and agency buildings, 1915..... | | | | \$106.12 | | 106.12 |
| Pay of Indian police, 1915..... | | | | | | 2,726.94 |
| Pay of judges, Indian courts, 1915..... | | | | | | 168.00 |
| Indian moneys, proceeds of labor..... | | 647.64 | \$120.00 | 499.71 | | 9,410.61 |
| Indian schools support, 1915 (tuition in public schools)..... | | | | | 620.48 | 620.48 |
| Miscellaneous receipts: | | | | | | |
| Class 4..... | | 6.70 | | | | 232.37 |
| Class 5..... | | | | | 4.50 | 36.50 |
| Industry among Indians, 1915..... | | 29,211.73 | | | 2,541.99 | 33,106.57 |
| Industrial work and care of timber, 1916: | | | | | | |
| Farmers..... | | 357.00 | | | | 3,968.50 |
| Forestry..... | | 2,602.77 | | | | 5,615.77 |
| Proceeds of Flathead patented lands, Bitter Root Valley, Mont..... | | | | | 4,947.83 | 1,947.83 |
| Relieving distress and prevention of disease among Indians, 1915..... | 16.25 | 221.56 | | | | 249.20 |
| Proceeds of Flathead Reservation, Mont. Sawmill, etc., Flathead Reservation, Mont. (reimbursable)..... | | | | | 5,138.77 | 5,138.77 |
| Buildings, etc., Flathead Reservation, Mont. (reimbursable)..... | | | 16,600.29 | | | 16,600.29 |
| Surveying and allotting Indian reservations (reimbursable)..... | | | | | | 209.85 |
| Irrigation system, Flathead Reservation (reimbursable)..... | | 63,717.23 | | | 620,852.81 | 130,731.98 |
| Irrigation, Indian reservations (reimbursable)..... | | | | | | 4.35 |
| Total..... | 208.35 | 98,612.80 | 16,720.29 | 605.83 | 31,477.74 | 226,402.72 |
| FLATHEAD DAY SCHOOLS. | | | | | | |
| Indian schools, support, 1915..... | | 77.50 | | | | 5,533.96 |
| Grand total..... | 208.35 | 98,690.30 | 16,720.29 | 605.83 | 31,477.74 | 231,936.71 |

1 Tuition.

2 Horses, \$18,870; cows, \$450; implements, wagons, etc., \$8,695.73; fence wire, \$1,156.

3 Seed.

4 To Indians for their shares of proceeds arising from the sale of land.

5 Earnings on Wilson Bros. and Nelson Rich contracts.

RECAPITULATION.

| | |
|---|-------------|
| Salaries and wages..... | \$74,471.71 |
| Support and civilization (including all items shown above except those contained in columns 1 and 4)..... | 157,425.00 |
| Per capita payments..... | 40.00 |
| Total expenditure..... | 231,936.71 |

Mr. CARTER. I think the committee would like that information, and it ought to ask the bureau some questions along those lines on every item in this statement.

The CHAIRMAN. When a lump sum is given for employees at an agency; does that include or exclude the teachers that are employed at the agency? When you speak of payment to employees—a lump sum for employees—does that include school teachers?

Mr. MERITT. Not on the reservations. We pay the salaries of reservation school employees out of a lump-sum appropriation of \$1,500,000, found in the first part of the bill.

Mr. CARTER. Now, Mr. Meritt, you do not make that quite clear. You say in the heading here "Salaries of employees, \$74,471." Do you mean by that that \$74,471 was spent for employees outside of the schools on that reservation?

Mr. MERITT. No, sir; that statement includes all the employees on that reservation, but I wanted to distinguish between the item for support and civilization of the Indians on that reservation, and also the school items brought out by the question of the chairman.

Mr. NORTON. Then, \$157,000 is not all you had expended out there, by a long ways. You had expended that million-dollar lump-sum appropriation.

Mr. CARTER. Now, I notice, Mr. Meritt, that you have in the column "Balances to credit of each tribe June 30, 1915," the following amount provided, \$63,818.70, proceeds of Flathead Reservation, Mont., and \$10,474.70, Indian moneys, proceeds of labor, Flathead. That was all the money the Indians had in the Treasury at that time—at the time this statement was made?

Mr. MERITT. Yes, sir.

Mr. CARTER. How much do those funds amount to annually?

Mr. MERITT. It depends on the sale of lands and the sale of timber.

Mr. CARTER. Can you give the committee any approximation of it?

Mr. MERITT. The receipts for the fiscal year 1915 were approximately \$57,000.

Mr. CARTER. Now, I want to ask you one or two questions about another matter. Is the expenditure of these funds which are not appropriated by Congress, what you are governed by? What are your authorizations for the expenditures?

Mr. MERITT. We are governed by the actual needs of the Indians on the various reservations.

Mr. CARTER. No; what are your authorizations of expenditures?

Mr. MERITT. We have the authority of law, the act of Congress which permits us to use these funds.

Mr. CARTER. Is that authority through treaties or act of Congress?

Mr. MERITT. Under both treaties and act of Congress.

Mr. CARTER. When you make a treaty with the Indians, as you did this treaty with the Chippewas of 1889, do you usually have a statement in those treaties as to what shall be done at the disposal of the tribal property, and what shall be done with the proceeds?

Mr. MERITT. We have on the statute books, Mr. Carter, more than a thousand laws relating to Indian matters, and between 300 and 400 treaties, and these treaties are different on different reservations.

Mr. CARTER. I understand that, but if you are going to settle a reservation now, and you settle that reservation, and they had surplus land—timber or other tribal property to be sold—would or

would you not provide that their property should be sold, and also provide for the distribution of the proceeds of that property in that treaty?

Mr. MERITT. Yes, sir; we would.

Mr. CARTER. You understand that there have been no treaties or agreements of Congress since 1874.

Mr. MERITT. Yes, sir; the disposition of tribal property of late years has been through acts of Congress.

Mr. CARTER. But usually after an agreement was made with the Indians; isn't that true?

Mr. MERITT. No, sir; not always; because Congress may control the reservations and may dispose of tribal lands without either treaties or agreements, as was decided by the Supreme Court in the Lone Wolf case.

Mr. CARTER. Well, when you have an agreement, you always take pains to have in that agreement, do you not, that the proceeds of sale of all property that is not allotted shall be divided?

Mr. MERITT. That, of course, depends on the reservation and the scope of the treaty. On some of the reservations we have treaties and agreements to the effect that the surplus property shall be disposed of, and the money derived therefrom shall be deposited to the credit of the tribe in the Treasury of the United States, and shall draw so much interest; and in some cases the Secretary of the Interior has been given discretion to use these funds for the support and civilization of the Indians without further legislation by Congress.

Mr. CARTER. The specific thing I am trying to get at is this: I want to know your authorization for these expenditures which Congress does not annually appropriate for; and I want to know to just what extent the Indian is consulted when his reservation is being closed up; as to what shall be done with the proceeds of the tribal property.

Mr. MERITT. Take the Crow Reservation, for example. The agreement and the legislation by Congress prescribe that we shall confer with the Crow Indians in the further disposition of their property; and we have conferred with those Indians in compliance with that agreement and that legislation by Congress.

Mr. CARTER. So, in some cases the Indian is consulted about what shall be done with his property and in other cases they are not consulted?

Mr. MERITT. It depends very largely on the laws, treaties, and agreements: but the general policy is to confer with the Indians.

Mr. CARTER. I am not making any criticism of the bureau, you understand, because you can not spend money now without authorization of Congress. Now, I want to find out how far the bureau and Congress has been lax in their duty in this respect. While it has been held by the Supreme Court that the United States has a right to abrogate any treaty or agreement at any time it desires with any tribe, I think that is a very inhuman thing to do, because it is the law that might makes right; and I am of the opinion that the Indians ought to be consulted upon what is going to be done with their tribal estate, and I am trying to find out if that has been done by Congress and the bureau?

Commissioner SELLS. That is mighty good doctrine.

Mr. MERITT. We have been trying to carry out that policy, Mr. Carter, in connection with the disposition of the tribal property of the Indians.

Mr. CARTER. Now, I have in mind some agreements you have made in which you provide that the tribal property will be sold and the funds placed in the Treasury, and that certain funds shall be expended so and so, and that certain funds shall be expended for the expenses in connection with the disposition of the property, and other funds shall be divided per capita among the Indians; and I assume that that has been done with most Indian tribes. If it has not been done, it should have been done.

Mr. MERITT. Yes, sir. Along that line there have been laws enacted by Congress opening their reservations over the protest of the Indians, and in some cases I think even over the protest of the Indian Bureau. I believe that the Indians should always be consulted in regard to the opening of their reservations.

Mr. CARTER. Let me ask you another question in regard to putting an Indian on his own responsibility. Did you say that you would give us the number of Indians who have been placed on their own responsibility?

Mr. MERITT. About one-third of the Indians of the United States have been placed on their own responsibility.

Mr. CARTER. And the department has nothing further to do with them?

Mr. MERITT. The department has nothing further to do with them so far as their land is concerned, but there are certain tribal funds in the Treasury that we can not reach without further legislation by Congress, which we are asking for in this bill.

Mr. CARTER. But I mean individually, the department has not any further supervision over them?

Mr. MERITT. No, sir.

Mr. CARTER. They are United States citizens to all intents and purposes?

Mr. MERITT. Yes, sir.

Mr. CARTER. Now, Mr. Meritt, what is your procedure for placing an Indian on his own responsibility when he becomes competent?

Mr. MERITT. There are different procedures, Mr. Carter. In the Five Civilized Tribes Congress, by legislation, has authorized the removal of restrictions on certain classes of Indians, with which you are familiar. Outside the Five Civilized Tribes we issue to the Indian what is known as a trust patent, when he is given an allotment. That trust patent runs for a period of 25 years unless he becomes competent and is so decided by the department. If he is declared competent by the department we then issue to him a patent in fee, and that gives him absolute control over his property.

Mr. CARTER. Now, when an individual Indian becomes competent and wants to have all of his restrictions removed, what is the procedure?

Mr. MERITT. The Indian makes application to the superintendent on the reservation for a patent in fee. That superintendent makes his recommendation to the bureau, and we submit our recommendation to the department.

Mr. CARTER. Then the department is the court of last resort?

Mr. MERITT. Yes, sir; the department is the court of last resort.

Mr. CARTER. Is not that rather a long procedure of red tape? Do you not think it discourages the Indian from applying for the removal of his restrictions?

Mr. MERITT. No, sir; the Secretary of the Interior right now is encouraging competent Indians to make application for patents in fee, and has two commissions in the field for that purpose.

Mr. CARTER. But is not your present procedure too cumbersome?

Mr. MERITT. I do not think so, Mr. Carter.

Mr. CARTER. Now, how long does it take you to remove the restrictions of an Indian after his application is filed with the superintendent, or appealed to you?

Mr. MERITT. It ought not to take over 60 days.

Mr. CARTER. But it usually takes a great deal longer than that.

Mr. MERITT. In some cases it does, in others it does not.

Mr. CARTER. If you had a good superintendent whom your commissioner could trust upon each reservation, do you not think it would be better to place that in the hands of the superintendent, or any one proper person? Do you not think it would be better to stop with the commissioner and not have the further red tape of going to the Secretary of the Interior?

Mr. MERITT. If the law were changed, I think it would be sufficient to bring it to attention and action of the Commissioner of Indian Affairs, but of course under existing law we are required to go to the department.

Mr. CARTER. You would not think the superintendent ought to be permitted himself to remove restrictions?

Mr. MERITT. No, sir; I do not think so.

Mr. CARTER. Now, just a moment—do you not think the man who looks the fellow in the face and makes a visual size-up of him is more competent to tell whether that man is competent to attend to his own affairs than a man 2,000 miles away who never saw the fellow and gets all of his information from this same superintendent's report?

Mr. MERITT. I think, of course, that the superintendent on the ground is in a better position to pass on the competency of an Indian than an official in Washington, but it is necessary to have checks and balances in the administration of Indian matters.

Mr. CARTER. Could not that be done by Government inspection?

Mr. MERITT. That is being done now to a considerable extent under this commission form that has been inaugurated by Secretary Lane.

Mr. HAYDEN. Will you just explain that commission form?

Mr. MERITT. The Secretary is sending two commissions to the Indian country. Each commission is composed of two experienced men, who go on the reservation, and with the superintendent of the reservation go over the list of Indians on that reservation, visit their homes, and look into their status. If that commission of three—composed of the two gentlemen selected by the Secretary and the superintendent—decides that an Indian is competent and entitled to a patent in fee, the commission submits a recommendation to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs submits a recommendation to the Secretary of the Interior, who directs that a patent in fee be issued to the Indian.

Mr. HAYDEN. What is the salary of these two traveling commissioners?

Mr. MERITT. They are inspectors who are paid a regular salary.

Mr. HAYDEN. They get about \$2,000 a year?

Mr. MERITT. Some get \$2,000, some \$2,500, and one gets \$3,000 a year.

Commissioner SELLS. These men performing this work are selected from other positions. One of them is a leading superintendent; another is a long-time inspector; another is an inspector; and the fourth is one of the most experienced employees of the bureau. They are all working on the salaries they would otherwise receive.

Mr. HAYDEN. How long do you think it would take two commissioners appointed for the Chippewa Indians of Minnesota to go over the six reservations in that State and select the competent Indians and turn them loose? Two commissioners acting with the agent. Suppose they went to one reservation and took the superintendent of that reservation. That would make three of them composing the commission to examine the Indians there to decide which Indians were competent. Then they would move on to the next reservation, the two traveling commissioners, and the agent there would form a commission on that reservation. How long then would it take to go over the six reservations of Minnesota?

Mr. MERITT. It would not take longer than six months to go over the entire Chippewa country, composed of 11,000 Indians.

Mr. HAYDEN. Then if we put a proviso in this bill authorizing two special commissioners, at \$2,500 a year a piece, they could clean up this whole Chippewa country in a year, could they?

Mr. MERITT. I think so, but you would find some difficulty in the Chippewa country, because one reservation—Red Lake—has not been allotted, and it would be impracticable to give the Indians on that reservation a patent in fee for the tribal lands.

Mr. HAYDEN. But you could fix up the other five?

Mr. MERITT. Yes, sir.

Mr. CARTER. Now, when this commission passes upon the competency of these fellows, is that final?

Mr. MERITT. It is final when it is approved by the Secretary of the Interior.

Mr. CARTER. It has to go through the same process that it does when the fellow makes his personal application to the man in the field?

Mr. MERITT. Not exactly. This commission submits their recommendation direct to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs makes a report and recommendation to the Secretary of the Interior.

Mr. CARTER. Isn't that the same process as it is when the man makes a field application?

Commissioner SELLS. Other than this, Mr. Carter, that under those circumstances the report of the commissioner is considered practically determining.

Mr. CARTER. Is that not largely the case with your superintendents, as a rule?

Commissioner SELLS. Not nearly so much so.

Mr. CARTER. You have then as your commissioners men whom you consider more competent to do that business than your superintendents?

Commissioner SELLS. Not necessarily so, but men who have been selected because of their experience and adaptability and such knowl-

edge of conditions as to make them particularly capable of performing these duties. They are giving their entire attention to this matter and acting in a semijudicial capacity.

Mr. CARTER. Then you have answered my question in two ways. You say not necessarily, and then I think you say they are on account of peculiar conditions.

Commissioner SELLS. There are some superintendents who might perform the duties just as well.

Mr. CARTER. That is what I am trying to get.

Commissioner SELLS. But, perhaps the commissioners are best equipped—undoubtedly they are. They have been selected for their peculiar fitness for that work.

Mr. CARTER. What is your opinion about the many superintendents—you say some of them are competent—permitting those that are competent to pass upon the qualifications of an Indian?

Commissioner SELLS. I would hesitate to say that I thought it would be a good thing to do, generally. I believe that the procedure now is not especially faulty.

Mr. CARTER. Well, the only difficulty now, Mr. Commissioner—I should say the only complaint I hear is the time, and that heretofore it would have to go through so many channels—which is perfectly natural.

Commissioner SELLS. I do not know of any complaints along that line. I do not think there is undue delay. My own judgment is that an Indian who is competent should receive his patent in fee, and that it should progress as rapidly as circumstances justify. But, Mr. Carter, may I add that it can be abused, and it can be abused not only to the detriment of the Indian but to his utter destruction and poverty.

Mr. CARTER. In what way?

Commissioner SELLS. Lax action along those lines—or rather when it is done without the best of consideration and very carefully. There are times when Indians are induced to make applications for their patents in fee, and not because the Indian himself desires the power to sell his land, but because there are people who want to acquire his land; and the result of it is that he is too frequently driven into the expenditure of his money recklessly—the amount that reaches him—and he becomes in a few years, when not in fact competent, impoverished and a dependent upon either the Government or his friends or the State.

Mr. CARTER. That is an argument, Mr. Commissioner, that the superintendent does not do his duty, is it not?

Commissioner SELLS. Not necessarily, at all. I think they want to do their duty, and I think they try to do it; but I do believe it is a very serious thing.

Mr. CARTER. It is.

Commissioner SELLS. And it ought to be done with the greatest of caution and the most kindly and serious consideration for the welfare of the man who has most at stake, and that is the Indian.

Mr. CARTER. It is a very serious thing, Mr. Commissioner, to turn a helpless man loose to be robbed, and it is almost equally as serious a proposition to keep a competent man under restriction.

Commissioner SELLS. And that should never be done.

Mr. CARTER. There is no doubt about that, but that is being done.

Commissioner SELLS. Very seldom on his application, if he has the qualifications of competency.

Mr. CARTER. I can think of some.

Commissioner SELLS. It should not be done, of course.

Mr. CARTER. I can think of in my own knowledge perhaps 100 Indians who I think are as competent from a business standpoint as you or I.

Commissioner SELLS. Have they made application?

Mr. CARTER. Well, I can think of three or four who have; who have not yet had action upon their applications, and I think of one particularly now at Red Oak, Wilberton, in the district I represent, who has had two applications pending. The bankers of that town when I visited Wilberton told me that he is as competent as anyone. He has accumulated some property of his own, and he appears to me to be competent, but yet he has not had favorable action on the removal of his restrictions. He wrote me a year ago that the field clerk at that place refused to accept the last application he sent to the department.

Commissioner SELLS. Of course I am not advised as to this particular case. There might be a case there where there was a just complaint, but if it came to the knowledge of the bureau it would be quickly investigated and disposed of at the earliest possible moment.

Mr. CARTER. When I have called these things to the attention of the bureau, I will say they have been handled in an expeditious manner, but some of those cases to which my attention was not called for quite a long while after the application had been filed, it seemed to me, without any undue criticism of the bureau that there had been a woeful delay in looking after that fellow's application, who really was competent and whose restrictions afterwards were removed.

Now, then, either one of two things is the case. The agent is competent to do that or he is not. If the superintendent is competent to do that these delays ought not to be occasioned. If he is not competent, we ought to try to get a superintendent on whom you could depend and who is competent to do it.

Commissioner SELLS. That is fine, but of course we must bear in mind always that with 134 superintendents and 80 reservations it is not humanly possible to have men all of equal caliber, equal integrity, or equal vision; and it is bound to be true under the present system and conditions that have come down through half a century, and in these later years with the civil-service requirements, that we can not adjust those things always just to our own liking, however idealistic your desires may be in that respect. It must be borne in mind in connection with these things that when you have a rule which applies to such a large number of men it is always best to have a safe rule rather than one that might result in permitting delinquencies or the exercise of less than the best judgment.

Mr. KONOP. I would like to ask a question along these lines. Is it the only way that an Indian can come to the department, through the agent, and ask to be declared competent?

Commissioner SELLS. It is the regular way to do it. If an Indian should make application directly to the office it would be considered just the same.

Mr. KONOP. Now, supposing here is an agent that has a few favorites and a few unfavorites—a few fellows that have been com-

plaining against him to the department and to the Congressman-- and one of these unfavorites happens to come to him and ask for a decision on his competency, and he pays no attention to his request. Has that Indian any remedy at all?

Commissioner SELLS. Yes, sir.

Mr. TILLMAN. That shows the necessity of an appellate forum, does it not?

Commissioner SELLS. I would be inclined to think that would emphasize it.

Mr. KONOP. What is his remedy?

Commissioner SELLS. By filing an application for appeal.

Mr. KONOP. To the department?

Commissioner SELLS. Yes, sir.

Mr. GANDY. These applications are sent right back to the superintendent, are they not?

Commissioner SELLS. Ordinarily it comes properly through the superintendent. That is the regular way to do it.

Mr. NORTON. How many Indians are there on the White Earth Reservation, approximately?

Mr. MERITT. Six thousand.

Mr. NORTON. What percentage of these, approximately, would you say were competent and self-supporting?

Mr. MERITT. I will say that a large majority of the Indians of the White Earth Reservation are competent and are self-supporting.

Mr. NORTON. I would call this to the attention of the commissioner, that Mr. Rogers, a young man who is well acquainted—Mr. Rogers, who is in the room—who is well acquainted with the Indians there, ventured the statement yesterday that 90 per cent of these Indians were competent and self-supporting.

Mr. Commissioner, should not those 90 per cent be turned loose from the supervision of the Government?

Commissioner SELLS. There is no reason in the world, if that is true.

Mr. NORTON. There seems to be no dispute as to that.

Commissioner SELLS. There must be some doubt about it at least, or it would not be so.

Mr. NORTON. Mr. Merritt says there is a large percentage of them. Mr. Rogers says there is 90 per cent. What percentage would you say, Mr. Meritt?

Mr. MERITT. I would not like to state the exact percentage, but I would say a large majority.

Mr. NORTON. Over 60 per cent?

Mr. MERITT. Probably over 60 per cent.

Mr. NORTON. Then between 60 and 90 per cent are self-supporting and competent. Why is it that this 60 or 90 per cent are not turned loose, if that is a fair question?

Mr. MERITT. I think I can answer that question. The legislation now on the statute books enacted by Congress has removed the restrictions on the lands of the Indians of the White Earth Reservation who are not full bloods; therefore their lands except the lands of the full bloods, now are practically in their own hands, and are not under the jurisdiction of the department. But the act of January 14, 1889, prescribes specifically that the tribal funds of the Chippewa Indians, except a small per cent for school purposes, shall remain in

the Treasury for a period of 50 years, and the department is now without authority of law to pay out the pro rata shares of those tribal funds to the Chippewa Indians; and we have asked in this Indian bill for legislation that will enable us to pay out a certain per cent of those tribal funds to those Indians.

Mr. NORTON. Now, that is true regarding the act of January 14, 1889. Is this true, that this Congress would have the right to pass legislation providing for the distribution of that fund and the alienation of those Indians competent and self-supporting, from the wardship of the Government?

Mr. MERITT. Congress has absolute authority to do that.

Mr. NORTON. Is there any reason why it should not be done?

Mr. MERITT. Under the decisions of the Supreme Court Congress can even go so far as to repeal treaty provisions.

Mr. NORTON. I understand that. I just want to bring it before the committee and the department. Is there any reason, in view of the fact that between 60 and 90 per cent of the Indians are competent and able and self-supporting, that the department has not recommended to this committee and to Congress legislation that would effect the alienation of those Indians from under the supervision of the department?

Mr. MERITT. We are asking for legislation now to enable us to pay out a portion of those funds.

Mr. NORTON. The legislation that you ask applies to only indigent Indians, does it not?

Mr. KONOP. It applies to Indians that are blind and crippled and lame.

The CHAIRMAN. Let me give my opinion on this question, gentlemen. I have understood that a great many Indians do not want their restrictions removed, because they would then come under the laws of the States, and for that reason they do not want their restrictions removed.

Mr. HAYDEN. These commissions that you have been sending around are taking care of cases of that kind, where the Indian does not want his restrictions removed, and you are actually making them citizens against their will.

Commissioner SELLS. No, sir; there are Indians who are competent but who do not want their patents in fee, for the very reason suggested by Congressman Carter, and those fellows ought to be reached. There is no doubt about that at all. But there are a great many incompetent Indians coming to the bureau on pilgrimages that appeal to you; who are asking that their trust period be extended, because they say they want the protection of the Government; men who have not yet reached, as they believe, that period of development and civilization in which they have confidence in themselves for their own protection. It really calls out the red blood of a man to hear many of those Indian delegations, generally full bloods, in their appeals for the extension of the trust period; reciting how their brothers who have been declared competent, in many instances only to part with their property and go to abject poverty. They appeal for that protection. Now, I only suggest that while we are wanting to give the patents in fee and declare competent every man on whom it should be properly conferred, that we should at the same time give protection.

Mr. CARTER. Well, Mr. Commissioner, there is nobody on this committee or any other committee that would argue against that principle; but there if, I think, one on this committee that believes that you have not sufficient confidence in your agent, in your superintendents. I think if you have a superintendent whom you can not trust with these affairs, you ought to get rid of him. You ought to be permitted to get rid of him, and Congress ought to give you legislation to get rid of him, and you ought to put men on the reservations in whom you can confide and then give close inspection of their acts.

Commissioner SELLS. I must say one word in answer to that. I think it is due to the superintendent that I shall at this time——

The CHAIRMAN (interposing). The hour has come for adjournment, and we must close this hearing at once. The committee is at recess until 10 o'clock to-morrow morning.

(Whereupon, at 12.15 p. m., the committee adjourned until 10 a. m., Tuesday, January 19, 1916.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, January 19, 1915.

The committee met at 10 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were present before the committee Mr. E. B. Meritt, Assistant Commissioner of Indian Affairs; Mr. W. T. Elliott, clerk in the Indian Office; Mr. Frank Govern, clerk in the Indian Office; Mr. Webster Ballinger, representing certain Chippewa Indians; and Mr. John W. Carl Beaulieu, a Chippewa Indian.

The CHAIRMAN. The committee will come to order. Mr. Ellsworth desires to present two amendments, and as the department is represented here we will take up those amendments and have them read, and Mr. Ellsworth can briefly say what he desires to accomplish by the amendments, and we will hear from the department.

As I understand it, the item Mr. Ellsworth desires to amend is found on page 37 of the bill, beginning with line No. 1. As I understand it, the amendment is to be a substitute for this item on page 1.

Mr. ELLSWORTH. There are two proposed amendments here. They are entirely different in their terms, and are simply proposed with the idea of getting the department's opinion on what they think would be the best procedure under the law, if they feel that these things should be authorized. The first proposed amendment is as follows:

On page 37 of the proposed law at the beginning of the item found on that page, strike out the word "that" and insert in place thereof the following:

In payment of the deferred interest installments due the members of the Chippewa Indians in Minnesota, provided for in section seven of the act approved January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

In line 7 of said proposed item strike out the words "in the aggregate not to exceed."

Insert the following after the word "fund" in line 9:

And to pay forthwith to all other Chippewa Indians entitled to participate in said fund a like amount.

The second amendment proposes to strike out all of the law on page 37 down to and including all of line 2, on page 38, and insert in lieu thereof the following:

In payment of the deferred interest installments due the members of the Chippewa Indians in Minnesota, provided for in section seven of the act approved January fourteenth, eighteen hundred and eighty-nine, entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," the Secretary of the Interior is directed to immediately distribute per capita to the individual Chippewa Indians in the State of Minnesota entitled to participate therein one-fourth of their principal fund now on deposit in the Treasury of the United States; all payments to minor children herein provided for to be made to their natural guardian, and all payments to other incompetents to be made to their next friend or legal guardian in the discretion of the Secretary of the Interior.

The CHAIRMAN. Then you strike out the provision beginning with the word "*Provided*" in line nine?

Mr. ELLSWORTH. No; I leave the proviso and the rest of the paragraph as it now stands.

The CHAIRMAN. Will you briefly state what change that would make?

Mr. ELLSWORTH. In the first instance—I do not know how Mr. Meritt will identify these—I will mark them "1" and "2." We will refer to No. 2. That simply provides that in lieu of the whole paragraph providing for payment to blind and decrepit Indians you would pay to all alike; but under the terms of the treaty as the treaty is now worded, one-half goes to the head of the family, and one-fourth is to be paid to education, and one-fourth to be paid per capita to all Indians. That is under the wording of the treaty of 1889. The other one disregards the wording of the treaty and provides for the payment per capita of one-fourth of all, including one-fourth to cripples and decrepit Indians; except in that instance it disregards the provision for aggregate not to exceed—that is, one-fourth to blind and decrepit Indians and one-fourth to all other Indians per capita.

The CHAIRMAN. That makes one-half, then, instead of one-fourth.

Mr. ELLSWORTH. Yes; so far as the heads of families are concerned.

The CHAIRMAN. So that is the main difference, that your two amendments would appropriate one-half of the amount coming to the Indians, while the department's bill appropriates one-fourth. That is the main distinction.

Mr. ELLSWORTH. They would all appropriate one-fourth; except in the amendment called No. 2. It would distribute it in proportion to the terms of the treaty—that is, one-half of the one-fourth to the heads of the families and the other one-fourth per capita; each being a one-fourth distribution of all the funds on hand, but in the first instance one-half of the payment would go to the heads of the families.

The CHAIRMAN. Then you divide one-fourth—that would be one-eighth.

Mr. ELLSWORTH. In one instance it would be a sixteenth and in the other one-eighth.

The CHAIRMAN. What does the department say to these amendments, or would you prefer to have further time and report later on them?

Mr. MERITT. Commissioner Sells could not be here this morning, because he is before the Senate committee on the Oliver resolution.

I have given these proposed amendments some consideration, but have not gone into them in detail. I see no objection to the amendment offered to insert after the word "fund" in line 7—

The CHAIRMAN (interposing). You are referring now to amendment No. 1?

Mr. MERITT. Amendment No. 1 proposes in line 7 to strike out the words "in the aggregate not to exceed." Also in the next amendment insert the following after the word "fund" in line 9.

Mr. ELLSWORTH. That is part of the same amendment?

Mr. MERITT. Yes; amendment No. 1—insert after the word "fund" the following:

And to pay forthwith to all other Chippewa Indians entitled to participate in said fund a like amount.

I would see no objection to that amendment, Mr. Chairman, provided you would strike out the word "forthwith" and insert the words "under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. KONOP. To pay under such rules and regulations as the Secretary of the Interior may prescribe?

Mr. MERITT. Yes, sir; so that it will read "And to pay to all other Chippewa Indians entitled to participate in said fund a like amount." I suggest that amendment for this reason: There are a number of Chippewa Indians who, if they should receive this money in cash, would receive practically no benefit from it, because they are incompetent to handle their funds.

Mr. CARTER. Why not confine it to those who are competent?

Mr. KONOP. Why not say "pay to all competent Indians"?

Mr. MERITT. We want the legislation broad enough so that we can pay to the competent Indians their funds and deposit in banks to the credit of the incompetent Indians their share of the funds and use it for their benefit rather than pay it to them in cash.

Mr. CARTER. Then you would not want this provision beginning in line 14, "That no funds paid hereunder to Indians shall be available for paying the debts of said Indians, etc." You would not want that to apply to the Indians who are competent?

Mr. MERITT. No; I would not object to that.

Mr. CARTER. For instance, Mr. Rogers is one of them. You would not want to say to Mr. Rogers when you give him his money that it would be a violation of law for him to pay that on some obligation he had contracted?

Mr. MERITT. No, sir.

Mr. CARTER. Maybe he has come campaign obligations that he would like to liquidate with this money—the expenses of his campaign for county attorney.

Mr. MERITT. We would not have the slightest objection to these Chippewa gentlemen here using their funds in any way they see fit.

Mr. CARTER. Mr. Beaulieu may have some obligations on his paper that he wants to meet.

Mr. MERITT. This is simply for the purpose of protecting incompetent Indians, and of course we realize that the Indians present are entirely competent to manage their own affairs.

Mr. KONOP. You started to say that the Secretary of the Interior, under such rules and regulations as he may prescribe, shall pay to

the blind, crippled, and decrepit and helpless Indians, and pay to other Indians. What do you want that in there for?

Mr. MERITT. If the first amendment proposed is not adopted, it would not be necessary to add "under such rules and regulations" as he may prescribe, but there is another suggestion here which proposes to change the first part of this amendment. Now, we would prefer that our part of the amendment that we have drafted—the first part of it—should remain instead of the proposed amendment offered here, the amendment that reads:

In payment of the deferred interest installments due to the members of the Chippewa Indians in Minnesota, provided for in section seven of the act approved January fourteenth, eighteen hundred and eighty-nine, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota."

Now, we have paid the interest that is due the Indians under the law, therefore this language would be somewhat misleading.

Mr. ELLSWORTH. Do not understand that the first amendment proposes to strike out the provision in line 2, which authorizes you to use or advance to blind or decrepit or helpless Indians one-fourth of the amount which would be coming to that Indian. Do not understand that this proposes to strike that out. This amendment proposes to retain that. Simply striking out the word "that" and substituting this clause in place of it still retains the authority to use this money for blind and decrepit Indians, rather than to pay it to them. That was the intention.

Members of the tribe have informed me that the interest has been paid; that is, by a difference in charging out of the interest rather than charging out of the principal. As a matter of fact, there is some deferred interest; that is, if it had been charged out of the principal instead of out of the interest.

Mr. MERITT. That is a point in this first proposition. The language would convey the impression that there was still deferred interest due to members of the Chippewa Indian Tribe in Minnesota, when in fact we have complied with the act of January 14, 1889, in paying out this deferred interest, as directed in that law, and if the gentlemen will omit this first amendment we will be glad to approve of the amendment in line 7, to strike out the words "in the aggregate not to exceed," and also to accept the amendment "and to pay"—leaving out the word "forthwith"—"to all other Chippewa Indians entitled to participate in that fund a like amount."

The CHAIRMAN. You want to strike out the word "forthwith"?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Mr. Ellsworth, I think, then, it would be better if you would get together and restate that whole matter, so it would be satisfactory to both of you.

Mr. ELLSWORTH. I would like to ask one or two questions to see whether or not I understand Mr. Meritt.

Do you understand, Mr. Meritt, that the treaty provides for reimbursement by the department of increment after the principal has exceeded \$3,000,000.

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. Do I understand from the department that the condition now is that the amount which the department has reimbursed itself out of in payments made to the Chippewas has been from the principal or from the interest?

Mr. MERITT. We have made all reimbursements, as I understand, out of the Chippewa funds to the Government, part of the reimbursements out of interest and part out of the principal.

Mr. ELLSWORTH. My information is that if the reimbursements had been made out of the accumulated interest, as they were paid in from the amount received for the sale of lands and timber, that there would be an accrued interest due to the tribe at this time.

Mr. MERITT. In response to a letter from Mr. Henry W. Warren, the office on January 16, 1915, submitted a statement regarding the Chippewa fund, and I would be glad to have that letter incorporated in the record.

(The paper referred to follows:)

JANUARY 16, 1915.

Mr. HENRY W. WARREN,
(Care Indian Office.)

MY DEAR MR. WARREN: In response to your informal inquiry regarding the fund of the Chippewa Indians arising under the provisions of the acts approved January 14, 1889 (25 Stat. L., 643), February 26, 1896 (29 Stat. L., 17), and June 27, 1902 (32 Stat. L., 400), the following is submitted for your information:

Chippewa in Minnesota fund.

| | |
|--|-----------------|
| Receipts: | |
| Sept. 30, 1896, to Sept. 30, 1914, inclusive | \$10,818,006.77 |
| Oct. 1, 1914, to Dec. 31, 1914 (estimated) | 69,586.64 |
| Total receipts..... | 10,887,593.41 |

| | |
|---|--------------|
| Expenditures: | |
| Amount reimbursed to the United States on account of expenditures for the Chippewa Indians from appropriations by Congress for relief, civilization, drainage, etc. | 3,963,230.91 |
| Amount disbursed for support and civilization of Indians, including logging, expenses incurred by William O'Neil, return of purchase money, and refundments of 20 per cent on completion of contracts, etc..... | 1,091,355.89 |
| Total..... | 5,054,586.80 |
| Balance in Treasury, including receipts Dec. 31, 1914, estimated as above..... | 5,833,006.61 |

The first receipts credited in the Treasury under the above acts represent accruals from September 30, 1896, to September 30, 1904, which amounted to \$1,274,310.94, as shown by Treasury warrant No. 28, dated January 13, 1904.

Interest on Chippewa in Minnesota fund.

| | | |
|--|--------------|----------------|
| Accrued interest Sept. 30, 1896, to June 30, 1914, inclusive..... | | \$2,737,083.17 |
| Interest July 1 to Dec. 31, 1914, estimated..... | | 143,000.00 |
| Total..... | | \$2,880,083.17 |
| Expenditures: | | |
| Amount reimbursed to the United States on account of expenditures from appropriations by Congress under advance interest to Chippewa in Minnesota reimbursable | 966,224.00 | |
| Cash, per capita payments to the Indians as authorized..... | 1,328,820.00 | |
| For educational purposes..... | 428,103.22 | |
| Total..... | | 2,723,147.22 |
| Balance in Treasury including accruals July 1, to Dec. 31, 1914, estimated as above..... | | 156,935.95 |

The first interest credited in the Treasury to the above fund, as shown by warrant No. 29, dated January 13, 1904, representing interest at 5 per cent on deposits from September 30, 1896, to December 31, 1903, amounted to \$293,508.71.

The cash per capita payments to the Chippewa Indians were as follows:

| | |
|--|--------------|
| 1912—\$9.65 per capita, aggregating..... | \$106,730.00 |
| 1913—\$75 per capita, aggregating..... | 819,600.00 |
| 1914—\$18 per capital, aggregating..... | 200,664.00 |
| 1915—\$18 per capita, aggregating..... | 201,826.00 |
| Total..... | 1,328,820.00 |

Reimbursements to the United States from the tribal funds of the Chippewa Indians were made at the following periods:

| Date. | Principal. | Interest. | Total. |
|--------------------------|----------------|--------------|----------------|
| May 16, 1911..... | \$3,820,439.05 | \$874,898.00 | \$4,695,337.05 |
| June 11, 1912..... | 139,550.59 | 89,039.00 | 228,589.59 |
| May 26, 1913..... | 3,241.27 | 1,209.43 | 4,450.70 |
| June 26, 1914..... | | 1,077.57 | 1,077.57 |
| Total reimbursement..... | 3,963,230.91 | 966,224.00 | 4,929,454.91 |

A question has arisen as to the authority of law for the charge of \$874,898 to the interest fund in stating the reimbursable account of May 16, 1911. The authority of law providing for this reimbursement is embraced in section 7 of the act approved January 14, 1889 (*supra*), and same fully is explained in office letter of April 12, 1913, to Messrs. John W. Carl and Gus H. Beaulieu, Chippewa delegates to this office, copy of which is inclosed herewith for your information.

It will be noted that had this provision of law permitted the use of the principal fund in making full reimbursement to the United States for all expenditures incurred under "Advance interest to Chippewa in Minnesota reimbursable," there would have been a loss of approximately \$174,000 interest to the Indians for the period from May 16, 1911, to May 16, 1915.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Mr. CARTER. Mr. Meritt, who passes upon the matter of this accounting? The matter of which fund these repayments shall be made from your office or the comptroller.

Mr. MERITT. The Indian Office, the Auditor's Office, and the Comptroller of the Treasury.

Mr. GANDY. What would be the idea of wanting the word "forthwith" stricken out?

Mr. MERITT. Because we would not want to pay immediately to incompetent Indians their money. We would want to deposit that money in local bonded banks, drawing interest, and use the money for the benefit of the incompetent Indians.

Mr. SNYDER. Use the interest from that money?

Mr. MERITT. Use both the interest and the principal, so long as it lasted. If we paid cash to a large number of incompetent Indians they would get no benefit from it whatever. It would simply be squandered, or some other more shrewd Indian or more shrewd white man would get the money due the incompetent Indian.

Mr. CARTER. The white man sometimes takes a hand in that himself.

Mr. GANDY. Then, before this money could be paid out it would be necessary for your office to establish the competency and the responsibility of all these Indians.

Mr. MERITT. No, sir; we have a list of the competent and incompetent Indians. It would simply be for the purpose of protecting incompetent Indians.

Mr. CARTER. Have you on that list all the competent Indians of the White Earth Reservation?

Mr. MERITT. We know the Indians who are competent on the White Earth Reservation, and who are able to handle their funds.

Mr. CARTER. You spoke of a list. Have all the Indians on the White Earth Reservation been placed on that competent list?

Mr. MERITT. I think we have at each agency a list of Indians that we consider competent to handle funds, also those that are considered incompetent.

Mr. ELLSWORTH. Do you know what proportion of the Chippewa Indians in Minnesota are competent?

Mr. MERITT. I would say that 75 per cent of the Chippewa Indians would be competent to handle their funds under this proposed amendment.

Mr. GANDY. I am serious in this matter of wanting to know whether or not the money of lots of the Indians who are competent will be placed in banks to their credit, and doled out to them; their expenditures scrutinized, and they be compelled to come into an office and get permission and get authority to expend it—as is done with lots of competent Indians.

Mr. MERITT. No, sir; the regulations under this proposed amendment would be liberal and we would instruct our superintendents to eliminate all red tape.

Mr. SNYDER. Let me ask a question there. If 75 per cent of these Indians are competent, and there was a general distribution of this money to all the Indians, the fact that any larger per cent of the incompetents—do you think there would be any larger percentage of incompetents than there would be if you distributed the same amount of money to 100 per cent of the white people in any section of the country? Would not there be the same percentage of incompetent people anywhere, that there would be the possibility of somebody getting that money away from them?

Mr. MERITT. I would not want to say that there would be as large a percentage among the white people as among the Indians, but undoubtedly there would be a considerable number of white people incompetent to handle their money, and that they would soon squander it and get no benefit from it.

Mr. CARTER. Mr. Meritt, how much funds have the Chippewa Indians?

Mr. MERITT. More than \$6,000,000.

Mr. CARTER. Under their treaty the principal of those funds can not be paid out for 50 years after 1889?

Mr. MERITT. Yes, sir.

Mr. CARTER. What would you think of the proposition, Mr. Meritt, of paying out all that part of the fund that is due to competent Indians—competent Chippewas?

Mr. MERITT. I would be in favor of it.

Mr. GANDY. That would very materially reduce the operating expenses and everything else up there, would it not, and the expenses of the Indian Office here?

Mr. MERITT. It would very materially simplify the administration of the affairs of the Chippewa Indians.

Mr. CARTER. It would simplify the matter of income.

Mr. MERITT. Of the competents and incompetents. I believe that all Indians who are competent should receive not only their lands but their funds, and that they should go their way without further control by the Indian Bureau.

Mr. CARTER. If you should pay to the competents what is due them, that would be practically turning them adrift, would it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. Then the bureau would have no further supervision or care of them at all and it could concentrate its attention on the incompetents?

Mr. MERITT. That is true; but it should be borne in mind, Mr. Carter, that if that legislation is passed, that hereafter it will be necessary to authorize gratuity appropriations for the support of the schools in the Chippewa country.

Mr. ELLSWORTH. You understand the law to be such that you can disregard the letter of the language of the treaty itself, and that you could make the distribution per capita and not be compelled to make it according to the language of the treaty?

Mr. MERITT. Congress could pass legislation at this time which would authorize the department to pay these funds per capita to the Indians.

Mr. ELLSWORTH. Disregarding the language of the treaty so far as the distribution pro rata is concerned?

Mr. MERITT. I think that was decided in the Lone Wolf decision by the Supreme Court.

Mr. CARTER. They would have a legal right to do it; there is no doubt about that, but the idea presented to me by Mr. Ellsworth's question is this: Would the Indians living at the end of the 50-year period have any moral claim against Congress for the funds that had been distributed to those Indians prior to the expiration of the 50-year period? I mean fellows born hereafter?

Mr. MERITT. I do not believe they would have such a claim that they could establish a valid claim against the Government in the Court of Claims.

Mr. ELLSWORTH. You believe at the end of the 50-year period it would not be the policy of the bureau to make a distribution of it per capita?

Mr. MERITT. I think that the fund should be divided per capita.

Mr. ELLSWORTH. At the end of the 50-year period?

Mr. MERITT. I would not wait until the end of the 50-year period. I would be in favor of legislation enacted at this time which would authorize us to pay to the competent Chippewa Indians their pro rata share of the tribal funds now in the Treasury.

Mr. ELLSWORTH. Would you think it necessary, in order to enable you to determine competent and incompetent Indians in every case—do you think it would be necessary for this amendment to carry with it a provision for determining the competency of Indians?

Mr. MERITT. No, sir.

Mr. ELLSWORTH. You think it has sufficient basis for that now?

Mr. MERITT. Yes, sir; we can procure sufficient information to establish the competency or incompetency of the Chippewa Indians.

Mr. ELLSWORTH. Your department would object to the first part of the proposed amendment, No. 1, to take the place of the word "that"? You would object to that?

Mr. MERITT. Yes, sir; because the amendment is more or less misleading, in my judgment.

Mr. ELLSWORTH. You would recommend the passage of the amendment in the last paragraph if the word "forthwith" were stricken out?

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. But you would not if the word "forthwith" remained?

Mr. MERITT. No, sir.

Mr. ELLSWORTH. You would oppose it then?

Mr. MERITT. Yes, sir. I think it would be unfortunate if that payment were to be made to incompetent Indians. I think the money should be deposited in bonded banks and used for their benefit.

Mr. ELLSWORTH. But you would agree to striking out the words in line 7 "in the aggregate not to exceed"?

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. Now the other amendment, No. 2, you would not recommend that?

Mr. MERITT. No, sir.

The CHAIRMAN. The reason I suggested, gentlemen, that you get together on this item is that it is subject to a point of order—the whole business. Neither your amendment nor the language in the bill would stand under a point of order in this committee or in the House. Now, I thought possibly you would stand some chance to get it in the bill in the House if there is a clear agreement between you. If not, it is useless to go further with it.

Mr. ELLSWORTH. I want to propose, when we go into executive session, the first amendment, and in the form suggested by the department.

The CHAIRMAN. Then it is not necessary to pursue this matter any further.

Mr. ELLSWORTH. I think not.

The CHAIRMAN. Then, gentlemen, we will take up another item, the item of \$4,000 that was raised yesterday. It is back on page 34. I believe. There was some objection made to the expenditure. It begins with line 7, page 34:

For the expenditure of \$4,000 of the tribal funds of the Chippewa Indians, or so much thereof as may be required, for the employment of high-school teachers in the White Earth Reservation, Minnesota.

Now what statement have you to make with reference to that?

Mr. MERITT. Mr. Chairman, that item was included in the Indian bill before the Senate committee last year and was not an estimate by the department. In making up the estimates this year, inasmuch as this item had been agreed to by the committees of the House and Senate, we included it in our estimates, thinking that it was the wish of the Indians and the Congress that this item be included in the bill; but in view of the fact that objection has been made to the item, we have no objection whatever to the item going out. You will note we only expended \$1,000 of the \$4,000 appropriated last year.

The CHAIRMAN. There is no objection, then, to its going out?

Mr. MERITT. No, sir.

Mr. KONOP. How about the \$185,000? What have you decided as to that?

The CHAIRMAN. The next item begins on line 3, page 35:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$185,000, or so much thereof as may be necessary. * * *

Now, what I wished to call your attention to specially there is this: This apparently is a reduction here of several thousand dollars—\$20,000—but in fact the old language of the bill in this parallel column to the right of this language that you have put in the bill provides “That not to exceed \$40,000 of this amount may be used in the purchase of lands,” etc. Then farther down it is provided “That not to exceed \$5,000 of the fund herein appropriated may be expended,” etc. Now, those should go out. That makes \$45,000, and if you take that from your \$205,000 it only leaves \$160,000. You do not have those items this year, and apparently that should reduce the appropriation to \$160,000, but instead you have \$25,000 more, or \$185,000.

Now, why do you want this difference between \$160,000 and \$185,000?

Mr. MERITT. Mr. Chairman, Congress has enacted legislation which directed the Indian Bureau to construct hospitals at the Red Lake and the Fond du Lac Reservations in the Chippewa country. It will cost more than \$10,000 a year each to maintain and operate those two hospitals. It will be necessary, therefore, that we have an increase in this appropriation in order to carry on this additional work of maintaining these hospitals in the Chippewa Reservation.

The CHAIRMAN. Then, Mr. Meritt, would it not be better legislation to insert after the word “act,” in line 13, page 35, so many thousand dollars that you want for these hospital purposes, so that Congress could point out the difference, and how these funds are to be used?

Mr. MERITT. I would see no objection to the language being incorporated after the word “act,” line 13:

Provided, That not to exceed \$25,000 of this amount may be used in the maintenance and operation of the hospitals on the Red Lake and Fond du Lac Indian Reservations in Minnesota.

Mr. KONOP. Isn't there another part of the bill that provides for maintenance and support of hospitals among the Indians?

Mr. MERITT. We have an appropriation for the relief and distress of Indians, and if this appropriation were not provided that appropriation would be available for the two hospitals. But the total of that appropriation is not sufficient to support the hospitals that have been authorized and have been or are in process of construction and also the maintaining of these two hospitals.

The CHAIRMAN. Suppose we put in that \$25,000 for maintaining two hospitals. Then could not the department reduce the lump-sum appropriation by \$25,000?

Mr. MERITT. No, sir; we will have difficulty in maintaining, out of the appropriation that we are asking for this year the additional hospitals that Congress has directed be constructed and operated.

The CHAIRMAN. Then, would it not be better legislation, instead of having lump-sum appropriations, when any legislation has a hospital in it, to say so much for these different hospitals, and not carry

the lump-sum appropriation? It is hard to keep up with it the way you have it now--part of the items in a lump-sum appropriation and the others provided for separately, and we would like to have one or the other adopted, all lump sum or all separate.

Mr. MERITT. You will understand, Mr. Chairman, if we would pursue that policy it would very materially increase the number of items in the Indian bill; and we probably now have more separate items in our bill than any other bill that is passed by Congress for any other bureau of the Government, and it is important that we keep the number of items down as much as possible, in order to save the time of Congress, and also the work of the bureau.

Mr. GANDY. What is the capacity of those two hospitals?

Mr. MERITT. Each hospital will have a capacity of about 25 or 30.

Mr. GANDY. That would be 60 patients for the two combined.

Mr. MERITT. You see they have more than 11,000 Chippewa Indians, and they would all have a right to make use of these hospitals.

Mr. GANDY. You say the capacity of the hospitals is 25 or 30. That would make a maximum capacity of 30 each?

Mr. MERITT. Probably 30 each.

Mr. GANDY. And a maximum capacity of 60 for the two hospitals. You are asking \$25,000 a year to take care of the people, assuming that they would be used to the full capacity all the time?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Where are those hospitals located?

Mr. MERITT. One hospital is located on the Red Lake Reservation, and one is located on the Fond du Lac Reservation.

The CHAIRMAN. Are there no other hospitals on the reservation?

Mr. MERITT. Yes, sir; we have a hospital on the White Earth Reservation.

The CHAIRMAN. What is that costing the Government?

Mr. MERITT. It costs approximately \$10,000 a year to maintain that hospital.

Mr. CARTER. Did you not say it would only take \$10,000 to maintain these hospitals?

Mr. MERITT. About \$10,000 each.

Mr. CARTER. Your appropriation calls for \$25,000 more than \$160,000. Could not that appropriation be reduced \$15,000, then?

Mr. MERITT. It will take between \$10,000 and \$15,000 to maintain each hospital. One hospital cost \$20,000, the other cost \$25,000, to construct. We estimate that it will cost anywhere from \$20,000 to \$25,000 to maintain the two hospitals.

Mr. CARTER. Then, it would not cost \$10,000, but \$25,000?

Mr. MERITT. \$10,000 apiece.

Mr. SNYDER. Is there no income at these hospitals at all?

Mr. MERITT. No, sir.

Mr. SNYDER. None whatever?

Mr. MERITT. No, sir.

Mr. KONOP. Now, Mr. Meritt, I would like to ask you a question or two. You want an appropriation of \$185,000 to take out of the trust fund of the Chippewa Indians?

Mr. MERITT. Yes, sir.

Mr. KONOP. Now, could you give us a statement of the money that was spent last year among the Chippewa Indians and from what sums it was taken?

Mr. MERITT. Yes, sir; we have that information here.

Mr. KONOP. I would like to get it now, if you have it.

The CHAIRMAN. Are there no printed documents to show that?

Mr. MERITT. We have a table, Mr. Chairman, and would be glad to have it incorporated in the record. It is a very long and detailed statement.

Mr. NORTON. Can you read that into the record?

Mr. KONOP. That appertains to all the rest of the Indians?

Mr. MERITT. This table pertains to all the Indian reservations and schools in the United States, but we will only supply the stenographer with the information you desire relating to the Chippewa Reservations.

The two accompanying statements; No. 1 in detail, the other (No. 2) recapitulatory, show all expenditures for the fiscal year 1915, except per capita payments to Indians, made on account of the Chippewas of Minnesota.

No. 1.—Detailed statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments.

| Appropriation or fund. | Salaries, wages, etc. | Travelling expenses. | Transportation of supplies. | Heat, light, and power (service). | Communication service. | Printing, binding, advertising, etc. | Subsistence supplies. | Dry goods, wearing apparel, etc. | Forage. | Fuel, illuminants, lubricants, etc. |
|---|-----------------------|----------------------|-----------------------------|-----------------------------------|------------------------|--------------------------------------|-----------------------|----------------------------------|----------|-------------------------------------|
| CASS LAKE BOARDING SCHOOL. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund | \$3,707.77 | \$28.65 | \$89.92 | | \$25.70 | | \$447.99 | \$1,307.57 | \$291.88 | \$64.99 |
| Chippewas in Minnesota fund, 1915 | 6.00 | 59.56 | | | | | 388.08 | | 293.49 | 481.50 |
| Indian school support, 1915 | 533.65 | | 203.76 | | | | | | 125.10 | |
| Purchase and transportation of Indian supplies, 1915 | | | | | | | | | | |
| Total | 4,247.42 | 88.21 | 293.68 | | 25.70 | | 831.07 | 1,307.57 | 710.47 | 546.49 |
| FOND DU LAC AGENCY. | | | | | | | | | | |
| Chippewas in Minnesota fund, 1915 | 2,262.25 | 104.41 | | \$12.25 | 52.74 | \$19.05 | 544.43 | | 315.43 | 90.67 |
| Purchase and transportation of Indian supplies, 1915 | | 50.56 | 37.88 | | | | | | | |
| Pay of Indian police, 1915 | 884.17 | | | | | | 28.44 | 62.15 | | |
| Determining heirs of deceased Indian allottees, 1915 | 398.33 | 18.14 | | | | | | | | |
| General expenses, Indian service, 1915 | | | | | | | | | 35.00 | |
| Industrial work and care of timber, 1915: | | | | | | | | | | |
| Farmers | 900.00 | 14.35 | | | | | | | | |
| Forestry | 741.67 | 16.60 | | | | | | | | |
| Individual Indian money | | 1.58 | | | 5.70 | 3.50 | | | | |
| Chippewas in Minnesota fund (hospital) | 2,202.73 | | | | | 49.02 | | | | |
| Miscellaneous receipts: | | | | | | | | | | |
| Class 4 | 8.00 | 16.05 | | | | 1.00 | | | 48.84 | |
| Class 5 | | | | | | 4.00 | | | | |
| Class 6 | 45.00 | | | 33.51 | | 10.25 | | | | |
| Indian moneys, proceeds of labor | | | | | | | | | | |
| Relieving distress, and prevention of disease among Indians, 1915 | | 6.92 | | | | | 73.06 | | | |
| Total | 7,442.15 | 228.61 | 37.88 | 45.76 | 58.44 | 86.82 | 645.88 | 62.15 | 399.27 | 90.67 |
| FOND DU LAC DAY SCHOOLS. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund | 4,595.25 | 5.42 | | | | | 86.73 | 46.26 | 135.02 | 390.54 |
| Chippewa in Minnesota fund, 1915 | | 150.00 | | | | | | | | .12 |
| Indian schools, transportation, 1915 | | | | | | | | | | |
| Total | 4,595.25 | 155.42 | | | | | 86.73 | 46.26 | 135.02 | 390.66 |

No. 1.—Detailed statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments—Continued.

| Appropriation or fund. | Salaries, wages, etc. | Traveling expenses. | Transportation of supplies. | Heat, light, and power (service). | Communication service. | Printing, binding, advertising, etc. | Subsistence supplies. | Dry goods, wearing apparel, etc. | Forage. | Fuel, illuminants, lubricants, etc. |
|--|-----------------------|---------------------|-----------------------------|-----------------------------------|------------------------|--------------------------------------|-----------------------|----------------------------------|----------|-------------------------------------|
| GRAND PORTAGE AGENCY. | | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | \$2,168.00 | \$251.34 | | | \$41.43 | \$20.29 | \$520.84 | \$158.58 | \$298.58 | \$125.00 |
| Purchase and transportation Indian supplies, 1915..... | | | \$380.80 | | | | | | | |
| Pay of Indian police, 1915..... | 360.00 | | | | | | | | | |
| Industrial work and care of timber, 1915: | | | | | | | | | | |
| Farmers..... | 682.00 | | | | | | | | | |
| Forestry..... | 776.35 | | | | | | | | | |
| Total..... | 3,986.35 | 251.34 | 380.80 | | 41.43 | 20.29 | 520.84 | 158.58 | 298.58 | 125.00 |
| GRAND PORTAGE DAY SCHOOL. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | 2,288.25 | | | | | | 63.70 | 161.47 | 339.38 | 119.75 |
| Chippewa in Minnesota fund, 1915..... | | | | | | | | | | 129.87 |
| Miscellaneous receipts, class 4..... | | | | | | | | | | 18.75 |
| Total..... | 2,288.25 | | | | | | 63.70 | 161.47 | 339.38 | 264.37 |
| LEECH LAKE AGENCY. | | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | 13,057.80 | 809.35 | 39.79 | | 23.56 | | 706.72 | | 1,261.17 | 1,142.16 |
| Purchase and transportation of Indian supplies, 1915..... | | | 710.76 | | | | | | | |
| Determining heirs of deceased, Indian allottees, 1915..... | 52.50 | 19.94 | | | | | | | | |
| Pay of Indian police, 1915..... | 2,820.67 | | | | | | | | 175.00 | |
| Pay of judges, Indian courts, 1915..... | 146.04 | | | | | | | | | |
| Industrial work and care of timber, 1916: | | | | | | | | | | |
| Farmers..... | 108.33 | 116.45 | | | | | | | | |
| Forestry..... | 1,228.50 | 66.67 | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | 95.91 | | | | | | | | | 44.25 |
| Individual Indian money..... | 4,919.00 | 415.90 | | | 6.00 | | | | | |
| Chippewa in Minnesota fund (Morris Act)..... | 2,425.00 | 36.30 | | | 4.50 | | | | | |
| Indian moneys, proceeds of labor..... | | | | | | | | | | |
| Total..... | 24,757.84 | 1,560.52 | 750.55 | | 28.06 | 6.00 | 803.32 | 245.97 | 1,436.17 | 1,186.41 |
| LEECH LAKE BOARDING SCHOOL. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | 8,679.30 | | 389.87 | | | | 1,975.85 | 1,707.92 | 962.18 | 1,661.29 |
| Miscellaneous receipts, class 4..... | | | | | | | 1.92 | | 103.00 | 13.10 |

| | | | | | | | | | |
|---|---------|------------|---------|--|--|------------|------------|------------|------------|
| Indian school, transportation, 1915..... | 3. 18 | 85. 79 | | | | 147. 94 | 45. 28 | 187. 48 | 208. 90 |
| Chippewa in Minnesota fund, 1915..... | | 475. 66 | | | | 2, 125. 71 | 1, 753. 20 | 1, 254. 66 | 1, 878. 29 |
| Total..... | | | | | | | | | |
| LEECH LAKE DAY SCHOOL. | | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | 3. 80 | | | | | . 38 | 6. 97 | | 240. 96 |
| Total..... | 3. 80 | | | | | . 38 | 6. 97 | | 240. 96 |
| NETT LAKE AGENCY. | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | 442. 44 | 319. 19 | | | | 1, 471. 61 | 109. 37 | 828. 97 | 284. 44 |
| Purchase and transportation of Indian supplies, 1915..... | | 279. 48 | | | | | | | |
| Pay of Indian police, 1915..... | | | | | | 118. 25 | 28. 72 | | |
| Industrial work and care of timber, 1916: | | | | | | | | | |
| Forestry..... | | | | | | 27. 90 | | | |
| Farmers..... | | | | | | 125. 78 | | | |
| General expenses, Indian Service, 1915..... | | | | | | | | | |
| Determining heirs of deceased Indian allottees, 1915..... | 27. 35 | | | | | | | | |
| Total..... | 469. 79 | 598. 67 | | | | 153. 68 | 138. 09 | 828. 97 | 284. 44 |
| NETT LAKE DAY SCHOOL. | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | | | | | | | | | |
| Miscellaneous receipts, class 4..... | | | | | | | | | |
| Total..... | | | | | | | | | |
| RED LAKE AGENCY. | | | | | | | | | |
| Indian moneys, proceeds of labor..... | | 19. 95 | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | 189. 40 | 73. 91 | | | | | | | |
| Purchase and transportation of Indian supplies, 1915..... | 78. 94 | 1, 278. 79 | | | | | | | |
| Pay of Indian police, 1915..... | | | | | | | | | |
| Pay of judges, Indian courts, 1915..... | | | | | | | | | |
| Industrial work and care of timber, 1916: | | | | | | | | | |
| Farmers..... | | | | | | | | | |
| Forestry..... | | | | | | | | | |
| Miscellaneous receipts: | | | | | | | | | |
| Class 3..... | | 112. 87 | | | | | | | |
| Class 4..... | | 24. 60 | | | | | | | |
| Chippewa in Minnesota fund (hospital)..... | | | | | | | | | |
| Relieving distress and prevention of disease among Indians, 1915..... | 3. 74 | | | | | | | | |
| Total..... | 262. 08 | 1, 510. 12 | 120. 00 | | | 1, 439. 35 | 276. 57 | 1, 656. 76 | 702. 42 |

No. 1.—Detailed statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments—Continued.

| Appropriation or fund. | Salaries, wages, etc. | Traveling expenses. | Transportation of supplies. | Heat, light, and power (service). | Communication service. | Printing, binding, advertising, etc. | Subsistence supplies. | Dry goods, wearing apparel, etc. | Forage. | Fuel, illuminants, lubricants, etc. |
|---|-----------------------|---------------------|-----------------------------|-----------------------------------|------------------------|--------------------------------------|-----------------------|----------------------------------|----------|-------------------------------------|
| RED LAKE BOARDING SCHOOL. | | | | | | | | | | |
| Miscellaneous receipts, class 4. | \$3.00 | | \$47.39 | | | | \$56.73 | \$1,326.88 | \$993.86 | \$38.75 |
| Indian moneys, proceeds of labor. | 119.00 | | | | | | 2,448.75 | | | 2,135.21 |
| Chippewa in Minnesota fund, 1915. | | \$14.85 | 64.68 | | | | 35.85 | | 100.07 | |
| Interest on Chippewa in Minnesota fund. | 7,251.50 | | | | | | 49.45 | | 77.50 | 82.71 |
| Indian schools, support, 1915. | | | | | | | | | | |
| Total..... | 7,373.50 | 14.85 | 112.07 | | | | 2,590.78 | 1,326.88 | 571.43 | 2,256.67 |
| RED LAKE (CROSS LAKE) BOARDING SCHOOL. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund. | 4,121.24 | 22.60 | | | | | .57 | | | 10.56 |
| Indian moneys, proceeds of labor. | | 12.95 | | | | | 1,548.65 | 1,224.37 | 450.03 | 464.96 |
| Chippewa in Minnesota fund, 1915. | | 6.50 | | | | | | | | 5.60 |
| Indian schools support, 1915. | | | | | | | | | | |
| Total..... | 4,121.24 | 42.05 | | | | | 1,549.22 | 1,224.37 | 450.03 | 481.12 |
| VERMILLION LAKE BOARDING SCHOOL. | | | | | | | | | | |
| Interest on Chippewa in Minnesota fund. | 8,770.08 | | | \$350.00 | \$50.00 | | 105.65 | 67.61 | 41.40 | 122.00 |
| Purchase and transportation Indian supplies, 1915. | | | 752.04 | | | | 5.60 | 16.34 | 9.20 | |
| Miscellaneous receipts, class 4. | | | | | | | | | | |
| Indian school, transportation, 1915. | | 180.88 | | | | | | | | |
| General expenses, Indian Service, 1915. | | 11.39 | | | | | | | | |
| Chippewa in Minnesota fund, 1915. | 605.00 | | | | 21.00 | | 3,245.00 | 1,721.79 | 431.10 | 2,636.60 |
| Total..... | 9,375.08 | 192.27 | 752.04 | 350.00 | 71.00 | | 3,356.25 | 1,805.74 | 481.70 | 2,758.60 |
| WHITE EARTH AGENCY. | | | | | | | | | | |
| Chippewa in Minnesota fund, 1915. | 25,424.84 | 1,255.54 | 3,032.65 | | 222.06 | | 6,221.25 | 280.20 | 2,488.54 | 1,674.69 |
| Purchase and transportation of Indian supplies, 1915. | | | 3,607.86 | | | | | | | |
| Pay of Indian police, 1915. | 3,730.00 | | | | | | | | | |
| Determining heirs of deceased Indian allottees, 1915. | | 20.42 | | | | | | | | |
| Industrial work and care of timber, 1916: | | | | | | | | | | |
| Farmers..... | 526.83 | 8.80 | | | | | | | | |
| Forestry..... | 3,066.50 | 496.91 | | | | | | | | |
| Indian moneys, proceeds of labor. | | | | | | | 248.00 | | 599.25 | |

No. 1.—Detailed statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments—Continued.

| Appropriation or fund. | Stationary and office supplies. | Educational supplies. | Medical supplies. | Equipment, material, etc. | Construction. | Repairs. | Rent. | Miscellaneous. | Total. |
|---|---------------------------------|-----------------------|-------------------|---------------------------|---------------|----------|----------|----------------|------------|
| CASS LAKE BOARDING SCHOOL. | | | | | | | | | |
| Interest on Chippewas in Minnesota fund..... | | \$99.52 | \$337.48 | | | \$11.24 | | \$7.50 | \$6,420.21 |
| Chippewas in Minnesota fund..... | | .75 | 386.60 | | | 784.82 | | 57.48 | 4,001.63 |
| Indian school support, 1915..... | | | | \$1,536.50 | | | | 66.06 | 724.80 |
| Purchase and transportation of Indian supplies, 1915..... | | | | | | 2,201.39 | | | 203.76 |
| Indian school and agency buildings, 1915..... | | | | | 4,210.97 | | | | 2,201.39 |
| Chippewas in Minnesota fund (bridge)..... | | | | | | | | | 4,210.97 |
| Total..... | | 100.27 | 1.55 | 734.08 | 5,747.47 | 2,997.45 | | 131.03 | 17,763.06 |
| FOND DU LAC AGENCY. | | | | | | | | | |
| Chippewas in Minnesota fund, 1915..... | \$10.93 | | | 122.38 | | 58.42 | | 48.50 | 3,641.46 |
| Purchase and transportation of Indian supplies, 1915..... | | | | | | | | | 88.44 |
| Indian school and agency buildings, 1915..... | | | | 7.50 | | 16.52 | \$919.00 | | 935.52 |
| Pay of Indian police, 1915..... | | | | | | | | | 982.26 |
| Determining heirs of deceased, Indian allottees, 1915..... | | | | | | | | | 316.47 |
| General expenses, Indian Service, 1915..... | | | | | | | | | 35.00 |
| Industrial work and care of timber, 1915: Farmers..... | | | | 459.95 | | | | | 1,374.30 |
| Forestry..... | | | | | | | | | 758.27 |
| Individual Indian money..... | | | 36.70 | | | | | | 2,253.01 |
| Chippewas in Minnesota fund (hospital)..... | 2.80 | | | | 4,218.00 | | | | 4,267.02 |
| Industry among Indians, 1915..... | | | 2,914.10 | | | | | | 2,914.10 |
| Miscellaneous receipts: Class 4..... | 2.80 | | | 47.84 | | 28.18 | | 10.90 | 163.61 |
| Class 5..... | 2.95 | | | | | | | 4.00 | 4.00 |
| Indian moneys, proceeds of labor..... | | | | | | | | 18.00 | 109.71 |
| Relieving distress and prevention of disease among Indians, 1915..... | | | | | | | | | 79.98 |
| Total..... | 1.948 | | | 3,588.47 | 4,218.00 | 103.12 | 919.00 | 77.40 | 18,023.15 |
| FOND DU LAC DAY SCHOOLS. | | | | | | | | | |
| Interest on Chippewa in Minnesota fund..... | .26 | 141.10 | 121.43 | 101.91 | | 100.60 | | | 5,724.61 |
| Chippewa in Minnesota fund..... | | | | | | | | | 99.00 |
| Indian schools, support, 1915..... | | | | 99.00 | | | | | 150.00 |
| Indian school, transportation, 1915..... | | | | | | | | | 92.21 |
| Indian school and agency, buildings, 1915..... | | | | | | | | | 192.90 |
| Total..... | .26 | 141.10 | 121.43 | 200.91 | | | | | 6,085.94 |

GRAND PORTAGE AGENCY.

| | | | | | | | |
|---|--------|--------|----------|--------|--|--------|----------|
| Chippewa in Minnesota fund, 1915..... | 111.93 | 155.10 | 1,195.07 | | | 184.55 | 5,210.71 |
| Purchase and transportation Indian supplies, 1915..... | | | | 236.92 | | | 380.80 |
| Indian school and agency buildings, 1915..... | | | | | | | 236.92 |
| Pay of Indian police, 1915..... | | | | | | | 360.00 |
| Industrial work and care of timber, 1915: | | | | | | | |
| Farmers..... | | | 18.09 | | | | 700.09 |
| Forestry..... | | | 67.44 | | | | 843.79 |
| Surveying and allotting Indian reservations (reimbursable)..... | | | 67.34 | | | | 67.34 |
| Total..... | 111.93 | 155.10 | 1,347.94 | 236.92 | | 184.55 | 7,799.65 |

GRAND PORTAGE DAY SCHOOL.

| | | | | | | | |
|---|-----|-------|--------|--------|--|-------|----------|
| Interest on Chippewa in Minnesota fund..... | .62 | 11.46 | 331.26 | | | 28.50 | 3,423.23 |
| Chippewa in Minnesota fund, 1915..... | | 71.51 | | 9.33 | | | 161.44 |
| Miscellaneous receipts, class 4..... | | .75 | | 24.82 | | | 18.75 |
| Indian school and agency buildings, 1915..... | | | | 457.49 | | | 457.49 |
| Total..... | .62 | 72.26 | 331.26 | 491.64 | | 36.50 | 4,060.91 |

LEECH LAKE AGENCY.

| | | | | | | | |
|--|--------|--------|----------|----------|--|--------|-----------|
| Chippewa in Minnesota fund, 1905..... | 217.50 | 589.91 | 2,233.62 | | | 626.52 | 20,708.10 |
| Purchase and transportation of Indian supplies, 1915..... | | | | | | | 710.76 |
| Indian school and agency buildings, 1915..... | | | | | | | 1,300.84 |
| Determining heirs of deceased Indian allottees, 1915..... | 61.25 | | | 1,300.84 | | | 133.69 |
| Pay of Indian police, 1915..... | | | | | | | 3,241.64 |
| Pay of judges, Indian courts, 1915..... | | | | | | | 146.04 |
| Industrial work and care of timber, 1916: | | | | | | | |
| Farmers..... | | | | | | | 224.78 |
| Forestry..... | | | 33.60 | | | | 1,328.77 |
| Industry among Indians, 1915..... | | | 3,313.67 | | | | 3,313.67 |
| Interest on Chippewa in Minnesota fund..... | | | | | | | 236.76 |
| Relieving distress, and prevention of disease among Indians, 1915..... | | 13.00 | | | | 25.55 | 38.55 |
| Miscellaneous receipts, class 4..... | | | | | | | 3.35 |
| Individual Indian money..... | | | 26.50 | | | | 5,966.64 |
| Chippewa in Minnesota fund (Morris Act)..... | | 33.83 | 73.20 | | | | 2,461.30 |
| Indian moneys, proceeds of labor..... | | | | | | | 124.38 |
| Total..... | 278.75 | 636.74 | 5,683.94 | 1,800.84 | | 691.16 | 39,366.27 |

LEECH LAKE BOARDING SCHOOL.

| | | | | | | | |
|---|-------|-------|----------|----------|----------|--------|-----------|
| Interest on Chippewa in Minnesota fund..... | 70.00 | 84.71 | 499.41 | | | 22.50 | 18,061.85 |
| Miscellaneous receipts, class 4..... | | .75 | 66.15 | | | 106.00 | 373.37 |
| Indian school transportation, 1915..... | | | | | | | 3.18 |
| Chippewa in Minnesota fund, 1915..... | | | 570.72 | | | | 1,288.42 |
| Indian school and agency buildings, 1915..... | | | | | | | 4,960.82 |
| Total..... | 70.00 | 84.71 | 1,136.28 | 3,588.39 | 3,205.50 | 128.50 | 24,387.64 |

No. 1.—Detailed statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments—Continued.

| Appropriation or fund. | Stationery and office supplies. | Educational supplies. | Medical supplies. | Equipment, material, etc. | Construction. | Repairs. | Rent. | Miscellaneous. | Total. |
|---|---------------------------------|-----------------------|-------------------|---------------------------|---------------|----------|-------|----------------|-------------|
| WHITE EARTH AGENCY. | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | \$74.95 | | \$1,423.18 | \$955.74 | | \$44.48 | | \$475.62 | \$43,573.74 |
| Purchase and transportation of Indian supplies, 1915..... | | | | | | | | | 3,607.86 |
| Indian school and agency buildings, 1915..... | | | | | \$1,558.00 | 1,772.48 | | | 3,330.48 |
| Pay of Indian police, 1915..... | | | | | | | | | 4,083.66 |
| Determining heirs of deceased Indian allottees, 1915..... | | | | | | | | | 20.42 |
| Industrial work and care of timber, 1916: Farmers..... | | | | 350.00 | | | | | 1,484.88 |
| Forestry..... | | | | | | | | | 3,545.41 |
| Experimentation..... | | | | | | | | 5.20 | 5.20 |
| Indian moneys, proceeds of labor..... | 103.77 | | 501.27 | 800.00 | | | | 22.00 | 1,675.04 |
| Relieving distress and prevention of disease among Indians, 1915..... | | | 68.78 | | | | | 59.25 | 128.03 |
| General expenses, Indian Service, 1915..... | | | | | | | | | 9.80 |
| Chippewa in Minnesota fund: Annual celebration..... | | | | | | | | 11,000.00 | 1,000.00 |
| Extension of water system..... | | | | | | 526.39 | | | 526.39 |
| Purchase of land for Mille Lac Indians..... | | | | | | | | \$16,891.70 | 16,691.70 |
| Removal of dead bodies..... | | | | | | | | | 33.48 |
| Expenses of delegates, etc..... | | | | | | | | | 1,132.70 |
| Industry among Indians: 1915-16..... | | | | 186.30 | | | | | 186.30 |
| 1915..... | | | | 318.69 | | | | \$245.35 | 567.04 |
| Education Chippewas in Minnesota (reimbursable), 1915..... | | | | | | | | 41,000.00 | 1,000.00 |
| Total..... | 178.72 | | 1,993.23 | 2,610.73 | 1,558.00 | 2,343.35 | | 19,502.12 | 82,552.13 |
| WHITE EARTH BOARDING SCHOOL. | | | | | | | | | |
| Chippewa in Minnesota fund, 1915..... | | \$128.04 | 25.14 | 3,581.97 | | 405.98 | | | 25,027.98 |
| Indian school and agency buildings, 1915..... | | | | | 716.39 | 1,025.21 | | | 1,741.60 |
| Support of Chippewas of the Mississippi, Minn., 1915..... | | | | | | | | | 3,955.33 |
| Miscellaneous receipts, class 4..... | | 20.33 | | 987.72 | | 77.06 | | 49.85 | 10,335.96 |
| Miscellaneous receipts, class 4..... | | | | 308.90 | | 4.98 | | 4.77 | 349.30 |
| Indian moneys, proceeds of labor..... | | | 1.80 | | | | | | 1.80 |
| Indian school, transportation, 1915..... | | | | | | | | | 26.28 |
| Total..... | 148.37 | 148.37 | 26.94 | 4,878.59 | 716.39 | 1,513.23 | | 54.62 | 41,441.25 |

WHITE EARTH DAY SCHOOLS.

| | | | | | | | |
|---|--------|--------|--------|--------|--------|----------|-----------|
| Chippewa in Minnesota fund, 1915..... | 416.16 | 270.23 | 286.37 | 270.23 | 416.16 | 152.11 | 4,623.80 |
| Indian school and agency buildings, 1915..... | 19.34 | | | | 19.34 | 61.86 | 61.86 |
| Interest on Chippewa in Minnesota fund..... | | | | | | 27.85 | 10,752.16 |
| Total..... | .52 | 270.23 | 286.37 | 270.23 | 435.50 | 213.97 | 15,437.82 |
| WILLIAM O'NEIL, SUPERINTENDENT OF LOGGING. | | | | | | | |
| Chippewa in Minnesota fund..... | 123.27 | | | | | | 23,473.79 |
| MISCELLANEOUS. | | | | | | | |
| Chippewa in Minnesota fund..... | | | | | | \$600.00 | |
| Chippewa in Minnesota fund..... | | | | | | | 4,217.22 |

¹ Annual celebration.

² Land.

³ Seed.

⁴ Tuition, etc.

No. 2.—Recapitulatory statement of expenditures on account of Chippewa Indians in Minnesota for the fiscal year 1915, exclusive of per capita payments.

| | Cass Lake Boarding School. | Fond du Lac Agency. | Fond du Lac Day Schools. | Grand Portage Agency. | Grand Portage Day Schools. | Leech Lake Agency. | Leech Lake Boarding School. | Leech Lake Day Schools. | Leech Lake Agency. | Nett Lake Agency. | Nett Lake Day School. |
|---|----------------------------|---------------------|--------------------------|-----------------------|----------------------------|--------------------|-----------------------------|-------------------------|--------------------|-------------------|-----------------------|
| Chippewa in Minnesota fund, 1915 ¹ | \$4,001.93 | \$3,641.46 | \$0.12 | \$5,210.71 | \$161.44 | \$20,708.10 | \$1,288.42 | \$588.34 | \$15,863.51 | \$1,901.71 | |
| Interest on Chippewa in Minnesota fund..... | 6,420.21 | 5,724.61 | 5,724.61 | | 3,423.23 | 286.76 | 18,061.85 | 2,293.37 | 4.50 | 3,013.13 | |
| Indian schools support, 1915..... | 724.80 | | 99.00 | | | | | | | | |
| Purchase and transportation of Indian supplies, 1915..... | 203.76 | 88.44 | | 380.80 | | 710.76 | | | 279.48 | | |
| Indian school and agency buildings, 1915..... | 2,201.39 | 935.52 | 92.21 | 286.92 | 457.40 | 1,300.84 | 4,660.82 | | 447.25 | 3,842.81 | |
| Chippewa in Minnesota fund (bridge)..... | 4,210.97 | | | | | | | | | | |
| Pay of Indian police, 1915..... | | 982.26 | | 360.00 | | 3,241.64 | | | 626.87 | | |
| Determining heirs of deceased Indian allottees, 1915..... | | 416.47 | | | | 133.69 | | | 49.35 | | |
| General expenses, Indian Service, 1915..... | | 35.00 | | | | | | | 125.78 | | |
| Industrial work and care of timber, 1916: Farmers..... | | 1,374.30 | | 700.09 | | | | | | 1,088.00 | |
| Forestry..... | | 758.27 | | 843.79 | | | | | | 1,804.92 | |
| Individual Indian money..... | | 2,253.01 | | | | | | | | | |
| Chippewa in Minnesota fund (hospitals)..... | | 4,267.02 | | | | | | | | | |
| Industry among Indians, 1915..... | | 2,914.10 | | | | | | | | | |
| Miscellaneous receipts: Class 4..... | | 163.61 | | | 18.75 | | | | | | |
| Class 5..... | | 4.00 | | | | 3.35 | 373.37 | | | 29.65 | |

* \$160,000 in act approved Aug. 1, 1914 (38 Stat. L., 590)

| | | | | | | | | | | |
|--|------------|-----------|------------|-----------|-----------|-----------|-------------|-----------|----------|-------------|
| Chippewa in Minnesota fund (hospitals). | \$8,850.47 | | | | | | | | | \$12,617.49 |
| Industry among Indians, 1915. | | | | | | | | | | 6,794.81 |
| Miscellaneous receipts: | | | | | | | | | | |
| Class 4. | | | | | | | | | | |
| Class 5. | 35.28 | \$221.72 | | | | \$567.04 | | \$349.30 | | |
| Indian moneys, proceeds of labor. | 7,185.98 | 7,276.58 | \$5,701.77 | | | 1,675.04 | | 1.80 | | 1,368.46 |
| Relieving distress and prevention of diseases among Indians, 1915. | | | | | | | | | | 4.00 |
| Indian school, transportation, 1915. | 79.24 | 43.50 | | | | 128.08 | | | | 42,075.26 |
| Indian survey and allotting Indian reservations (reimbursable). | | | | | | | | 26.28 | | 398.60 |
| Pay of judges, Indian courts, 1915. | 168.00 | | | | | | | | | 360.34 |
| Chippewa in Minnesota fund (Morris Act). | | | | | | | | | | 67.34 |
| Proceeds of Red Lake Reservation, Minn. | 133.55 | | | | | | | | | 314.04 |
| Miscellaneous receipts, class 3. | 3,272.44 | | | | | | | | | 2,461.30 |
| Industrial work and care of timber, 1916, experimental. | | | | | | 5.20 | | | | 1,132.55 |
| Chippewa in Minnesota fund: | | | | | | | | | | 3,272.44 |
| Annual celebration. | | | | | | | | | | 5.20 |
| Extension to water system. | | | | | | 1,000.00 | | | | 1,000.00 |
| Purchase of land for Mille Lac Indians. | | | | | | 526.39 | | | | 526.39 |
| Removal of dead bodies. | | | | | | 16,691.70 | | | | 16,691.70 |
| Expenses of delegates, etc. | | | | | | 33.48 | | | | 33.48 |
| Industry among Indians, 1915-16. | | | | | | 1,132.70 | | | | 1,132.70 |
| Education, Chippewas in Minnesota (reimbursable) in 1915. | | | | | | 1,000.00 | | | | 1,000.00 |
| Support of Chippewas of the Mississippi, Minn., 1915. | | | | | | | | 3,958.33 | | 3,958.33 |
| Chippewa in Minnesota fund. | | | | | | | | | | 27,691.01 |
| Total. | 64,643.58 | 16,548.59 | 10,726.47 | 23,874.92 | 82,552.13 | 41,441.25 | \$15,437.82 | 23,473.79 | 4,217.22 | 491,491.46 |

¹ \$160,000 in act approved Aug. 1, 1914 (38 Stat. L., 590).

NOTE.—This statement does not include expenditure of \$68,279.76 on account of the Pipestone School, Minnesota, or the sum of \$305,363.38 paid per capita to the Chippewa Indians of Minnesota during the fiscal year 1915.

JANUARY 21, 1916.

Mr. KONOP. Have you the total there?

Mr. MERITT. We have the total for each agency and each school.

Mr. KONOP. For the Chippewa Indians?

Mr. MERITT. Yes, sir.

Mr. KONOP. What is it?

Mr. MERITT. I will give you the figures:

| | |
|----------------------------------|-------------|
| Cass Lake..... | \$17,763.06 |
| Fond du Lac Agency..... | 18,023.15 |
| Fond du Lac schools..... | 6,065.94 |
| Grand Portage Agency..... | 7,799.65 |
| Grand Portage School..... | 4,060.91 |
| Leech Lake Agency..... | 39,366.27 |
| Leech Lake Boarding School..... | 24,387.64 |
| Leech Lake School..... | 2,883.71 |
| Nett Lake Agency..... | 19,319.06 |
| Nett Lake Day School..... | 8,906.30 |
| Red Lake Agency..... | 64,643.58 |
| Red Lake Boarding School..... | 16,548.59 |
| Cross Lake Boarding School..... | 10,726.47 |
| White Earth Agency..... | 82,552.13 |
| Vermillion Lake..... | 23,874.92 |
| White Earth Boarding School..... | 41,441.25 |
| White Earth day schools..... | 15,437.82 |

The CHAIRMAN. What is the total of all that? Have you got it totaled?

Mr. MERITT. The total of the expenditures listed above is: \$403,800.45.

Mr. KONOP. It is about \$300,000, in round numbers. Now, what fund is that taken from, that \$300,000?

Mr. MERITT. We take it out of different funds appropriated by Congress. For instance, in the payment of Indian police, we take it out of the Indian police fund. For the forest service work—we have some foresters there that we are paying out of the appropriation for industrial work and care of timber. We have a statement here showing the amounts by the funds, the appropriation, and the classification.

Mr. CARTER. Mr. Meritt, you do not mean to say that is all the money used for the Chippewas of Minnesota last year?

Mr. MERITT. Yes, sir.

Mr. CARTER. Well, I notice those figures amounted to \$366,000, about, in round numbers.

Mr. MERITT. Yes, sir.

Mr. CARTER. And I notice in your fiscal statement, on page 5, you have there a total of \$902,000 as having been expended for them.

Mr. MERITT. That would include per capita payments.

Mr. CARTER. Well, that was expended on the reservation. Taking out the per capita, that would leave about \$671,000. There is still a difference there of several hundred thousand dollars—no; I got those figures wrong. It is \$598,000, but there would still be a considerable discrepancy.

Mr. MERITT. The per capita payments are included there.

Mr. CARTER. I have included the per capita payments in that.

Mr. MERITT. William O'Neill, superintendent of logging, is under the jurisdiction of the General Land Office, and he has expended in that work \$23,873.79.

Mr. CARTER. I think that will about make it.

Mr. KONOP. Now, Mr. Meritt, you mean to say this money is taken from the trust fund of the Indians, and then from appropriations made by this committee, out of the Treasury of the United States?

Mr. MERITT. Yes, sir; part of the fund is taken out of the tribal fund and part of it is taken out of the gratuity appropriations.

The CHAIRMAN. That taken out of the funds was \$160,000—or was last year. Is that correct?

Mr. MERITT. Yes, sir.

The CHAIRMAN. And the rest out of the lump-sum appropriations for these various operations?

Mr. MERITT. Yes, sir; for the various operations of the Indian Bureau.

Mr. KONOP. Now, the Indians—the representatives of the Indians—are here opposing this appropriation of \$160,000 out of the funds?

Mr. MERITT. Congress a few years ago established the policy of appropriating out of tribal funds for the support of agencies where Indians had large funds to their credit, such as the Chippewa Indians. The Chippewa Indians have more than \$6,000,000 to their credit, and in order to reduce the gratuity appropriations, Congress adopted the policy of appropriating tribal funds.

Mr. CARTER. Now, Mr. Meritt, do you think that is quite fair to the so-called competent Indian, who has not any supervision by the department? Are you not using his funds, the funds due him, to supervise the fellow who is incompetent?

Mr. MERITT. That is true, Mr. Carter.

Mr. CARTER. Do you not think, if you policy is that, that at least you ought to take those funds for supervision out of the amount due the incompetent Indians, and not out of the amount due those who are competent?

Mr. MERITT. Of course, you understand that the children of the competent Indians receive a benefit from these tribal schools and from the hospitals.

Mr. CARTER. But they do not receive any benefit whatever from the agency supervision.

Mr. MERITT. Except the supervision of the tribal property, in which they have a share. If Congress wishes to make this a gratuity appropriation no objection will be made by the Indian Bureau—that is a matter for Congress to decide.

Mr. CARTER. I am not speaking of that; I am speaking to the injustice done the fellow had no supervision, that is paid for out of his fund, and yet he has an interest in the fund.

Mr. MERITT. It would be difficult, you understand, Mr. Carter, to enact legislation and appropriate these funds upon any other basis.

Mr. CARTER. Well, everything we do is difficult, for that matter. As you say 60 per cent of these Indians are competent, it seems to me that 60 per cent of it for agency supervision could be set aside so as not to be used, and could be added to the funds of those who are competent.

Mr. HAYDEN. It seems to me that until the Indians are declared to be competent, they are presumed by Congress to be incompetent, and therefore we pursue this method. Now, I think we should not divide this money in the proportion of 60 and 40, but that we should turn loose the Indian who is competent and give him his money. That is the way to settle it.

Mr. MERITT. I am heartily in favor of letting the competent Indians receive their pro rata share of the tribal funds in the Treasury and letting them go their way.

The CHAIRMAN. How long would it take the department to make out a list of these Indians and divide it in that way?

Mr. MERITT. If Congress will give us the legislation we will carry out the provision of law very promptly.

The CHAIRMAN. Could you draft a provision of that kind and present it to us, so we could put it in this appropriation bill?

Mr. MERITT. To give all competent Indians their funds?

The CHAIRMAN. The Chippewa Minnesota Indians.

Mr. MERITT. That would increase the one-fourth of the fund as proposed in the amendment.

The CHAIRMAN. Yes, separate the funds. Now, haven't you authority now, or would it require special legislation?

Mr. MERITT. It does not require special legislation to separate the competent from the incompetent. What it will require is legislation authorizing the department to pay to the competent Indians their pro rata share of the tribal funds now in the Treasury.

Mr. HAYDEN. In that connection I wish you would submit to the committee the Secretary's order providing for the competency commission that travels around over the several reservations.

Mr. MERITT. I do not know that the Secretary has issued any specific order, but he has written several letters in regard to this matter.

Mr. HAYDEN. I want to get the authority under which these competency commissioners act. There must be an order from the Secretary authorizing them to go around to the different reservations—an order instructing them what to do. I would like to see that.

Mr. KONOP. I introduced a bill here providing for a commission to divide the Indians into two classes, competent and incompetent, and I asked the secretary here to refer that bill to the department. Did the department make a report on that, or are they considering making a report on that bill?

Mr. MERITT. I think the bill has been referred and it is in the department now for consideration.

Mr. KONOP. What do you think of an idea like that?

Mr. MERITT. I prefer to study the bill with some care, Mr. Konop, before giving my views on it.

The CHAIRMAN. The matter before us now, that we are interested in now, is the matter presented yesterday by Mr. Ballinger and others here, and it seems to me the difference is this: That the Indians are complaining that \$160,000 is taken out of their funds, and their contention seems to be that the Government ought to pay this entire amount. While I think that the policy which the department has been pursuing seems to be the correct policy, and the one which we have been pursuing heretofore, they are complaining that any part of the money used by the Government for them or by their tribe should not be charged up to them, but should be taken out of the United States Treasury. I understand that to be the distinct difference.

Mr. BALLINGER. Mr. Chairman, that is not exactly the situation. They are not complaining about the use of their funds that are properly expended.

The CHAIRMAN. For administrative purposes?

Mr. BALLINGER. But their complaint is that their money is being paid out for salaries of useless employees and for the maintenance of useless employees, and that they are deriving no benefit from them.

Mr. HAYDEN. Mr. Ballinger, is it your idea to reduce this amount, or what?

Mr. BALLINGER. I think the amount should be reduced, certainly not to exceed \$100,000; but I think it ought to be all stricken out.

The CHAIRMAN. Can you give us a bill of particulars?

Mr. NORTON. May I ask Mr. Ballinger a question there? Now, you are a lawyer, I take it?

Mr. BALLINGER. Yes, sir.

Mr. NORTON. You understand, of course, that general statements, that elocution and oratory is not very much in the way of facts. Now, you make the statement that this expenditure has been improperly expended. Have you any specific facts to substantiate that general—if I may—elocutionary statement?

Mr. BALLINGER. I am very glad you have asked me that question. The very item of \$4,000 that has now been eliminated, with the consent of the Indian Office, is a fair sample of the merits of our complaint.

Now, let me go just one step further. Here is a blanket appropriation of \$160,000 being expended this year. No detailed statement has been furnished the tribe, nor can they obtain such a statement showing the expenditure of the money. But I have before me a statement of the salaries paid employees on the reservations in Minnesota, submitted to Congressman Miller by the commissioner, under date of February 16, 1915. The Indians have considered this, and they have gone through that list and marked the positions that they consider unnecessary as "sinecures." On the first page practically all of them are sinecures.

Mr. NORTON. Read one to us.

Mr. BALLINGER. The first one is Charles H. Allenger, superintendent of the Cass Lake School, \$1,000.

Mr. NORTON. Now, what about that?

Mr. BALLINGER. They have classed that as a sinecure.

Mr. NORTON. Why?

Mr. BALLINGER. He is a homesteader on the reservation and is holding down a homestead there and devoting but little of his time to school duties.

Mr. NORTON. How about that, Mr. Meritt, that he is devoting but little of his time to his school duties?

Mr. MERITT. I think that statement is not borne out by the facts. We have a school there and the Chippewa children are attending that school, and it is necessary that we have a superintendent of that school.

Mr. NORTON. Do you mean to maintain that he could not hold down a homestead and still give all the time necessary to his school duties?

Mr. BALLINGER. I doubt very much whether he could.

Mr. NORTON. Well, you do not know anything about homesteads, then:

Mr. KONOP. How many pupils are there in that school?

Mr. BALLINGER. I have been unable to obtain a statement as to the number of pupils attending that school, but let me go just one step further there. The Indians do not know how many Indian children attend this school.

The next one is a teacher, and the position is vacant. The next position is that of a matron, and that is vacant. The next one is a seamstress, and that is vacant. The next is a laundress, and that is vacant. The next one is a cook, and that is vacant.

You have a superintendent there with no one else.

The CHAIRMAN. Mr. Ballinger, what are you complaining of about that, if they are not paying anything to those different vacancies?

Mr. BALLINGER. There is a superintendent there and nobody else with him, and therefore there could not have been a school there open at the time this statement was submitted. This is a boarding school, or supposed to be.

Mr. NORTON. Is he teaching?

Mr. BALLINGER. I can not tell you that.

Mr. NORTON. Just a moment, now—you come before the committee making complaint of this superintendent, but you say you do not know whether he is teaching or not. Is that a proper way to come before the committee?

Mr. BALLINGER. Mr. Norton, I stated to the committee when I came before them that I personally had no knowledge of the facts; that I was merely representing the views and statements made to me by the representatives of the Indians.

Mr. NORTON. Now, do you not think you are wasting the time of this committee, if you come here making general statements and do not have specific cases to substantiate those statements? Do you not think you ought to know? Those are things that we want.

Mr. KONOP. There is a man there who says he knows.

Mr. BEAULIEU. I think the whole matter has been placed before the department by the teacher up there, the former teacher up there. She was a member of the tribe, and she was the only one employed there—she was the only one doing work, not employed.

While those places are marked "vacant," they are all receiving compensation.

Mr. NORTON. The vacancies are receiving compensation?

Mr. BEAULIEU. They are marked "vacant" but they are filled up, and they have employees, and I believe Mr. Meritt can explain that as well as I can, that there have been complaints from Cass Lake. Mrs. Warren, sister of Mr. Rogers, was a teacher there and she was the only one doing work there, and then they transferred her, and she made a complaint about it. She told the superintendent that it would be better for him to devote his time to the work for which he was employed, instead of going and living on a homestead. That is all I know about it. They told me that personally, and that name was marked accordingly.

Mr. NORTON. A man could teach out there and run a school and live on a homestead consistently, could he not?

Mr. BEAULIEU. I presume he could.

Mr. NORTON. Could he not, as a matter of fact?

Mr. BEAULIEU. He could go to the school every morning and do that. There is no doubt of that.

Mr. NORTON. And many teachers do that and keep up their work among the white people, do they not?

Mr. BEAULIEU. I could not say as to that. This is the only case I know of.

Mr. NORTON. I mean among white teachers.

Mr. BEAULIEU. I do not know anything about that. I am not informed as to what they do among the white teachers.

The CHAIRMAN. I do not think we have time to take up these items further now.

Mr. BALLINGER. I just want to call Mr. Norton's attention to one matter. Now, Mr. Norton, you have asked me why we did not come forward with specific complaints. I want to make our position plain.

For instance, these are the only kind of statements available to us. Here is a statement of the fiscal affairs of Indian tribes for the fiscal year ending June 30, 1915. Under the heading "Disbursed from public or trust funds during fiscal year 1915," we find a statement of the funds disbursed. It does not show how much came from tribal funds, or how much came from the public money. But we find that from those two sources there was disbursed in salaries to employees on the Chippewa Reservation \$215,197.40 that year; and there was disbursed for support and civilization \$274,573.82. Where that money came from we do not know; how much came out of trust funds and how much out of the Treasury the Indians do not know; and no one on this committee knows, and no one else knows, unless it be somebody in the Indian Office, and the Indians can not find out. That is what we are complaining about.

Mr. NORTON. Well, Mr. Ballinger, you—speaking of you as representing the tribe—are out on the ground there; you know the conditions there, and we would expect from you in making this complaint specific charges of mismanagement out there.

Mr. BALLINGER. Mr. Norton, Congressman C. B. Miller appeared before the committee here the other day and told you of the incompetency and uselessness of the farmers sent out there to teach the Indians. Now, that was one class, and Mr. Miller was speaking of his own personal knowledge, from personal visits to the reservation. Now, there is one class alone, the farmers employed on the reservations, that ought not to be continued.

Mr. NORTON. Mr. Miller mentioned one, and I imagined that was rather an oratorical, elocutionary statement.

Mr. BALLINGER. Mr. Miller went a step further—I am taking the statements that he made to the committee and the statements that have been made to me—Mr. Miller went a step further, and he told you that the employees on the reservations had their automobiles and their carriages and their cutters and every accessory calculated to make life pleasant. Those things are being paid for from some source, and they must have been and are being paid for from these funds under the heading of "Support and civilization." That is the only fund to which those things could be charged.

The CHAIRMAN. If it is paid from these funds, it is a gratuity from the Government.

Mr. BALLINGER. No; it is coming partly from the Indian trust funds. We do not know how much is being paid from the Indians' funds and how much from the public funds.

Mr. JOHNSON. You say it is impossible to tell where that money is coming from. On the face of this statement you can see where it all came from but \$95,000. In the first place, you have at the beginning of this statement interest on the Chippewa fund, \$129,505.50; proceeds of town lots, \$9,220.99; proceeds of Red Lake Reservation, \$429,159.02; Indian moneys, proceeds of labor, \$29,136; Indian moneys, proceeds of labor, \$5,381, making a total of \$602,000 of those funds that you know exactly where they came from.

Mr. BALLINGER. I am apprehensive that my friend is mistaken. Those are the funds that were received and covered into the Treasury, and have no relation whatever to the expenditures.

Mr. JOHNSON. Is that true, Mr. Meritt?

Mr. MERITT. Yes, sir; that is true.

Mr. BALLINGER. So that we have absolutely nothing in this statement that sheds any light upon the expenditures other than gross amounts.

Mr. MERITT. May I make a statement there?

The CHAIRMAN. Proceed, Mr. Meritt.

Mr. MERITT. Mr. Ballinger has made a number of general statements about lack of information in regard to Chippewa funds. We have submitted to Congress in compliance with the joint resolution of February 17, 1909, a statement regarding the Chippewa funds at that time. This may be found in House Document No. 755, Sixty-first Congress, second session.

He also made a complaint regarding the statement in this House Document No. 154, Sixty-first Congress, first session, to the effect that we have only given totals. We were simply complying with the provisions of section 27 of the act of March 3, 1911 (36 Stat. L., 58), which required us among other things to show the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year. In making that statement we were complying with the provisions of law.

Now in addition to the information we have furnished, we have a statement here giving the expenditures on account of the fiscal year 1915, from the Chippewas in Minnesota fund, \$160,000 authorized in the act of August 1, 1914. In this statement we show by schools and agencies the amount of funds that have been expended from the Chippewa fund; showing salaries and wages, traveling expenses, transportation of supplies, communication service, printing, binding, advertising, etc.; subsistence and supplies; dry goods, wearing apparel, etc.; forage, fuel, illuminants, lubricants, etc.; stationery, and office supplies; educational supplies, medical supplies, equipment, material, etc.; construction, repairs and miscellaneous. The total amount expended was \$154,556.57 out of this appropriation. We have furnished this table to the committee, and we would be glad to have that statement included in the record.

(The table referred to follows):

Statement of expenditures on account of the fiscal year 1915, from "Chippewa in Minnesota fund" (\$160,000), act Aug. 1, 1914 (38 Stat. L., 582-590).

| | Salaries, wages, etc., regular and irregular. | Traveling expenses. | Transportation of supplies. | Communication service. | Printing, binding, advertising, etc. | Subsistence supplies. | Dry goods, wearing apparel, etc. | Forage. |
|---|---|---------------------|-----------------------------|------------------------|--------------------------------------|-----------------------|----------------------------------|----------|
| Cass Lake Boarding School..... | 1 86.00 | \$59.56 | | | | \$383.68 | | \$293.49 |
| Fond du Lac Agency..... | 3,262.25 | 104.41 | | \$52.74 | \$19.05 | 544.43 | | 432.37 |
| Grand Portage Agency..... | 2,498.00 | 251.34 | | 41.43 | 20.29 | 515.15 | \$158.58 | 298.58 |
| Leech Lake Agency..... | 13,057.80 | 809.35 | \$30.79 | 23.56 | | 706.72 | | 1,951.17 |
| Leech Lake Boarding School..... | | | 85.79 | | | 147.94 | 45.38 | 187.48 |
| Nett Lake Agency..... | 9,824.08 | 442.44 | 319.19 | | | 1,471.61 | 109.37 | 828.97 |
| Nett Lake Day School..... | | | | | | 297.88 | 473.78 | 285.28 |
| Red Lake Agency..... | 9,620.19 | 78.54 | 73.91 | 120.00 | 2.00 | | | 10.00 |
| Red Lake Boarding School..... | | | | | | | | 100.07 |
| Red Lake Cross, Lake Boarding School..... | | 12.95 | | | | | | |
| Vermillion Lake Boarding School..... | 605.00 | | | | | 3,248.75 | 1,721.79 | 431.10 |
| White Earth Agency..... | 25,465.09 | 1,265.24 | 3,021.52 | 222.06 | | 6,221.25 | 280.20 | 2,495.74 |
| White Earth Boarding School..... | 1,750.00 | | 1.55 | | | 9,411.67 | 5,134.97 | 1,207.05 |
| White Earth Day Schools..... | 1,250.00 | 18.60 | | | | 524.75 | 1,480.50 | 373.25 |
| Total..... | 64,108.41 | 3,042.43 | 3,511.75 | 459.79 | 41.34 | 23,473.83 | 9,404.47 | 8,214.55 |

1 Expenditures for irregular labor.

Statement of expenditures on account of the fiscal year 1915, from "Chippewa in Minnesota funds" (\$160,000), act Aug. 1, 1914 (38 Stat. L., 592-590)—
Continued.

| | Fuel, illu- minants, lubricants, etc. | Stationery and office supplies. | Educa- tional supplies. | Medical supplies. | Equip- ment material, etc. | Construc- tion. | Repairs. | Miscel- laneous. | Total. |
|---|--|---------------------------------------|-------------------------------|----------------------|-------------------------------------|--------------------|----------|---------------------|------------|
| Cass Lake Boarding School..... | \$481.50 | | \$0.75 | \$1.55 | \$396.60 | \$1,536.50 | \$784.82 | \$67.48 | \$4,001.93 |
| Fond du Lac Agency..... | 90.07 | \$10.93 | | | 122.38 | | 58.42 | 60.75 | 4,758.40 |
| Fond du Lac Day School..... | .12 | | | | | | | | .12 |
| Grand Portage Agency..... | 125.00 | 111.93 | | 155.10 | 1,195.07 | | | 164.55 | 5,205.02 |
| Grand Portage Day School..... | 125.87 | | .75 | | | | 24.82 | 10.00 | 161.44 |
| Leech Lake Agency..... | 1,142.16 | 217.50 | | 591.86 | 2,560.60 | | | 626.52 | 21,037.03 |
| Leech Lake Boarding School..... | 203.90 | | | | | | 47.31 | 1,288.42 | 1,588.34 |
| Leech Lake Day School..... | | | | | | | 81.15 | 3.80 | 1,588.34 |
| Nett Lake Agency..... | 284.44 | 197.23 | | 64.74 | 503.39 | | | 218.78 | 15,944.51 |
| Nett Lake Day School..... | 127.11 | | 127.60 | 185.60 | 2,148.11 | | | 720.70 | 1,901.71 |
| Red Lake Agency..... | | 7.75 | | 29.69 | 570.72 | | | 88.98 | 11,046.53 |
| Red Lake Boarding School..... | | 25.10 | | | 383.75 | | | | 243.05 |
| Red Lake Cross, Lake Boarding School..... | 5.60 | | | | 1.20 | | | 18.22 | 37.97 |
| Vermilion Lake Boarding School..... | 2,636.60 | | 94.66 | 67.92 | 988.74 | 261.00 | 598.45 | | 10,654.01 |
| White Earth Agency..... | 1,674.69 | | | 1,423.18 | 962.49 | | | 475.62 | 43,026.51 |
| White Earth Boarding School..... | 5,056.61 | 74.95 | 128.04 | 25.14 | 3,581.97 | | | 405.98 | 25,027.98 |
| White Earth Day Schools..... | | .52 | 286.37 | 270.23 | 630.26 | | | | 4,837.90 |
| Bureau of Catholic Indian Missions, tuition, care, etc., of pupils (Red Lake Reservation)..... | 1,076.31 | | | | | | 152.11 | | |
| Total..... | 13,030.58 | 645.91 | 638.17 | 2,815.01 | 14,468.64 | 1,797.50 | 2,283.09 | 3,995.70 | 154,856.57 |

Above statement covers all expenditures on books up to Jan. 6, 1916.

NOTE.—Regular salaries of school employees paid mainly from interest on Chippewa in Minnesota fund.

Mr. MERITT. Now, Mr. Chairman, Mr. Ballinger has made statements regarding employees, and out of what funds they are paid. There is no mystery about this. The following statement shows the titles of positions, salaries, and appropriations from which paid, of all positions at the various school agencies in the Chippewa country:

Statement showing the titles of positions, salaries, appropriations from which paid, of all positions at the various schools and agencies in the Chippewa country.

| Position. | Salary. | Appropriation. |
|-----------------------------------|---------|--|
| CASS LAKE SCHOOL. | | |
| Superintendent..... | \$1,000 | Interest on Chippewas in Minnesota fund, 1916. |
| Teacher..... | 600 | Do. |
| Matron..... | 540 | Do. |
| Seamstress..... | 300 | Do. |
| Laundress..... | 300 | Do. |
| Cook..... | 300 | Do. |
| Industrial teacher..... | 600 | Do. |
| Total..... | 3,640 | |
| FOND DU LAC SCHOOLS. | | |
| Superintendent..... | 1,400 | Interest on Chippewas in Minnesota fund, 1916. |
| Clerk..... | 1,200 | Do. |
| Teacher..... | 720 | Do. |
| Housekeeper..... | 300 | Do. |
| Teacher..... | 720 | Do. |
| Housekeeper..... | 300 | Do. |
| Total..... | 4,640 | |
| FOND DU LAC AGENCY. | | |
| Physician..... | 600 | Chippewas in Minnesota fund, 1916. |
| Financial clerk..... | 600 | Do. |
| Laborer..... | 600 | Do. |
| Total..... | 1,800 | |
| Farmer..... | 900 | Industrial work and care of timber, 1916. |
| Chief of police..... | 300 | Pay of Indian police, 1916. |
| Private..... | 300 | Do. |
| Do..... | 300 | Do. |
| Total..... | 900 | |
| Deputy supervisor of forests..... | 1,700 | Individual Indian moneys, timber expense. |
| Forest guard..... | 600 | Do. |
| Do..... | 600 | Do. |
| Total..... | 2,900 | |
| Physician..... | 1,300 | Chippewa in Minnesota fund (hospital). |
| Nurse..... | 660 | Do. |
| Cook..... | 500 | Do. |
| Laborer..... | 500 | Do. |
| Do..... | 500 | Do. |
| Total..... | 3,460 | |
| GRAND PORTAGE SCHOOL. | | |
| Superintendent..... | 1,200 | Interest on Chippewas in Minnesota fund, 1916. |
| Teacher..... | 770 | Do. |
| Housekeeper..... | 300 | Do. |
| Total..... | 2,270 | |
| GRAND PORTAGE AGENCY. | | |
| Financial clerk..... | 400 | Chippewa in Minnesota fund, 1916. |
| Physician..... | 600 | Do. |
| Total..... | 1,000 | |

Statement showing the titles of positions, salaries, appropriations from which paid, of all positions at the various schools and agencies in the Chippewa country—Continued.

| Position. | Salary. | Appropriation. |
|--|---------|--|
| GRAND PORTAGE AGENCY—continued. | | |
| Farmer..... | \$720 | Industrial work and care of timber, 1916. |
| Private..... | 360 | Pay of Indian police, 1916. |
| Forest guard, 6 months..... | 300 | Industrial work and care of timber, 1916. |
| Do..... | 300 | Do. |
| Total..... | 600 | |
| LEECH LAKE SCHOOLS. | | |
| Superintendent..... | 1,800 | Interest on Chippewas in Minnesota fund, 1916. |
| Principal..... | 900 | Do. |
| Teacher..... | 690 | Do. |
| Do..... | 630 | Do. |
| Industrial teacher..... | 660 | Do. |
| Mairon..... | 540 | Do. |
| Seamstress..... | 500 | Do. |
| Laundress..... | 500 | Do. |
| Cook..... | 500 | Do. |
| Engineer..... | 720 | Do. |
| Assistant..... | 480 | Do. |
| Disciplinarian..... | 600 | Do. |
| Teacher..... | 780 | Do. |
| Housekeeper..... | 300 | Do. |
| Total..... | 9,600 | |
| Laborer..... | 240 | Indian moneys, proceeds of labor, Leech Lake School. |
| LEECH LAKE AGENCY. | | |
| Clerk..... | 1,320 | Chippewas in Minnesota fund, 1916. |
| Assistant clerk..... | 900 | Do. |
| Do..... | 780 | Do. |
| Physician..... | 1,200 | Do. |
| Do..... | 1,200 | Do. |
| Blacksmith..... | 900 | Do. |
| Sawyer and marine engineer..... | 900 | Do. |
| Farmer..... | 900 | Do. |
| Do..... | 900 | Do. |
| Farmer..... | 720 | Do. |
| Assistant clerk..... | 900 | Do. |
| Blacksmith..... | 600 | Do. |
| Teamster..... | 320 | Do. |
| Laborer..... | 360 | Do. |
| Do..... | 360 | Do. |
| Do..... | 500 | Do. |
| Timber clerks..... | 1,200 | Do. |
| Scale inspector..... | 1,200 | Do. |
| Total..... | 15,160 | |
| Judge..... | 84 | Pay of judges, Indian courts, 1916. |
| Do..... | 84 | Do. |
| Total..... | 168 | |
| Forest guard, 6 months..... | 300 | Industrial work and care of timber, 1916. |
| Do..... | 300 | Do. |
| Do..... | 300 | Do. |
| Total..... | 900 | |
| Chief of police..... | 300 | Pay of Indian police, 1916. |
| Private..... | 360 | Do. |
| 8 privates, \$240 each..... | 1,920 | Do. |
| Total..... | 2,580 | |
| 15 scalers, 3 months, not exceeding \$90 month each..... | 4,050 | Individual Indian moneys, timber expense. |
| 1 assistant timber clerk..... | 900 | Do. |
| Total..... | 4,950 | |
| 1 overseer..... | 900 | Industrial work and care of timber, 1916. |

Statement showing the titles of positions, salaries, appropriations from which paid, of all positions at the various schools and agencies in the Chippewa country—Continued.

| Position. | Salary. | Appropriation. |
|--|---------|---|
| NETT LAKE SCHOOL. | | |
| Superintendent..... | \$1,200 | Interest on Chippewas in Minnesota fund, 1916. |
| Teacher..... | 720 | Do. |
| Do..... | 630 | Do. |
| Housekeeper..... | 300 | Do. |
| Total..... | 2,850 | |
| NETT LAKE AGENCY. | | |
| Financial clerk..... | 600 | Chippewa in Minnesota fund, 1916. |
| Assistant clerk..... | 900 | Do. |
| Physician..... | 1,000 | Do. |
| General mechanic..... | 720 | Do. |
| Blacksmith..... | 650 | Do. |
| Laborer..... | 480 | Do. |
| Total..... | 4,360 | |
| Farmer..... | 720 | Industrial work and care of timber, 1916. |
| 2 forest guards, 6 months, \$240 each..... | 480 | Do. |
| Total..... | 1,200 | |
| 2 privates, \$240 each..... | 480 | Pay of Indian police, 1916. |
| RED LAKE SCHOOLS. | | |
| Superintendent..... | 1,600 | Interest on Chippewas in Minnesota fund, 1916. |
| Principal..... | 900 | Do. |
| Teacher..... | 630 | Do. |
| Do..... | 630 | Do. |
| Matron..... | 600 | Do. |
| Assistant matron..... | 300 | Do. |
| Seamstress..... | 480 | Do. |
| Laundress..... | 480 | Do. |
| Cook..... | 480 | Do. |
| Night watchman..... | 300 | Do. |
| Assistant engineer..... | 720 | Do. |
| Laborer..... | 420 | Do. |
| Principal..... | 840 | Do. |
| Teacher..... | 600 | Do. |
| Matron..... | 540 | Do. |
| Seamstress..... | 480 | Do. |
| Laundress..... | 450 | Do. |
| Cook..... | 480 | Do. |
| Laborer..... | 600 | Do. |
| Laborer, 6 months..... | 150 | Do. |
| Total..... | 11,680 | |
| RED LAKE AGENCY. | | |
| Clerk..... | 1,200 | Chippewa in Minnesota fund, 1916. |
| Assistant clerk..... | 720 | Do. |
| Financial clerk..... | 600 | Do. |
| Physician..... | 1,200 | Do. |
| Do..... | 1,200 | Do. |
| Engineer..... | 1,200 | Do. |
| Farmer..... | 900 | Do. |
| Carpenter..... | 840 | Do. |
| Laborer..... | 360 | Do. |
| Blacksmith..... | 720 | Do. |
| Do..... | 600 | Do. |
| Total..... | 9,540 | |
| Assistant clerk..... | 900 | Indian moneys, proceeds of labor, Red Lake Indians. |
| Ranger..... | 1,200 | Do. |
| 3 forest guards, 6 months, \$360 each..... | 1,080 | Do. |
| Total..... | 3,180 | |
| Nurse..... | 780 | Chippewas in Minnesota fund (hospital). |
| Laborer..... | 600 | Do. |
| Cook..... | 600 | Do. |
| Total..... | 1,980 | |

Statement showing the titles of positions, salaries, appropriations from which paid, of all positions at the various schools and agencies in the Chippewa country—Continued.

| Position. | Salary. | Appropriation. |
|-----------------------------------|---------|---|
| RED LAKE AGENCY—continued. | | |
| Farmer..... | 900 | Industrial work and care of timber, 1916. |
| Do..... | 720 | Do. |
| Total..... | 1,620 | |
| 2 judges, \$84 each..... | 168 | Pay of judges, Indian courts, 1916. |
| 1 chief of police..... | 300 | Pay of Indian police, 1916. |
| 9 privates, \$240 each..... | 2,160 | Do. |
| Total..... | 2,460 | |
| VERMILLION LAKE SCHOOL. | | |
| Superintendent and physician..... | 1,500 | Interest on Chippewas in Minnesota fund, 1916. |
| Financial clerk..... | 600 | Do. |
| Disciplinarian..... | 720 | Do. |
| Teacher..... | 840 | Do. |
| Do..... | 630 | Do. |
| Primary teacher..... | 600 | Do. |
| Matron..... | 600 | Do. |
| Assistant matron..... | 300 | Do. |
| Seamstress..... | 540 | Do. |
| Laundress..... | 500 | Do. |
| Cook..... | 540 | Do. |
| Engineer..... | 900 | Do. |
| Farmer..... | 720 | Do. |
| Assistant..... | 400 | Do. |
| Total..... | 9,390 | |
| WHITE EARTH SCHOOLS. | | |
| Superintendent..... | 2,100 | Support of Chippewas of the Mississippi, Minnesota, 1916. |
| Assistant engineer..... | 600 | Do. |
| Engineer..... | 800 | Do. |
| Laborer..... | 500 | Do. |
| Physician..... | 1,000 | Do. |
| Total..... | 4,000 | |
| Principal..... | 1,000 | Interest on Chippewas in Minnesota fund, 1916. |
| Teacher..... | 630 | Do. |
| Do..... | 600 | Do. |
| Do..... | 750 | Do. |
| Disciplinarian..... | 540 | Do. |
| Kindergartner..... | 630 | Do. |
| Teacher of housekeeping..... | 660 | Do. |
| Matron..... | 600 | Do. |
| Assistant matron..... | 540 | Do. |
| Assistant..... | 480 | Do. |
| Seamstress..... | 520 | Do. |
| Dining-room matron..... | 540 | Do. |
| Laundress..... | 520 | Do. |
| Baker..... | 480 | Do. |
| Cook..... | 540 | Do. |
| Farmer..... | 600 | Do. |
| Carpenter..... | 720 | Do. |
| Shoe and harness maker..... | 600 | Do. |
| Night watchman..... | 500 | Do. |
| Teacher..... | 900 | Do. |
| Housekeeper..... | 300 | Do. |
| Assistant..... | 300 | Do. |
| Teacher..... | 780 | Do. |
| Housekeeper..... | 300 | Do. |
| Teacher..... | 720 | Do. |
| Housekeeper..... | 300 | Do. |
| Physician..... | 1,000 | Do. |
| Teacher..... | 750 | Do. |
| Physician..... | 1,400 | Do. |
| Housekeeper..... | 300 | Do. |
| Total..... | 18,500 | |

Statement showing the titles of positions, salaries, appropriations from which paid, of all positions at the various schools and agencies in the Chippewa country—Continued.

| Position. | Salary. | Appropriation. |
|--|---------|--|
| WHITE EARTH AGENCY. | | |
| Chief clerk..... | \$1,300 | Chippewas in Minnesota fund, 1916. |
| Financial clerk..... | 1,200 | Do. |
| Stenographer and typewriter..... | 900 | Do. |
| Clerk..... | 1,000 | Do. |
| Issue clerk..... | 1,200 | Do. |
| Clerk..... | 900 | Do. |
| Assistant clerk..... | 840 | Do. |
| Physician..... | 1,200 | Do. |
| 2 physicians, at \$1,000 each..... | 2,000 | Do. |
| Physician..... | 500 | Do. |
| Blacksmith..... | 720 | Do. |
| Carpenter..... | 600 | Do. |
| Laborer..... | 600 | Do. |
| Nurse..... | 720 | Do. |
| Matron..... | 540 | Do. |
| Cook..... | 540 | Do. |
| Laundress..... | 420 | Do. |
| Assistant..... | 300 | Do. |
| Laborer..... | 480 | Do. |
| Assistant..... | 540 | Do. |
| Assistant clerk..... | 1,000 | Do. |
| Clerk..... | 900 | Do. |
| Overseer..... | 800 | Do. |
| Matron..... | 600 | Do. |
| Cook..... | 480 | Do. |
| Laborer..... | 600 | Do. |
| Interpreter..... | 480 | Do. |
| Farmer..... | 900 | Do. |
| Do..... | 840 | Do. |
| Total..... | 23,100 | |
| Female industrial teacher..... | 720 | Indian moneys, proceeds of labor, White Earth Indians. |
| Clerk..... | 900 | General expenses, Indian Service, 1916. |
| Farmer..... | 900 | Do. |
| Forest guard..... | 1,500 | Industrial work and care of timber, 1916. |
| Do..... | 900 | Do. |
| 6 forest guards, 2 months, \$50 per month..... | 600 | Do. |
| Total..... | 3,900 | |
| Chief of police..... | 480 | Pay of Indian police, 1916. |
| 2 chiefs of police, \$360 each..... | 720 | Do. |
| 9 privates, \$240 each..... | 2,160 | Do. |
| Total..... | 3,360 | |

RECAPITULATION.

| Payable from— | Salaries. | Positions. |
|--|-----------|------------|
| Interest on Chippewas in Minnesota fund, 1916..... | \$62,570 | 98 |
| Chippewas in Minnesota fund, 1916..... | 54,960 | 70 |
| Industrial work and care of timber, 1916..... | 10,740 | 21 |
| Pay of Indian police, 1916..... | 10,140 | 38 |
| Individual Indian moneys, Fond du Lac..... | 2,900 | 3 |
| Chippewas in Minnesota fund, 1916 (hospitals)..... | 5,440 | 8 |
| Indian moneys, proceeds of labor, Leech Lake..... | 240 | 1 |
| Pay of judges, Indian courts, 1916..... | 336 | 4 |
| Individual Indian moneys, timber expense, Leech Lake..... | 4,950 | 16 |
| Indian moneys, proceeds of labor, Red Lake Indians..... | 3,180 | 5 |
| Support of Chippewas of the Mississippi-Minnesota, 1916..... | 4,000 | 5 |
| Indian moneys, proceeds of labor, White Earth..... | 720 | 1 |
| General expenses, Indian Service, 1916..... | 900 | 1 |
| Total..... | 161,076 | 271 |

The CHAIRMAN. Is each school separately itemized?

Mr. MERITT. The schools and agencies are separately itemized.

Mr. BALLINGER. Do they show the number of children attending these schools?

Mr. MERITT. That information is shown in the report of the Commissioner of Indian Affairs, page 158 of this year's report. I will be glad to have that included in the record.

(The paper referred to follows:)

| Reservations and names of schools. | Capacity. | Total enrollment. | Average attendance. | Class of school. |
|------------------------------------|-----------|-------------------|---------------------|---|
| Minnesota..... | 1,451 | 1,549 | 1,137.1 | |
| Cass Lake..... | 40 | 45 | 36.6 | Reservation boarding. |
| Fond du Lac superintendency..... | 74 | 48 | 26.1 | |
| Fond du Lac..... | 40 | 19 | 11.6 | Day. Do. |
| Normantown..... | 34 | 29 | 14.5 | |
| Grand Portage..... | 20 | 28 | 14.6 | Do. |
| Leech Lake superintendency..... | 128 | 145 | 89.6 | |
| Leech Lake..... | 80 | 96 | 70.6 | Reservation boarding. Day. |
| Squaw Point..... | 24 | 22 | 10.0 | |
| Sugar Point..... | 24 | 27 | 9.0 | Do. |
| Nett Lake..... | 60 | 62 | 38.7 | Do. |
| Pipestone superintendency..... | 248 | 232 | 199.5 | |
| Pipestone..... | 212 | 208 | 184.4 | Nonreservation boarding. Day. |
| Birch Cooley..... | 36 | 24 | 15.1 | |
| Red Lake superintendency..... | 188 | 236 | 198.5 | |
| Red Lake..... | 75 | 86 | 74.6 | Reservation boarding. Do. |
| Cross Lake..... | 43 | 64 | 57.5 | |
| St. Mary's..... | 70 | 86 | 66.4 | Contract mission boarding; Catholic. |
| Vermillion Lake..... | 110 | 143 | 117.5 | Reservation boarding. |
| White Earth superintendency..... | 583 | 610 | 416.0 | |
| White Earth..... | 250 | 281 | 195.0 | Do. Day. |
| Pine Point..... | 53 | 47 | 23.0 | |
| Elbow Lake..... | 30 | 20 | 8.2 | Do. |
| Round Lake..... | 30 | 29 | 14.4 | Do. |
| Twin Lake..... | 30 | 43 | 25.7 | Do. |
| White Earth..... | 60 | 80 | 46.7 | Do. |
| St. Benedict's..... | 130 | 110 | 103.0 | Mission boarding; Catholic. |

Mr. MERITT. Now, Mr. Chairman, I would like to make a statement regarding the Cass Lake School. The gentleman, Mr. Ballinger, has made some rather broad statements regarding this school, which are not supported by the facts. This reservation boarding school has a capacity of 40 students. It has a total enrollment of 45. We have more students enrolled there than the capacity will accommodate. The average attendance is 36, showing that the Indians of that country are taking advantage of that school and making good use of it. We are supporting at that school 36 children and giving them an education. The superintendent of that school gets \$1,000 a year.

The CHAIRMAN. How about the other employees that he mentioned here?

Mr. MERITT. In those positions that he referred to as being vacant—we probably have temporary employees until we can get permanent employees.

Mr. GANDY. What is the enrollment? The average attendance is 36, you say. I am assuming that Cass is in a reasonably well-developed portion of Minnesota. Would it be possible for those children to attend the public schools?

Mr. MERITT. Some of the children probably could attend public schools; other children are so poor that it is necessary that they attend a boarding school.

Mr. GANDY. Could they be taken to a school where the attendance is larger and the per capita cost would not be so heavy as a little school with only 40 pupils, that would necessitate a larger proportionate number of employees?

Mr. MERITT. We are using every effort to get the Indian children into the public schools. In this year's bill we have asked for a change in the appropriation for the support of Indian day and industrial schools, so there will be no limitation on the amount of money we may use for paying tuition in public schools. There is a limitation now of \$25,000 for tuition of children in public schools. We are asking that that limitation be removed entirely, so that we can gradually work the children into the public schools.

Mr. SNYDER. Referring to this particular school, I notice that the list states that there are either six or seven employees, including the superintendent. Is that quite necessary in a school where there are only 36 children?

Mr. MERITT. I will read you the employees and the salaries paid: Superintendent, \$1,000; teacher, \$600; matron, \$540; seamstress, \$300; laundress, \$300; cook, \$300; industrial teacher, \$600; making a total of \$3,640.

Mr. SNYDER. These people live at that school, do they?

Mr. MERITT. The pupils board there. We have to clothe them and take care of them.

Mr. SNYDER. What is the charge for maintenance of that school?

Mr. MERITT. I have given that heretofore. I will be glad to give it again. The total charge is \$17,763.61.

The CHAIRMAN. How much per capita would that be?

Mr. MERITT. That would be about \$275 per capita. You will understand, of course, that where we have a small boarding school with a small enrollment, the per capita cost is necessarily high.

The CHAIRMAN. What is the outlook for increasing the number of pupils there?

Mr. MERITT. So far as I am concerned, I would not be in favor of increasing the attendance at this school, because I think it will be better to gradually work the Chippewa Indians into the public schools of that State?

The CHAIRMAN. When was this school organized?

Mr. MERITT. It has been organized for a great number of years.

The CHAIRMAN. The Indians asked for the organization of this school, or did the department do it?

Mr. MERITT. The Chippewa Indians have always been in favor of education, and have encouraged education, and have, so far as I know, never objected seriously to the use of their funds for legitimate educational purposes.

The CHAIRMAN. Has there ever been any special objection raised by the tribe, or any large number of the tribe, against this school and the way it is operated?

Mr. MERITT. Not within my knowledge.

The CHAIRMAN. Have there ever been any protests filed by any of the Indians against the school?

Mr. MERITT. You understand, Mr. Chairman, we have protests of various kinds and character from every agency and school relating to some matter, and there may have been one of these protests filed in connection with this school, but I do not recall it.

Mr. NORTON. Now, I would like to ask Mr. Ballinger if the claim of the tribe is that this school could be eliminated, discontinued entirely, and that the pupils who go to this school would get access to the public schools if it were entirely discontinued? Is that the contention?

Mr. BALLINGER. No; the contention is this, that there is a superintendent at a school that, according to one report of the department, has 36 pupils, and according to a report to Congressman Miller must have been closed, whose services are unnecessary. There are teachers and others there when the school is open whose salaries amount to, exclusive of the superintendent, \$2,740, and they think that this \$1,000 paid to the superintendent is wasted.

Now, will the chairman permit me to ask Mr. Meritt one question, and I am practically through?

The CHAIRMAN. I will ask the question if you will state it to me.

Mr. BALLINGER. I wanted to know if it is not a fact that the schools of the Minnesota Chippewas are maintained out of the \$75,000 derived from the interest on the trust fund?

The CHAIRMAN. How is that, Mr. Meritt?

Mr. MERITT. They are in part.

Mr. BALLINGER. Are they not entirely?

Mr. MERITT. Not entirely; no. They are in part. This school here is maintained, so far as salaries are concerned, entirely out of the interest on the Chippewa funds in Minnesota.

Mr. BALLINGER. Now, is that not true of every other school enumerated in this list—that they are maintained out of the interest fund?

Mr. MERITT. Not entirely. This statement I have put into the record will show the funds that are used, so far as salaries are concerned.

The CHAIRMAN. I think that will be sufficient on that.

Mr. BALLINGER. We would like to know how much of this \$185,000 is used for educational purposes.

Mr. SNYDER. We will all know that when this report goes into the record.

The CHAIRMAN. Are there any further statements, gentlemen?

Mr. KONOP. I would like to ask you a question, Mr. Meritt. It costs \$763 per pupil in this institution, does it?

Mr. MERITT. I have not figured the total per capita, but probably, as I stated, it would be high, because of the small number of pupils. If we had a large boarding school there of several hundred the cost per capita would necessarily be reduced. The overhead charge for a small school is almost as large as the overhead charge for a much larger school.

Mr. KONOP. Could these pupils not be taken to another school, to a larger school, and eliminate that unnecessarily large expense?

Mr. MERITT. You understand, Mr. Konop, that the reservation schools are practically filled. The Indians all over the country are appreciating the opportunities afforded by these nonreservation boarding schools, as well as the reservation boarding schools, and we have no trouble at all in filling those schools to their capacity. In fact, we have at this time between 5,000 and 10,000 Indian children in the United States without school facilities, and we have to utilize every building that we have in addition to encouraging the Indians to go to the public schools, in order to give the 70,000 Indian children in the United States adequate school facilities, and then we are hampered because of lack of school facilities.

Mr. KONOP. Are there any mission schools on the reservation?

Mr. MERITT. I do not think so. We have mission schools on Red Lake and White Earth, but I do not believe there is any mission school at this place.

Mr. JOHNSON. Referring to this same school, you say the average attendance is 36 there?

Mr. MERITT. Yes, sir.

Mr. JOHNSON. And the total expense is \$17,763?

Mr. MERITT. Yes, sir.

Mr. JOHNSON. And that makes a total per capita expense of practically \$500 per pupil, does it not?

Mr. MERITT. Out of that total of \$17,000, Mr. Johnson, we expended \$7,947 for permanent improvements, which would not go toward the per capita cost of pupils.

Mr. JOHNSON. What was the per capita cost, eliminating that \$7,947?

Mr. MERITT. Out of the total of \$17,763 there were constructed a bridge at a cost of \$4,211 and a house at a cost of \$1,536, or a total cost of \$5,747. Neither of the above expenditures was a school matter. In addition to the above there was an expenditure of \$2,200 for heating and ventilating system, change in partitions, plumbing, and extension of water system, permanent improvements, which should not be included in the amount on which per capita cost is based. If the cost of the three items given above, \$7,947 is deducted from the amount \$17,763, it will leave a balance of \$9,816 on which the per capita cost at this school should be based. Using this amount, the per capita cost based on the enrollment of 45 is \$218, and based on the average attendance of 36 the per capita cost is \$273.

The CHAIRMAN. Would it be possible to take these students to some of the nonreservation schools and not fill up the capacity?

Mr. MERITT. There is an enrollment at this school of about 40 and there is an actual attendance of about 36, and we have not room in the nonreservation schools to take care of all of the children.

The CHAIRMAN. The hearings show that a number of these schools are not full—the nonreservation schools.

Mr. MERITT. Practically all the nonreservation schools are filled to their capacity, and we are asking for an increase in the capacity of a number of the schools.

Mr. SNYDER. It is my understanding that the only contention on the part of this representation here that the superintendent is an excess. They desire the school; they want it kept up, but they think the superintendent is superfluous; that he is not needed. Is not that the understanding?

Mr. BALLINGER. That is one of the main things.

Mr. SNYDER. Is that not the real issue here now?

Mr. BALLINGER. At this particular school, but that runs all the way through the service.

Mr. SNYDER. We are speaking about this particular school now.

Mr. BALLINGER. That is correct.

Mr. MERITT. Mr. Chairman, you will readily understand that it is necessary to have at any boarding school where they have an enrollment of 40 pupils a man who is superintendent of that school. You will note that the salary is only \$1,000, which is not an unusually high salary for a superintendent of a school of that capacity. Now I find, speaking of this school, that the per capita cost is \$273, without the permanent improvements included.

The CHAIRMAN. Outside of the permanent improvements?

Mr. JOHNSON. I figure it \$414.

Mr. MERITT. You will understand that that total includes tuition, clothes, food, and medical attendance; which will compare favorably with like service and cost in white schools at other places.

Mr. KONOP. One of these reservation schools, like this one, I suppose, has a dormitory for housing the pupils, dining halls, and classrooms for the pupils; and it has a heating plant and a lighting plant?

Mr. MERITT. Yes, sir.

Mr. KONOP. And it has a laundry, etc.?

Mr. MERITT. Yes, sir.

Mr. KONOP. Do you not think that if some of the schools were enlarged into one plant, and then the children put into the larger schools, and then eliminate a whole lot of the smaller schools, that would be better policy?

Mr. MERITT. We have at White Earth a much larger school than this school here.

The CHAIRMAN. Could these children at this school be accommodated at the White Earth School?

Mr. MERITT. The White Earth School has a capacity of 250, an enrollment of 281, and an average attendance of 195. You will see that the enrollment there is very much larger than the capacity of the school.

Mr. HAYDEN. I would like to make this observation, that the farther you take the Indian child away from his home—he may make greater apparent progress in a larger boarding school, but the hot-housing proposition of taking him away from his own country is a bad one, and it is better to educate the Indian nearer home than to take him a long way off, though it may be done cheaper. He will make more steady progress in the smaller school.

Mr. KONOP. I think it is absolutely poor business policy to maintain a school with 36 pupils with a \$1,000 principal at the head of it. That is the kind of schools we have all over the United States, and I would get rid of three-fourths of them.

Mr. SNYDER. The way I see it is that the Indian is perfectly willing to pay all of it except \$1,000, and it seems to me we are wasting too much time on a question of \$1,000.

Mr. HAYDEN. I would like to ask one question on another item of the bill.

Mr. KONOP. I would like to ask a few questions relative to the item of \$150,000 for the suppression of the liquor traffic. We had a gentleman appear before us some time ago, and he told us that money was being used to suppress the liquor traffic among white men up in Minnesota. Is there any truth in that?

Mr. MERITT. We have been carrying out the provisions of the treaty of 1855 with the Indians of Minnesota. That provision requires us to enforce the liquor laws within certain territory.

Mr. KONOP. I understand that.

Mr. MERITT. And we have enforced the provisions of that treaty.

Mr. KONOP. Among white men?

Mr. MERITT. And also among the Indians. There are Indians in that country.

Mr. KONOP. But has there been any time and money spent in suppressing the liquor traffic among white people?

Mr. MERITT. We have closed up the saloons in a town known as Hibbing, Minn. They claim there are no Indians living in that town, but Indians do visit the town, and liquor has been sold to them in that town. The town is within the treaty territory, and therefore it is our duty to enforce the provisions of that treaty, and we did enforce it and closed up the saloons.

Mr. KONOP. Well, Mr. Miller appeared before the committee and stated that around these towns there were no Indians at all; that there would be six or seven men around there, and any time that a white man would happen to get a box of beer ordered for himself—not for the saloons but for himself—that these inspectors would go around and smash the box and waste their time around there, instead of going among the Indians, where they could do more good. Is that true?

Mr. MERITT. We have been enforcing the provisions of that treaty within that territory. There are Indians in that territory, and whenever anybody introduces liquor there it is the duty of the officers to suppress that traffic, and it has been very effectively done.

Mr. KONOP. Do you not think that it has gone beyond good judgment; that you have been trying to enforce prohibition in a territory where there were no Indians?

Mr. MERITT. No, sir; the Indians visit this town of Hibbing and are sold liquor; and as long as that was done it was our duty to the Indians under the treaty to have that territory closed.

Mr. GANDY. Are there ever any prosecutions for the sale of liquor to the Indians in the town of Hibbing?

Mr. MERITT. I could not say offhand as to that.

Mr. GANDY. I just wanted to make myself plain here that gentlemen in whom I have absolute confidence have come in here and said that Indians do not visit the town of Hibbing, that between the town of Hibbing and the reservation that the Indians are referred to as having come from to Hibbing there is an impassable swamp and forest, that the railroad connections from Hibbing do not lead that way at all, and the Indians are never seen at Hibbing. Then, other gentlemen in whom we have absolute confidence, such as the Assistant Commissioner of Indian Affairs, come in and make a general statement that the Indians do visit the town and that they have been sold liquor there. Now, if that is true, all of it, where are the people that have been prosecuted for that? Where are the citations?

The CHAIRMAN. As I understand it, this is territory in which everyone is forbidden to sell liquor. It is not a question of the Indians alone.

Mr. KONOP. What I wanted to know is, if it was the policy of the Indian Bureau to try to make white country dry?

Mr. MERITT. Not at all.

Mr. GANDY. A day or two ago there was printed in the newspapers of this city a purported interview with the honorable Commissioner of Indian Affairs, in which the commissioner is quoted as saying that all the treaties were being studied with the view to seeing if it is not possible to make other portions of the United States dry; and I think it is but fair that we should know whether it is proposed that this \$150,000, if it is appropriated, will be used in an effort to make white territory dry?

Mr. MERITT. No, sir; this \$150,000 will be used for the purpose of suppressing the liquor traffic among the Indians. I might say that our closing up those saloons at Hibbing was taken into the courts. They attempted to get an injunction, and in the trial of that case the department was sustained by the courts.

Mr. KONOP. How about the town of Chisholm, in Minnesota? Are there any Indians around there?

Mr. MERITT. I think that town was closed, too, because it was in the treaty territory.

Mr. KONOP. You just closed the town; you did not pay any attention to whether the Indians ever got to town, or whether the Indians got liquor there, but you just simply closed it because you had the law and the right to do it under that treaty?

Mr. MERITT. No, sir; it was shown that the Indians visited that town and purchased liquor there.

The CHAIRMAN. Does not the law require the officer to do that very thing?

Mr. MERITT. It does. We are under oath to support the Constitution and laws of the United States, and this is one of the laws.

Mr. KONOP. In connection with this \$150,000 appropriation you are trying to get, what is the situation in New York? We would like to know something about that.

Mr. MERITT. We have set out the reasons for that legislation in our hearings. The Indians in New York occupy an unusual status. The State has certain jurisdiction over those Indians, and the Federal Government has limited jurisdiction. The attorney general of the State of New York has recently rendered a decision which questions and denies the jurisdiction of the State over those Indians, and the Indians are between the upper and lower millstone and they do not know under just whose jurisdiction they are. It is for the purpose of giving us definite authority that we are asking for this legislation, so as to enable us to protect them from the liquor traffic.

Mr. HAYDEN. I think the Indian office ought not to be criticized for enforcing any law on the statute books. Congress provides that liquor shall not be sold in certain territory, and if our executive officers carry out that law you are not to be blamed for enforcing the law. But there was another question raised in connection with the increase in this appropriation to the effect that a number of Western States in which Indian reservations are located have gone dry on the first day of this year. I know, for instance, that the prosecutions

for selling liquor to Indians have greatly decreased since Arizona went dry.

Mr. MERITT. That is true, Mr. Hayden. Conditions there have materially improved.

Mr. HAYDEN. The committee has reason to believe that in the other States that have gone dry, the same effect will follow. We could not see any reason why there should be more money appropriated for this purpose, in view of the fact that State-wide prohibition is going into effect in a large number of States where reservations are located.

Mr. MERITT. In some States where they have prohibition laws we still have a great deal of trouble in connection with the suppression of the liquor traffic. I believe Mr. Carter will bear me out in the statement that there is a considerable traffic in liquor in the State of Oklahoma, although they have State-wide prohibition laws.

The CHAIRMAN. Constitutional, is it not?

Mr. HAYDEN. Of course, I realize that it depends on the nature of the constitutional amendment. I do know that in Arizona there is not one prosecution in the Federal court for selling liquor to Indians now where there were 10 before the State went dry.

Mr. MERITT. Yes, sir; conditions in Arizona have very materially improved. But it should also be borne in mind that we have Indians in 26 different States throughout the western country, and this appropriation of \$100,000 has not heretofore been adequate to enable us to meet the liquor conditions on these various reservations.

The CHAIRMAN. I believe that Colorado, Washington, and Oregon, all three went dry this last year.

Mr. GANDY. And Idaho.

The CHAIRMAN. Aren't there quite a number of Indians in those States?

Mr. MERITT. Yes, sir.

The CHAIRMAN. What effect has that had in the liquor traffic in those States among the Indians?

Mr. MERITT. That legislation, of course, will be very helpful to us in enforcing the liquor laws.

The CHAIRMAN. Doesn't that indicate that we can cut this amount materially, if it has the same effect in other places that it has in Arizona?

Mr. MERITT. No, sir; we have not had money enough heretofore to meet conditions on these various reservations.

Mr. SNYDER. In those States that have gone dry, why not let it work out its own salvation and discontinue spending large amounts of money in those States, and exercise greater action in the States that have not gone dry?

Mr. MERITT. We would do that where the conditions in those dry States warrant it. Some of these alleged dry States, though, are not dry by any means, and it requires considerable work to protect the Indians.

Mr. CARTER. How many men have you employed in the suppression of the liquor traffic?

Mr. MERITT. We have different classes of employees, Mr. Carter.

Mr. CARTER. But how many have you employed in the suppression of the liquor traffic and nothing else?

Mr. MERITT. We have 1 chief special officer, 2 assistant chief special officers, 17 special officers, 2 clerks, 2 assistant clerks, and 72 deputy special officers.

Mr. CARTER. How many is that all told?

Mr. MERITT. Ninety-six. You will understand, though, that the 72 deputy special officers are employed but very little of their time.

Mr. HAYDEN. They are employed on a fee basis, are they not?

Mr. MERITT. They get a fee.

Mr. CARTER. In addition to that you have a deputy marshal in each case, who ought to render you valuable assistance.

Mr. MERITT. They cooperate with us.

Mr. CARTER. Then, you have the Indian police.

Mr. MERITT. Yes, sir.

Mr. CARTER. Whose chief duty it is to suppress the liquor traffic. How many Indian police do you have?

Mr. MERITT. Two hundred. Of course, the chief duties of these men are to preserve order on the reservation.

Mr. CARTER. I understand; but each of them have jurisdiction over the illicit sale of liquor to Indians, and each of them directs part of their efforts to that.

Mr. MERITT. Yes, sir; it is the duty of every employee in the Indian Service to cooperate in the suppression of the liquor traffic among the Indians.

Mr. CARTER. Then the superintendents, of course, assist, and the employees also.

Mr. MERITT. Yes, sir; but these 72 deputy officers should not be considered very seriously as permanent employees. We have 17 special officers who are employed all the time.

The CHAIRMAN. How many prosecutions were there last year in this business, and what was the result of the prosecutions?

Mr. MERITT. I know that this appropriation was really almost self-supporting, because there were fines collected sufficient to almost meet the total amount of the appropriation.

The CHAIRMAN. That is what we want to get.

Mr. MERITT. I think there was about \$100,000 in fines paid into the Treasury.

The CHAIRMAN. Please put the number of prosecutions and the number of convictions in the record.

Mr. MERITT. The information requested follows:

Suppression of liquor traffic among Indians, fiscal year ended June 30, 1915.

| States. | Paid deputies employed. | Cases pending July 1, 1914. | New cases, fiscal year 1915. | Total cases, 1915. | Disposition of cases. | | | | | Fined and imprisoned. | | | | Seizure of liquors (gallons). | | | | | |
|---------------------|-------------------------|-----------------------------|------------------------------|--------------------|-----------------------|-------------|-------------|-------------------------------------|--------------------------|------------------------------|-----------|-----------|----------------|-------------------------------|----------|--------|-------|----------------|--------|
| | | | | | Convictions. | Dismissals. | Acquittals. | Died, escaped, or bonds for failed. | Total cases disposed of. | Cases pending June 30, 1915. | Num. ber. | Fines. | Term (months). | Whisky. | Alcohol. | Malt. | Wine. | Miscellaneous. | Total. |
| Total: | | | | | | | | | | | | | | | | | | | |
| 1915..... | 38 | 1,621 | 2,187 | 3,808 | 1,237 | 317 | 73 | 122 | 1,549 | 2,159 | 1,196 | \$102,067 | 3,562 | 2,468 | 186 | 15,598 | 687 | 2,223 | 21,122 |
| 1914..... | 58 | 1,365 | 1,705 | 3,070 | 884 | 449 | 94 | 22 | 1,449 | 1,621 | 893 | 103,304 | 3,029 | 6,207 | 480 | 14,419 | 257 | 9,584 | 30,947 |
| 1913..... | 67 | 1,004 | 1,054 | 2,058 | 553 | 114 | 17 | 9 | 693 | 1,365 | 2,551 | 50,291 | 2,000 | 7,214 | 472 | 17,181 | 826 | 487 | 20,180 |
| 1912..... | 184 | 846 | 1,480 | 2,326 | 1,002 | 267 | 32 | 21 | 1,322 | 1,004 | 2,923 | 6,537 | 3,005 | 6,537 | 513 | 23,314 | 477 | 621 | 31,402 |
| 1911..... | 143 | 596 | 1,717 | 2,313 | 1,168 | 265 | 34 | 30 | 1,547 | 1,766 | 2,685 | 80,463 | 2,260 | 18,495 | 1,470 | 7,773 | 2,506 | 5,300 | 35,544 |
| 1900..... | 4 | 403 | 4 | 403 | 97 | 18 | 18 | 3 | 118 | 345 | 345 | | | | | | | | |
| Arizona..... | 3 | 122 | 234 | 356 | 211 | 60 | 5 | 1 | 277 | 79 | 210 | 13,538 | 411 | 1 | 2 | 32 | 1 | 528 | 530 |
| Arkansas..... | 19 | 19 | 19 | 19 | 66 | 4 | 2 | | 72 | 30 | 66 | 1,670 | 148 | 74 | 2 | | | | 108 |
| California..... | 5 | 33 | 69 | 102 | 66 | 4 | | | | 10 | | | | | | | | | |
| Colorado..... | 2 | 10 | 3 | 10 | | | | | | 5 | 3 | 700 | 22 | | | | | | |
| Florida..... | 5 | 5 | 8 | 8 | 5 | | | | | 3 | 3 | 700 | 22 | | | | | | |
| Iowa..... | 45 | 140 | 140 | 185 | 58 | 27 | 10 | 2 | 97 | 88 | 58 | 7,150 | 164 | 2 | 1 | 2 | | | 5 |
| Low..... | 1 | 25 | 1 | 26 | 10 | | | | 11 | 15 | 10 | 500 | 91 | 5 | 1 | | | | 6 |
| Kansas..... | 2 | 2 | 43 | 45 | 16 | 14 | | | 30 | 15 | 15 | 1,500 | 30 | 15 | 4 | | | | 19 |
| Michigan..... | 2 | 2 | 2 | 2 | | | | | | 2 | | | | | | | | | |
| Minnesota..... | 3 | 75 | 105 | 180 | 26 | 17 | | | 43 | 137 | 23 | 1,350 | 64 | 725 | 38 | 14,215 | 356 | 632 | 15,966 |
| Missouri..... | 21 | 27 | 48 | 75 | 48 | | | | 128 | 48 | 63 | 6,687 | 180 | 13 | 10 | 12 | | 2 | 27 |
| Montana..... | 1 | 27 | 151 | 228 | 62 | 58 | 7 | 1 | 128 | 100 | 63 | 6,687 | 180 | 13 | 10 | 12 | | 2 | 27 |
| Nebraska..... | 1 | 28 | 69 | 97 | 23 | 14 | | | 37 | 60 | 23 | 1,227 | 31 | 6 | 2 | 9 | | | 17 |
| Nevada..... | 1 | 45 | 147 | 192 | 139 | 31 | 7 | 9 | 177 | 15 | 139 | 14,700 | 489 | | | | | | |
| New Mexico..... | 5 | 5 | 26 | 100 | 17 | 11 | | | 30 | 70 | 16 | 1,600 | 54 | | | | | | |
| New York..... | 17 | 17 | 17 | 17 | | | | | 1 | 16 | | | | | | | | | |
| North Carolina..... | 6 | 6 | 6 | 6 | | | | | | 6 | | | | | | | | | |
| North Dakota..... | 1 | 6 | 29 | 35 | 11 | 3 | 3 | | 17 | 18 | 10 | 1,190 | 45 | 16 | 1 | | | 1 | 18 |
| Oklahoma..... | 7 | 545 | 565 | 1,110 | 253 | 32 | 16 | 6 | 307 | 803 | 250 | 25,102 | 1,180 | 1,521 | 122 | 1,274 | 325 | 1,060 | 4,302 |
| Oregon..... | 1 | 23 | 88 | 111 | 64 | 3 | | | 70 | 41 | 63 | 3,685 | 121 | | | | | | 7 |
| Pennsylvania..... | 2 | 2 | 2 | 2 | | | | | 1 | 1 | 1 | 100 | 12 | | | | | | |
| South Dakota..... | 1 | 83 | 75 | 158 | 21 | 20 | 5 | 2 | 48 | 110 | 21 | 2,000 | 108 | 3 | 1 | | | | 4 |
| Texas..... | 8 | 8 | 8 | 16 | | | | | | 16 | | | | | | | | | |
| Utah..... | 4 | 2 | 2 | 2 | 2 | | | | 2 | | 2 | 350 | | 32 | 3 | 12 | | 5 | 15 |
| Washington..... | 100 | 76 | 176 | 272 | 79 | 14 | 6 | 3 | 102 | 74 | 75 | 4,158 | 143 | 2 | 1 | 2 | | | 37 |
| Wisconsin..... | 1 | 247 | 324 | 571 | 170 | 8 | 6 | 7 | 191 | 380 | 145 | 14,550 | 357 | | | | | | 5 |
| Wyoming..... | 3 | 3 | 3 | 6 | 3 | | | | 3 | 3 | 3 | 300 | 6 | | | | | | |

1 Includes 18 deaths and 4 escaped.

2 Includes fined but not sentenced, penitentiary sentences, and miscellaneous.

3 Includes 75 suspended.

4 Cases prosecuted.

Mr. HAYDEN. Mr. Chairman, I would like to direct Mr. Meritt's attention to the item beginning on line 3, page 39, of the bill. That matter was discussed the other day by the committee, and some of us were of the opinion that to withdraw all mineral and mining rights in the lands would work a hardship, but that if the Geological Survey was required to examine the lands under a similar provision to that which is used in the ordinary development of an Indian reservation, that we might get at it in that way, and find what lands were valuable for deposits of iron and other minerals, and authorize examination of them. Have you any objection to that provision?

Mr. MERITT. No, sir.

Mr. KONOP. Just find out first whether there is anything there.

Mr. MERITT. Yes, sir. The Chippewa Indians have requested this legislation, and it is in accordance with their wish that we incorporated it in the estimates.

The CHAIRMAN. Gentlemen, I believe that is all we need you for this morning. The committee will now go into executive session.

(Whereupon, at 12 o'clock noon, the committee went into executive session.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, January 25, 1916.

The committee met at 10 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were present before the committee Hon. F. W. Mondell, a Representative in Congress from the State of Wyoming; Mr. E. B. Meritt, Assistant Commissioner of Indian Affairs; and Mr. R. H. Higgins, chief school section, Indian Office.

The CHAIRMAN. The committee will come to order.

Mr. GANDY. Mr. Chairman, I wish to call up the Rapid City School, page 67:

For support and education of two hundred and fifty Indian pupils at the Indian school, Rapid City, South Dakota, including pay of superintendent, \$46,000; for general repairs and improvements, \$5,000; in all, \$51,000.

More than \$46,000, based on the expenditure of the previous year, will be needed for the Rapid City School, will it not, Mr. Meritt?

Mr. MERITT. We feel, in view of the large attendance at that school, that we should have \$48,500, the amount appropriated last year, for support and maintenance.

Mr. GANDY. The hearings show that the expenses last year were \$47,290.20, so you would not be able to get along with \$46,000, would you?

Mr. MERITT. No, sir; we will need the amount appropriated last year.

Mr. GANDY. Now I want to take up the matter of the necessity for a school building at Rapid City—a new school building. I think it is well that I should make a little general statement of my personal knowledge of this situation.

The school at Rapid City is located on the ground that before the coming of the white men to the Black Hills country was used for the holding of Indian councils. It is the natural location for an Indian

school in that country. It is about 26 miles from the location of the school to the line of Pine Ridge Reservation, which reservation has nearly 7,000 Indians and only one small county of it has been opened to settlement.

In addition to Pine Ridge, Rosebud is directly connected with Rapid City by two railroads. The Milwaukee skirts the north line of the Rosebud Reservation, and the Northwestern line in Nebraska runs just along the south line. On the Rosebud Reservation there are about 6,000 Indians. The Pierre line of the Northwestern is just a short distance below the south line of the Cheyenne Reservation; so that there are adequate railroad facilities from these three large reservations to Rapid City.

The school has a gravity system of irrigation of the kind that Indians would have if they installed little irrigation systems along the creeks on the reservations. It offers both dry land and irrigated farming, both dry land and irrigated fruit growing, dairying and stock raising, in addition to the facilities for academic instruction. It is located very close to the railroad, so that its coal and supplies are gotten in cheaply.

The school, according to the hearings, had an average attendance last year of 254 pupils, and they are trying to take care of these pupils in four small schoolrooms. The school is crowded to the limit this year. Some of the cloakrooms have had to be torn out in order to get the children into the building, and at this time the rooms are being used in relays, to adequately provide for the children.

Now, I will ask Mr. Meritt to make any statement he desires in connection with this.

The CHAIRMAN. What do you have to say with reference to this school, Mr. Meritt?

Mr. MERITT. Mr. Chairman, I would like to say that this school is centrally located, so far as the Indian reservations are concerned. It is convenient, as has been stated, to the Pine Ridge, Rosebud, and Cheyenne River Reservations; that there are more than 20,000 Indians in the State of South Dakota, the third or fourth Indian State in the United States; that we have not adequate school facilities for the Indian children in the United States—there being between 8,000 and 10,000 children without school facilities at this time.

Mr. GANDY. You might also advise the committee, Mr. Meritt, as to whether or not practically all of these Indians are west of the Missouri River in South Dakota, in which territory this school is located.

Mr. MERITT. They are west of the Missouri River. We have at that school now an enrollment and an attendance larger than the number appropriated for by Congress.

The CHAIRMAN. I see you have an average attendance of 254 pupils, and you have provided for only 250; so there seems to be 4 more than we have provided for. Your proposition is to enlarge the number of buildings?

Mr. GANDY. To build a new school building.

Mr. MERITT. The school building that we have there now is entirely inadequate for the school. The school was opened in the year 1897, I believe, and it has gradually grown until now it is one of our large nonreservation schools.

The CHAIRMAN. What is the building you are now using constructed of—stone, brick, or lumber?

Mr. MERITT. It is brick.

The CHAIRMAN. Could you use it for other purposes if another building was constructed for school purposes?

Mr. MERITT. We need the present school building for a dining room for the school—a dining room and kitchen. We have a dining room and kitchen now in the boys' building which is not at all suitable for the school. This school building, in fact, was constructed with the view of ultimately turning it into a dining room and kitchen and with the view of constructing later a more suitable school building.

It is estimated that the school building for that plant will cost about \$30,000.

The CHAIRMAN. What kind of a school building do you propose to build? Is it for general purposes?

Mr. MERITT. For general purposes, and to be built of brick.

The CHAIRMAN. Have you had any estimates made on it?

Mr. MERITT. We have had the matter looked into by our building people, and it is estimated that a proper building can be constructed for \$30,000.

The CHAIRMAN. That did not appear in your hearings here—the hearings we have—or in the bill.

Mr. MERITT. No, sir; we did not submit an estimate for this building this year for the reason that we wanted to keep the total of the appropriation bill down to the lowest possible figure. We realized when the estimates were being made up in the office that this school building was one of the urgent needs at that school, but we felt that we would defer asking for it for this year, unless it was brought up before the committee. We would be very glad to indorse the proposition to have a new school building at that plant. It is very much needed.

Mr. GANDY. The necessity for this school building has been reported on many times by the superintendent, and the supervisors that have visited the school have said they thought it ought to be built.

Mr. MERITT. Yes, sir; the supervisors have urged the construction of a school building there, and also the superintendent.

Mr. SNYDER. There is not really any great suffering on the part of the schools there by reason of the fact that you have a little congestion in that school?

Mr. MERITT. There is considerable congestion at that school. Of course I can not say that there is any suffering, but it would be very much better if we had a new school building there. And if we get this new school building we can also increase the attendance to at least 300, which will be good economical administration of that plant.

Mr. NORTON. How many buildings are there now?

Mr. MERITT. We have 36 buildings altogether, valued at \$234,410.

Mr. NORTON. How many school buildings have you?

Mr. MERITT. Only one.

Mr. NORTON. You have one classroom building?

Mr. MERITT. Yes, sir.

Mr. NORTON. What did that cost?

Mr. MERITT. That cost \$18,400.

Mr. SNYDER. I quite agree with the department, that if there is any way that we can get along without this expense this year it ought to be done.

Mr. NORTON. That building you say cost \$18,400. It contains classrooms, does it?

Mr. MERITT. Yes, sir; it contains classrooms and cloakrooms. I have a picture of the building here if you would like to see it [showing photograph].

Mr. NORTON. That is where the 291 pupils are enrolled? Don't you use some other buildings there for classrooms?

Mr. MERITT. That is the principal classroom.

Mr. NORTON. Do you use two stories in this building?

Mr. MERITT. No; one story.

Mr. SNYDER. As a general proposition I would favor it, but I think we have so many other large matters coming before this Congress that are of so much greater importance that we ought to waive matters of this kind if we possibly can.

Mr. GANDY. At this point, then, I want to say that there are a great many more children on these reservations that are directly tributary to this school than there are school facilities for, and that this year the superintendent has been compelled to turn away pupils that were voluntarily seeking admission and no school facilities are provided for them.

The CHAIRMAN. As I understand it, this is a nonreservation school, yet it is surrounded by reservations. Is that true?

Mr. MERITT. Yes, sir.

Mr. NORTON. How many Indian children of school age are there in South Dakota?

Mr. MERITT. There are 5,886 children of school age in South Dakota.

Mr. CARTER. You have a document showing that, haven't you?

Mr. MERITT. Yes, sir. It is shown in the annual report of the Commissioner of Indian Affairs.

Mr. SNYDER. I have no doubt that what has been said about the school and about the children being unable to get into that school is true, but it is a fact, according to the newspaper reports, that situations of that kind prevail in the city of New York. Pupils are clamoring to get into the schools, and there is no place for them.

Mr. HAYDEN. It seems to me that a city like New York by all means ought to find money some way to provide for school facilities for the children there, and we ought to provide for the Indian children that want to go to school. The difficulty in the Indian Service has been that it is hard to get the children to go to school. It is only in late years that they are willing to send the children to school, and they ought not to be turned away now.

Mr. SNYDER. It does not seem possible to me that a condition would exist there where you have such a large plant, that it would be impossible to take in any more pupils.

Mr. GANDY. The total number of buildings includes horse barns, dairy barns, and all the other buildings there. And with relation to school facilities it is well to bear in mind that this Government is under treaty obligations with these Indians to provide school facilities for all of them; and while this will help, it will not provide school facilities for all the children in South Dakota.

Mr. CARTER. Is there a hospital at that school?

Mr. GANDY. There is a school hospital, yes.

Mr. NORTON. How many school children are there in South Dakota?

Mr. MERITT. There are 5,886 children of school age in South Dakota.

Mr. NORTON. What census is that?

Mr. MERITT. This is the Report of the Commissioner of Indian Affairs for 1915.

Mr. NORTON. And there are 5,886 Indian school children of school age?

Mr. MERITT. Yes, sir.

Mr. NORTON. Now, what is the capacity of the Indian schools in the State, for school children?

Mr. MERITT. We have in all schools in that State 4,652.

Mr. NORTON. What is the total capacity of the schools?

Mr. MERITT. The total capacity of all Indian schools in that State is 3,789.

Mr. NORTON. The total capacity is 3,789. Then the number of school children exceeds the capacity of the schools there by 863. There are 863 more school children than there is capacity for them?

Mr. MERITT. Yes, sir.

Mr. NORTON. Have you any statistics showing the number of school children, Indian children, in the public schools?

Mr. MERITT. Yes, sir; we have in the public schools in South Dakota 652 Indian children.

Mr. NORTON. Then there are 1,445 Indian school children for which there is no school capacity supplied in the Indian schools and who are not in the public schools.

Mr. MERITT. We have 711 in mission schools in South Dakota, 581 of whom have their tuition paid for out of tribal funds or treaty appropriations.

Mr. NORTON. And 3,789 in Indian schools?

Mr. MERITT. Yes, sir. Out of that number 1,156 are in nonreservation boarding schools, 973 in reservation boarding schools, and 1,160 in Government day schools.

Mr. NORTON. So there are over 1,200 not in any school, unprovided with school facilities, according to those figures?

Mr. MERITT. Yes, sir.

The CHAIRMAN. They have Indian day schools on the reservations, do they not?

Mr. MERITT. Yes, sir.

The CHAIRMAN. Can not those 1,200 be provided with accommodations in their own day schools?

Mr. MERITT. We hope to get a larger number of Indian children in the public schools by reason of the appropriation that we are asking for in this bill. We have asked that the limit of \$20,000 be removed, and that we may be able to pay any amount we see fit out of the general school support appropriation for the paying of tuition in the public schools of the country.

The CHAIRMAN. Could you give us a list of the mission schools, the names and where they are located?

Mr. MERITT. Yes, sir. The mission schools in South Dakota are shown by the following list:

Contract schools with the bureau of Catholic Indian Missions, fiscal year 1916.

| Name of school. | Number of pupils to be contracted for. | Tribe. | Cost per capita per annum. | Total amount of contract. | Fund. |
|--|--|--------------------|----------------------------|---------------------------|--|
| Holy Rosary Mission, Pine Ridge, S. Dak. | 225 | Sioux..... | \$108 | \$24,300 | Education, Sioux Nation, South Dakota, 1916; interest on Sioux fund, Pine Ridge, education. |
| St. Francis Mission, Rosebud Reservation, S. Dak. | 280 | Rosebud Sioux.... | 108 | 30,240 | Proceeds of Rosebud Reservation, S. Dak., act of Mar. 2, 1907 (statute); interest on Sioux fund, Rosebud, education. |
| Do | 20 | Pine Ridge Sioux. | 108 | 2,160 | Education of Sioux Nation, South Dakota, 1916. |
| Immaculate Conception Mission, Crow Creek Reservation, S. Dak. | 50 | Crow Creek Sioux. | 108 | 5,400 | Education of Sioux Nation, South Dakota. |
| Do | 6 | Lower Brule Sioux. | 108 | 648 | Interest on Sioux fund, Lower Brule, education. |
| Total..... | 581 | ..... | ..... | 62,748 | |

Mr. ELLSWORTH. Mr. Meritt, I assume from the questions asked that the pupils from the State are confined to the schools of that State. Is that not true?

Mr. MERITT. Not necessarily so. We frequently enroll Indian children in nonreservation schools outside the State.

Mr. ELLSWORTH. For instance, take Pipestone, Minn. Do they not have pupils from South Dakota at Pipestone, just over the line?

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. And do they not have pupils from Michigan in the Minnesota schools?

Mr. MERITT. A few; not many.

Mr. ELLSWORTH. And do they not have some from Kansas?

Mr. MERITT. I would say that there would be very few from Kansas.

Mr. ELLSWORTH. Do they not have some from Nebraska?

Mr. MERITT. Possibly there might be a few from the reservations immediately adjoining the nonreservation schools.

Mr. ELLSWORTH. But they are not entirely confined to the State in which the school is located?

Mr. MERITT. No, sir. For example, we fill Carlisle from the reservations all over the United States.

Mr. SNYDER. Then, Mr. Meritt, the fact that there are 1,200 pupils still out of school in that locality is not due to the fact that there are no further accommodations for them in the State or in that section? It is not wholly due to that?

Mr. MERITT. We have not sufficient accommodations to provide for all the Indians of the United States. There are between 8,000 and 10,000 children now without school facilities.

Mr. SNYDER. I am speaking of this particular locality.

Mr. MERITT. I doubt if we have sufficient capacity for all the children in that State.

Mr. SNYDER. If you had capacity for all of them, they would not all be in schools, would they?

Mr. MERITT. No, sir; because it is difficult to get some Indian children to attend school regularly.

Mr. NORTON. Is this not true, Mr. Meritt, as you have stated, it is very difficult to get a large number of Indian children in any school; nevertheless, when you do not have close to the reservation school capacity sufficient for them—or school room—it makes that difficulty greater, and there is no disposition upon the part of the school officials to make search for those pupils who of their own inclination desire to stay out of school, and to encourage them to enter some school?

Mr. MERITT. That is true.

Mr. SNYDER. Then the compulsory education law does not apply to that section?

Mr. MERITT. Not so far as Indian children are concerned.

Mr. ELLSWORTH. Mr. Meritt, you are familiar with the Pipestone country, are you not?

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. And you are familiar with the buildings at the Pipestone School; you are acquainted with the conditions there?

Mr. MERITT. Yes, sir.

Mr. ELLSWORTH. And is it true that if a small building, say to cost \$10,000, were provided for a workshop at the Pipestone School, a very large addition in size could be provided in the way of dormitory rooms by changing and altering the present workshop building?

Mr. MERITT. I think that is true.

Mr. ELLSWORTH. And do you not think, as a matter of fact, Mr. Meritt, that it would be a practical plan to provide for some of these Indians who are not provided for in South Dakota at Pipestone? Do you know of any more practical plan than that?

Mr. MERITT. My view is that we should, wherever practicable, increase the capacity of these smaller nonreservation schools. By so doing we can lessen the cost per capita of maintaining those schools and materially increase the educational advantages and opportunities for the Indians.

Mr. ELLSWORTH. Would you think that would be a practical plan at the Pipestone School, if that change was made?

Mr. MERITT. I would like to study the situation carefully before committing myself finally on the proposition, Mr. Ellsworth.

Mr. ELLSWORTH. I asked you because it occurred to me it would be the cheapest way to get added facilities for the dormitory and increased capacity of the school that I know of.

Mr. MERITT. I would be glad to look into that question, with a view to asking for an appropriation for it next year.

Mr. JOHNSON. As a matter of fact, Mr. Meritt, if this building were built and the capacity of the school increased, you could fill the school up to its capacity now without any trouble, with Indian children from the State of Montana, if they were given any facilities for education, could you not?

Mr. MERITT. There would be no trouble whatever in filling that school to its capacity, provided we got an appropriation for the increased capacity.

Mr. JOHNSON. In other words, about 50 per cent of the Indian children in the State have no chance to secure an education.

Mr. MERITT. If we can get an appropriation for 50 additional Indian children at the Rapid City school, we can very readily increase the enrollment to 300.

Mr. NORTON. I would like to say to the committee some of my own observations in regard to Indian schools and supplying school room for Indian children.

I have observed this, that in reservations where nonreservation school facilities are supplied, if the school room—or the school capacity—is not full, there is an effort on the part of the superintendent in charge of that school to go out and hunt up the Indian children and get them to attend the school. On the other hand, if the school capacity is much less than the supply of pupils on the reservation, or the reservations adjoining, there is no effort made on the part of the superintendent to go out and hunt up the children. It is first come first served, and from my own personal experience I have seen several cases where children who were attending the Indian schools ran away, and the superintendent made no effort to get those particular children back, for this reason, as he stated, "We have more children in the school now than we can care for." If there was an adequate capacity furnished in the school those children would have been brought back, and a great many other children that I know of in the particular reservation I have in mind, would have been hunted up by the superintendent and brought in to the school and given scholastic training. Now, that is all there is to the question. If you do not supply school capacity, the children do not receive school facilities. If you do supply it, a larger percentage of them are hunted up and induced—and where it is necessary compelled—to attend school.

Mr. HAYDEN. Mr. Chairman, at this time I desire to insert in the record the amendment adopted by the committee relating to the construction of a diversion dam across the Gila River above Florence, Ariz., and the report of the Department of the Interior favorably recommending this legislation.

Page 26, after line 20, insert the following as separate paragraph:

For beginning the construction by the Indian Service of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Arizona, for the irrigation of Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Arizona, as estimated by the board of Engineer officers of the United States Army in paragraph one hundred and thirty-eight of its report to the Secretary of War, of February fourteenth, nineteen hundred and fourteen (House Document numbered seven hundred and ninety-one), \$75,000, to remain available until expended, the total cost not to exceed \$175,000: *Provided*, That the water diverted from the Gila River by said dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by a court of competent jurisdiction: *Provided further*, That the construction charge for the actual cost of said dam and other works shall be divided pro rata by the Secretary of the Interior between the Indian lands and the public and private lands in said county in accordance with the area of land entitled to water, as decreed by said court, and said charge as fixed for said Indians lands shall be reimbursable as provided in section 2 of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seven Statutes at Large, page five hundred and twenty-two), but the construction charge as fixed for the public and private lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August thirteenth, nineteen hundred and fourteen.

The Secretary's report is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 8, 1916.

MY DEAR MR. STEPHENS: I have received your communication of December 24, 1915, inclosing draft of a proposed amendment to the Indian appropriation bill providing for the construction of a dam and necessary controlling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian lands on the Gila River Indian Reservation and public and private lands in Pinal County, Ariz., as estimated by the board of Engineer officers of the United States Army (H. Doc. 791, 63d Cong., 2d sess.), and appropriating \$100,000 for beginning the construction; total cost not to exceed \$175,000.

The proposed work is being studied, and it is found that certain information from the field will be necessary. Upon its receipt I will take pleasure in advising you of my conclusions.

Cordially, yours,

FRANKLIN K. LANE,

HON. JOHN H. STEPHENS,
*Chairman Committee on Indian Affairs,
House of Representatives.*

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1916.

MY DEAR MR. STEPHENS: Further consideration has been given the draft of an amendment intended to be made to the Indian appropriation bill, for the construction of a dam across the Gila River above Florence, Ariz., referred with your letter of December 24, 1915, requesting the views of this department thereon.

The proposed work meets the approval of this department. The provisions under which the money is to be expended relating to the control of the works, the water to be diverted thereby, and the reimbursement to the United States thereof by the owners of lands irrigable thereunder, seem to provide satisfactorily for the management and financing of the project. In order that there may be no question of the supervision of the construction of this dam it is recommended that the words "by the Indian Service" be inserted in line 1, after the word "construction."

The amount proposed to be appropriated is \$100,000, which is only part of the total cost of \$175,000. For a structure of this kind it is believed that serious risk would be run in attempting to build only part of it, owing to the danger from floods and the shifting channels of the Gila River. It is therefore recommended that the amount to be appropriated be increased to \$175,000, and that the item be amended by striking out the figures "\$175,000" and substituting therefor the words "said sum" (line 13). This change would make it necessary to strike out the word "beginning" in the first line.

The second page of the proposed amendment contains a reference to the act of August 24, 1914, as the act under which reimbursement by the Indians of their proportionate cost of the project is to be made. This is apparently a typographical error, as no doubt the act of August 24, 1912, is intended.

A similar item which was included in the bill H. R. 20150, Sixty-third Congress, second session, was the subject of my report of January 28, 1915, a copy of which is inclosed and which has been printed in the hearings before the Committee on Indian Affairs of the United States Senate, volume 1, page 498 et seq.

In addition to the information therein exhibited, the proposed work will benefit a large number of Indians on the Gila River Reservation, approximately 3,000, by providing under existing conditions for the diversion of water to irrigate an area of over 20,000 acres of fine agricultural land on the reservation. With storage provided, the area of land would be limited only by the available water supply.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

HON. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs, House of Representatives.

JANUARY 23, 1915.

MY DEAR SENATOR ASHURST: I have received your communication of January 19, 1915, requesting report upon a proposed amendment to the Indian bill making an appropriation of \$75,000 for beginning the construction of a dam and necessary con-

trolling works for diverting water from the Gila River at a site above Florence, Ariz., for the irrigation of Indian land and allotments on the Gila River Indian Reservation and private lands in Pinal County, as estimated by the Board of Engineer officers of the United States Army in its report to the Secretary of War, page 46, paragraphs 136-138 (H. Doc. 791, 63d Cong., 2d sess.).

This report describes the situation with regard to the diversion dam which it will be necessary to construct in order to utilize the waters of the Gila River when the San Carlos Dam is built. However, the usefulness of this diversion dam does not depend entirely upon the construction of the San Carlos Reservoir, because for many years past considerable areas of land have been irrigated by diversion through various headings of the flood flow of the Gila River above Florence. To irrigate the lands of the Pima Indian Reservation upon the south side of the Gila River at the upper or eastern end of the reservation will require the construction of such a dam in order to conserve the flow of the river to as great an extent as possible. The proposed site, about 12 miles above Florence, is at the mouth of a series of canyons through which the river flows uninterruptedly from San Carlos, but from this point on the river course is through a broad flat valley, with an immense river bed, consisting of broad deep deposits of silt and gravel. When the flow of the river is low, and when, of course, water is most valuable, the stream disappears entirely soon after emerging from the mountains above Florence.

Aside from the use which the Indian reservation may eventually make of this diversion dam, practically all of the landowners off the reservation who have been irrigating in this vicinity may receive their supply of flood water from this point of diversion.

The Gila River has just experienced one of the most disastrous floods in its history, and all the headings of the various canals above Florence have been washed away, and the earth covering through which these canals ran has been entirely removed, so that these channels can not be again constructed. The superintendent of the reservation reports also that at least one canal heading for the Indian reservation, on the south side of the river, is washed out, and the large canal, known as the Little Gila, has been very badly damaged. The land which this canal supplies with water could be reached from channels heading at the diversion dam which it is proposed to build, and when so supplied would be past all danger of future damage or destruction.

The white owners who have suffered by the recent floods might possibly secure means of constructing a dam at the point mentioned, thus insuring to themselves immunity from a recurring flood, but it might be necessary for the Government to oppose such a step in order to protect the water right now claimed for the Indians.

While there is no doubt but that, as a matter of law, the Pima Indians have a prior right to the waters of the Gila River as against all other appropriators on that stream, yet they have not been receiving a sufficient quantity of water to irrigate their lands for lack of the physical means of obtaining the same. The construction of a diversion dam at this point will give the Indians an advantage of location that they have not heretofore enjoyed, because the Government of the United States will thus actually control the only feasible point where the waters of the Gila may be diverted. The Indians are entitled to control this strategic position in order to adequately preserve and perpetuate the Government's claim to water in their behalf, and for this reason alone, whether the San Carlos Reservoir is ever constructed or not, this appropriation is amply justified.

The cost of the diversion dam itself is estimated by the board of Army engineers as \$150,000, and an additional item of \$25,000 should be included in order to make the necessary excavation through the rock heading, so that connection may be made with the present canal systems of the Florence district. The site of the proposed diversion is an ideal one compared with others along the Gila River, as on both sides of the river are massive outcroppings of rock. The river bed is comparatively narrow and confined between hills to this one channel, and a railroad upon which to bring in supplies and materials parallels the river at this point, so that the cost would be the minimum for such work. The railroad track is high enough above the river so that no interference with its operation will result even after the dam is built. The dam will not be high enough for storage purposes, but simply a low weir a few feet above the normal surface of the river, so that water may be properly diverted into the canal, and that all of the flow at the low stages, when the water is most valuable, and which occur for long periods, may be available.

It is recommended that the proposed amendment receive favorable consideration by Congress.

Cordially, yours,

FRANKLIN K. LANE.

Hon. H. F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

The CHAIRMAN. Mr. Mondell, will you please state what section of the bill, or page of the bill, your items are on—the items that you desire to be heard on?

**STATEMENT OF HON. F. W. MONDELL, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WYOMING.**

Mr. MONDELL. The Wyoming items, Mr. Chairman, at the very end of the bill, page 84.

Mr. Chairman, I first want to call the attention of the committee, if I may, to an entirely new item, and I want to say this in regard to it, that I think it is an item that I should not have been called upon to appear before this committee in regard to. The committee should not have been called upon to hear me in regard to it, because it is a matter of administration and procedure that the Indian Office should have taken care of—that they should have taken care of several years ago. It is a claim of one of the employees of the department, which was disallowed by the auditor. Payment was made to him, and the account was disallowed by the auditor, and while commissioners and Secretaries have all agreed that the amount was due this officer, they have never submitted the matter for payment.

The CHAIRMAN. Have you a separate bill for this?

Mr. MONDELL. Yes; I have, and I have also the language suggested by the Secretary of the Interior:

For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools, October 21 to November 11, inclusive, 1912, \$256.79.

This all occurred in 1912. Mr. Norris had for a long time been employed by the Indian Office as an inspector, and he was in August of that year appointed supervisor of the Indian school at Wind River, Wyo. Mr. Norris had been for years an employee of the office, was well acquainted with the work of the office, and the commissioner concluded that before he sent him to take up his work in Wyoming he would have him look after some matters then under consideration at various points by the Indian Office. With a view of having him look after those matters he was appointed an inspector, and he continued on this work for a couple of months, traveling about at considerable expense. In due time he was paid, but his accounts were disallowed to the extent named in the item, \$256.79. There is quite a report from the Secretary of the Interior about it, and it winds up with this paragraph:

During the period Mr. Norris was carried as supervisor of Indian schools he was acting under instructions of the Indian Office and the department, and it is believed that he is justly entitled to reimbursement for the amount in question.

If the Committee on Indian Affairs inserts the item, the following language is considered appropriate:

“For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools October twenty-first to November eleventh, inclusive, nineteen hundred and twelve, \$256.79.”

Now, Mr. Norris happens to be on a reservation in my State, and it is for that reason that I bring it to the attention of the committee. But really it is a matter that the Indian Office ought to have taken care of long ago. There is no question about Mr. Norris having earned this money, there is no question about his being entitled to it, but the auditor saw fit to disallow this amount.

Mr. CARTER. On what grounds?

Mr. MONDELL. It was claimed that Mr. Norris had not taken the oath of office, and, further, the payment was disallowed because it was claimed he was not performing the duties of supervisor during the period in question. You understand, he was under oath as inspector, then he was appointed superintendent and was under oath as superintendent, and then he was appointed to this other position in order that he might do this work for the office in the interval before he went to the reservation; and it seems that he failed to take the oath for that particular office, and therefore, legally, the amount was probably properly disallowed.

The Secretary says in this report:

The payment was disallowed by the Auditor for the Interior Department on the grounds that Mr. Norris had not taken the oath of office as supervisor and was not performing the duties of supervisor during the period in question.

Of course, he was performing the duties the department gave him to perform. It was not a matter of option with him. He did what they sent him to do, and he did it very acceptably. A number of the members of this committee know Mr. Norris, and they know that he is an employee in whom the commissioner had a great deal of confidence, and the commissioner sent him to do this special work, which they felt was important.

The CHAIRMAN. Is he still in the service?

Mr. MONDELL. He is still at the Indian reservation in Wyoming, the Shoshone Reservation.

Mr. CARTER. I think you should introduce a bill for that proposition, send it to the department, and get a direct report from the department, and then perhaps by the time a bill would get to the Senate we would at least be able to report upon it from this committee.

Mr. MONDELL. Now, Mr. Chairman, I want to talk to you about this matter on page 85 of the bill, line 15, this matter of roads and bridges in the Wind River Reservation. I would like first to have Mr. Meritt make a brief statement to the committee regarding the claim of Mr. Norris.

Mr. MERITT. Mr. Chairman, we recognize that this claim of Supt. Norris is a just one. The amount is only \$256.79. Mr. Mondell has given the facts in the case, and those facts are set out in a report of the Secretary of the Interior, dated January 6, 1916, making a report on H. R. 1974. I will be glad to have this included in the record.

The reason why we did not include this item in our estimate was because we are familiar with the wishes of the House—the members of the House and Senate Committees on Indian Affairs, that all small claims be eliminated from the bill. We recognized the justness of the claim, and we knew if we left it out of the estimates that Mr. Mondell would take care of it in the House.

The CHAIRMAN. What is the amount asked for?

Mr. MERITT. The claim amounts to \$256.79. I will be glad to have this report included in the record.

The CHAIRMAN. It may go in at this point.

(The paper referred to follows:)

DEPARTMENT OF THE INTERIOR,
Washington, January 6, 1916.

MY DEAR MR. MONDELL: I have your letter of December 16, 1915, addressed to the Commissioner of Indian Affairs, inclosing copy of H. R. 1974, introduced by you, providing for the payment of \$256.79 to Joseph H. Norris as salary and expenses as supervisor of Indian schools in the interim between the date of the termination of his services as United States Indian inspector and his entrance on duty as superintendent of the Shoshone Indian school, Wyoming.

Mr. Norris was appointed superintendent of the Shoshone Indian school on August 7, 1912. At that time he was carried as inspector in the Interior Department and it was necessary for him to complete certain work in connection with Indian matters before entering on duty as superintendent of that school, and on October 21, 1912, he was appointed supervisor of Indian schools at a salary of \$2,500 a year, with actual necessary traveling expenses, including sleeping-car fare and incidentals and a per diem of \$4 in lieu of subsistence, the same compensation he received as inspector, and entered on duty as supervisor on that date, but it appears that he failed to subscribe to the oath of office. Mr. Norris remained in Washington from October 21 to 28 in consultation with various officers and employees of the Indian Office in regard to reports and investigations he had made concerning conditions on certain Indian reservations. On October 28 he proceeded, under instructions of the Commissioner of Indian Affairs, to the Shoshone school and assumed charge as superintendent on November 12.

Mr. Norris submitted a claim for salary and expenses from October 21 to November 11, the period he was carried as supervisor of Indian schools. The claim was paid by George W. Evans, chief disbursing clerk for the Interior Department. The payment was disallowed by the Auditor for the Interior Department on the grounds that Mr. Norris had not taken the oath of office as supervisor and was not performing the duties of supervisor during the period in question. Mr. Norris reimbursed Mr. Evans from personal funds, and on April 29, 1914, he appealed to the Comptroller of the Treasury for a review of the auditor's action in making this disallowance. The comptroller dismissed the case on the grounds that Mr. Norris could not enter an appeal as the amount was disallowed in the accounts of Mr. Evans.

During the period Mr. Norris was carried as supervisor of Indian schools he was acting under instructions of the Indian Office and the department, and it is believed that he is justly entitled to reimbursement for the amount in question.

If the Committee on Indian Affairs inserts the item, the following language is considered appropriate:

"For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools, October twenty-first to November eleventh, inclusive, nineteen hundred and twelve, \$256.79."

Cordially, yours,

FRANKLIN K. LANE.

HON. F. W. MONDELL,
House of Representatives.

MR. MONDELL. Now, Mr. Chairman, I want to call the attention of the committee, if I may, for a moment to the item of \$10,000 for the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation.

I have introduced a bill, and I have been in hopes that the committee would increase that item to \$25,000. We began the work of constructing roads and bridges on this reservation some three or four years ago, first with an appropriation of \$10,000, then with an appropriation of \$25,000. The money has all been spent—last year's appropriation will be spent, except about \$3,000, which the superintendent in his report says he is holding for work next spring, after the spring thaws, in order to put the roads in fairly passable condition. But he will have no money next spring for the continuation of this work. The superintendent asked for \$25,000, but unfortunately that estimate of \$25,000 did not reach the department, as is set forth in the statement which was made by Mr. Meritt at the regular hearings, until the 15th of October—until their estimates had been sent in—and in that situation of affairs, not being fully informed

in regard to the matter, they made an estimate of \$10,000 rather than more. That estimate was made not on full information, but simply from their general knowledge of the situation, and the detailed information as to the necessity of the situation came in later.

Let me again call the attention of the committee to the situation on this reservation. This diminished reservation contains nearly 1,000,000 acres. It lies in the shape of a flatiron, running to a point at one end and widening out to 35 miles at the other, and is 45 miles in length and across it are the main highways of travel in that part of the State. The reservation is bounded on both sides by considerable rivers. Those rivers have been bridged in several places by the county in which it lies, at a cost of about \$70,000. The county roads go right up to the reservation on all sides, and the bridges to the reservation have all been built by the county. Now, in that condition of affairs, with Indians scattered all over the reservation, farming here and there, hither and yon, and the necessity of good roads for them to get up into the timbered part of their reservation, where they get timber, a good system of roads is absolutely essential; primarily for the Indians, but also in view of the fact that the roads which the Indians use on the outside are in good condition, and these are highways of general travel.

We have not asked the Indian Office—and we are not intending to—to connect this reservation with the surrounding country by bridges. Those expensive bridges have been built and will be maintained by the counties.

Mr. HAYDEN. Is any money appropriated here for road work reimbursed to the Treasury?

Mr. MONDELL. It is all reimbursable. There is a reimbursement of about \$30,000 a year coming from land leases on the ceded lands. There would be a very much larger immediate reimbursement except for the fact that the ceded lands of approximately a million and a quarter acres, which were to have been sold after a certain lapse of time, have not been sold, because the Indian Office has not felt that the provision of the law relative to sale was mandatory. Some of us have thought otherwise, but the Indian Office has taken the position that the provision of law relative to sales was not mandatory, and therefore they have declined to make sales.

Of course if those sales were made, a very considerable amount of money would come in, but in the meantime the office is withholding the lands from sale and entry.

Mr. HAYDEN. Are they withholding them for a higher price?

Mr. MONDELL. They are withholding them, I think, with the idea that later they will bring a higher price, and in the meantime they are getting about \$30,000 a year from leases.

Mr. CARTER. How much land is being held that way?

Mr. MONDELL. There is approximately a million acres. Is that not true, Mr. Meritt?

Mr. MERITT. About a million acres; yes, sir.

Mr. MONDELL. There is something upward of a million acres.

Mr. CARTER. How much have the Indians been allotted?

Mr. MONDELL. The Indians have a few allotments on the ceded lands to which I refer. The Indians are practically all—except a little fringe along the river—on the diminished reserve.

Mr. CARTER. Is this land all in one county?

Mr. MONDELL. The reservation is all in one county.

Mr. CARTER. A million acres in one county.

Mr. MONDELL. Yes; the reservation and the ceded lands are all in one county. That is another feature of the situation that makes road building burdensome. There is not only the reservation lands, but upward of a million acres of the ceded land in a compact body, over which we build roads, and no part of which we tax.

Mr. CARTER. How much land is embraced in this county?

Mr. MONDELL. Well, I presume the county altogether contains about 4,500,000 acres, and probably about a half of it is Indian land.

Mr. CARTER. Two million acres of it is nontaxable?

Mr. MONDELL. Yes.

The CHAIRMAN. Have the Indians asked for this appropriation?

Mr. MONDELL. The Indians provided in their treaty for these expenditures.

The CHAIRMAN. Out of their funds? I see this is reimbursable out of the funds now on hand or hereafter to be acquired.

Mr. MONDELL. Yes; from funds now on hand or that may be obtained.

Nearly all this expenditure is by Indian labor. You notice the statement made by the superintendent, which is in your hearings, the major portion of this expenditure is for labor, and it is practically all Indian labor.

Mr. CARTER. Now, you can help us out a good deal if you will cite to us the treaty provisions of which you spoke.

Mr. MONDELL. It is in the treaty of cession of the reservation—of the north half of the reservation.

I was on the reservation last fall and met a large number of the Indians. The Indians are very anxious to have this work go on. First, because the good roads enable them to get to their farms that are out at a distance from the center of the reservation and to the timber; second, it gives them employment during the slack time when there is nothing to do on the farms. And they are developing into quite expert road makers. I never saw better work done by a road gang anywhere than was being done by their road gangs, where nearly every man in the gang, except the fellow having the job of holding the plow, was an Indian. The foreman and all of the teamsters were Indians.

Mr. CARTER. The man at the plow was an Irishman, wasn't he?

Mr. MONDELL. I presume so, Irish-American, if we may use the hyphen at this time.

The CHAIRMAN. This provides for roads and bridges. How many bridges do you suppose they will build?

Mr. MONDELL. They have built bridges across the irrigating ditches and small streams. This is a reservation that is wonderfully watered, and there are a number of creeks running across the reservation—small creeks—that are bridged in the building of these roads. But the large bridges spanning the rivers that bound the reservation have been built by the county.

The CHAIRMAN. They would probably be called culverts, would they?

Mr. MONDELL. They are, some of them, larger than culverts. Some of the bridges are of considerable size. They are across creeks wholly on the reservation.

Mr. CARTER. They are mostly small bridges, though?

Mr. MONDELL. Yes; mostly small bridges.

The CHAIRMAN. The reason I asked this question here is that we have from Indian reservations numerous requests to build bridges, and we are not disposed to do that.

Mr. MONDELL. Why, you have numerous requests to build bridges connecting reservations with outside territory. I am not suggesting that it is not proper to do that sometimes, but I want to say that in this case we have never asked that. The county has gone to very great expense in building good steel bridges connecting the reservation with the country on either side, and it has been an expense up to date three or four times greater than all the money you have spent on the Indian reservation altogether—just the bridges alone that connect the reservation with the surrounding country.

The CHAIRMAN. The fact that the Indians get the benefit of it without paying anything in taxes on their lands of course appeals to you. Now \$25,000 was expended last year, and this year \$10,000 is appropriated. I would like to know the reason for that reduction.

Mr. MONDELL. As stated in the hearings, the department did not have full information on which to base an estimate. They heard from the superintendent with a request for \$25,000 too late.

The CHAIRMAN. Mr. Meritt, would you be willing to take this matter up and revise the estimate?

Mr. MERITT. That would be impracticable at this late day, Mr. Chairman.

Mr. HAYDEN. He has already revised the estimate in the hearings here, in the last paragraph of the justification, page 491. He states that only \$15,000 was estimated for use during the fiscal year 1915, but \$25,000 became available under the above resolution mentioned, continuing the appropriations of the Indian Service for the fiscal year 1915. Now "in view of the fact that this amount was \$10,000 in excess of the estimate and, further, on account of the fact that the report of the superintendent recommending an appropriation of \$25,000 for 1917 was not received until the estimate had been completed, only \$10,000 has been requested,"

The CHAIRMAN. Then it would be your view that you ought to have the same amount you had last year, from the language you have used here in the justification?

Mr. MERITT. We would be glad to have an appropriation of \$25,000. It could be used to advantage. The reports on the roads on this reservation show that it will require about \$110,000 to complete them as originally planned. Congress has appropriated already \$50,000, and we can use to advantage the entire appropriation of \$25,000 for the next fiscal year.

The CHAIRMAN. I think, gentlemen, we understand it now.

Mr. MONDELL. Now, Mr. Chairman, if I may discuss for a moment—

Mr. HAYDEN (interposing). I want to ask you about the item immediately above this one, beginning with line 8, \$50,000 for continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation in Wyoming, including the operation and maintenance of completed canals, etc.

Mr. MONDELL. That is a matter that I want to take up, and what I should like to have the committee do, Mr. Chairman, is to make that about \$250,000 instead of \$50,000. I am modest. These are all reimbursable and treaty items.

The CHAIRMAN. I would like to inquire whether the Indians have asked for that?

Mr. NORTON. What are they reimbursable out of?

Mr. MONDELL. These Indians own about a million and a quarter acres of land that have been ceded, in the conditional way that we now cede land, but the Indian Office declines to either allow them to be entered or sold, but is leasing them and getting about \$30,000 a year out of the leases; and their opinion seems to be—and I am not quarreling with the Indian Office, although I have my own view as to the law—that if they hold this land for a time they will not only get these revenues but eventually the lands will bring more money than they would now.

Mr. HAYDEN. What would they get an acre for those lands now?

Mr. MONDELL. Some of them they could get very little for, probably not over a dollar an acre, if they would bring that. Some of the lands would bring perhaps \$2 or \$3 or \$4 an acre, but none of them would bring a large price, except that some of them are mineral lands, coal, and oil, enterable under the mineral laws, and, of course, they would bring a considerably larger sum if entered. So far there has been very little effort to enter them on account of the abundance of mineral outside.

Mr. HAYDEN. If the land has an average value of about \$2 an acre these Indians ultimately will have \$2,000,000 to their credit?

Mr. MONDELL. Yes; I think so. Besides that, these Indians have a reservation of 780,000 acres, of which at least 70,000 or 80,000 acres is irrigable, and they have got an irrigation system worth a million dollars at least, and their lands are among the best in our State.

Mr. CARTER. How much has been paid out—spent on this system?

Mr. MONDELL. \$666,000, if my memory serves me right, is the last statement, I think.

Mr. CARTER. Have there been any reimbursements yet?

Mr. MONDELL. Yes; when the lands were first opened, something like 60,000 or 70,000 acres, as I recollect it, were entered under the homestead law—perhaps more—and those were all paid for at a dollar or a dollar and fifty cents an acre.

Mr. CARTER. It went to reimburse this fund?

Mr. MONDELL. I assume so. These Indians have abundant resources to reimburse the Government for all these expenditures.

Mr. NORTON. You say these Indians have—

Mr. MONDELL (interposing). They have abundant resources.

Mr. NORTON. You say they have an irrigation project worth a million dollars leased?

Mr. MONDELL. I said a million dollars at least.

Mr. DILL. What Indians are these?

Mr. MONDELL. Shoshones and Arapahoes. The two tribes occupy the same reservation. The two tribes are developing in peace and harmony and amity; and last fall when I spent some time on the reservation going over the roads and going over the irrigation projects I found they were getting along splendidly together.

The CHAIRMAN. Do they have different reservations? Is the reservation divided?

Mr. MONDELL. It is all one reservation, but the tribes are separated. That is, the Arapahoes occupy mostly the eastern end, and the Shoshones the western end, although in the northern portion of the reservation and around the agency the tribes are considerably mixed.

Mr. NORTON. Does the gentleman know approximately how much was paid out by the Indian Bureau last year for civilization and support and how much for per capita payments?

Mr. MONDELL. There were no per capita payments made to these Indians, so far as I know.

Mr. NORTON. The fiscal report for the year ending June 30, 1915, shows that there was paid to the Shoshones and Arapahoes \$270 per capita. That is on page 16 of the fiscal report for the year ending June 30, 1915. There was paid out for support and civilization \$120,665.77. There was practically nothing paid out per capita last year, that is true.

Mr. MONDELL. There were no per capita payments, so far as I know. These Indians are self-supporting. We make appropriations, is it true, for their education and for the general expenditures around the agencies, but otherwise the Indians are entirely self-supporting.

The CHAIRMAN. What proportion of them vote and are citizens?

Mr. MONDELL. Well, I really do not know. I think comparatively few of them vote, but I do not know what percentage.

Mr. SNYDER. You personally have been over this reservation last summer?

Mr. MONDELL. I spent some time there.

Mr. SNYDER. And you are satisfied that these Indians require this assistance with reference to this irrigation and road scheme?

Mr. MONDELL. There is no question about it at all.

Mr. SNYDER. You think they could not only use \$50,000 to good advantage but they could use more?

Mr. MONDELL. Now, let me explain that to the committee. Here is this wedge-shaped reservation coming down to a point at the junction of the two rivers, the Big and Little Wind Rivers, and then widening out as the rivers diverge toward the mountain. These rivers furnish a large amount of water for irrigation, as do the smaller streams within this wedge-shaped reservation. There are not only these two streams that are boundaries of the reservation but running right through the center and splitting it in two is another considerable stream, the Little Wind River. Nearly 20 years ago we took up the work of irrigating these lands, but the ditches were more easily constructed from the Little Wind River, which runs through the center of the reservation, so most of the work was started on a system lying south of the Little Wind River, and on that system in the main we have spent over half a million dollars.

The CHAIRMAN. What is that, Indians' money or a gratuity?

Mr. MONDELL. It is all reimbursable.

North of the Little Wind River, that splits the reservation, is the Big Wind River, and from the Big Wind River they started a canal, years ago, the Dry Creek Bench Canal, which is about two-thirds completed. They also started what is known as the Big Wind River ditch, but after the department got to work on this irrigation system

they concluded it was advisable to do most of the work on the system south of the Little Wind River, because that was nearest the agency, nearest the school, and most get-at-able—cheapest to irrigate—and most of the work was done there. But up yonder on the Dry Creek Bench from the Big Wind River, where there were a lot of Indians, considerable work was done; but very little work was done on the Big Wind River ditch, the cost of which was originally estimated at \$300,000, and the irrigable area 34,000 acres of land.

Last fall or summer the irrigation engineer on the reservation asked the State to extend the Big Wind River ditch water right. The State authorities called the attention of the Indian Office to the fact that the State had been keeping this water right alive for years, and suggested that if the State was to keep it alive—which it desired to do, and was anxious to do—there must be some effort on the part of the Indian Office to begin to apply the water to the land. Otherwise, other applicants for the water lower down and higher up would object that their rights were denied, because of a claim that was not utilized. The Big Wind River when it becomes the Big Horn runs into Montana—and Montana is pretty busy irrigating, and the stream, according to the decision of the United States Supreme Court, becomes Montana's water if they utilize it and we do not. Now the State of Wyoming desires to protect these water rights; I do not insist the committee shall take any action wholly on the theory that the water rights will lapse, because we propose to have these lands irrigated, and we propose to protect these water rights, but the State feels that after having waited so long, and other applicants asking for the water that it is hardly fair to the other applicants to keep standing them off while the Indian Office refuses to make any effort to irrigate these lands. Now, further than that of the 35,000 acres that this Big Wind River ditch will irrigate, I think about 30,000 acres of them are Indian allotments. They were allotted years ago, but those Indians have never been able to get on their lands because they can not occupy them until they are reclaimed. They live on the other side of the river 10 or 12 miles away and are working on other people's allotments, or not doing any farm work at all.

The CHAIRMAN. Are there any white settlers there?

Mr. MONDELL. There have been some lands of deceased Indians sold in the last three or four years, and quite a few white settlers have entered on the reservation.

The CHAIRMAN. What benefit would accrue to them by reason of this?

Mr. MONDELL. No benefit would accrue to them by digging the Big Wind River ditch.

The CHAIRMAN. I see you have an unexpended balance here of \$6,000.

Mr. MONDELL. I was in the office of the irrigation engineer in October, and he said he had been delaying needed work because of the fact that he wanted to save some money for the spring, because in the spring they were certain to have trouble with the ditches, and further he had been notified by the Indians and a few of these white settlers that have come in there and bought land, of new lands they proposed to irrigate in the spring, necessitating extensions of laterals. He said he needed every cent he could get and could spend

every cent he had, and he was purposely holding over some money for the spring. I tried to get the Indian Office to allot him \$10,000 more. The gentlemen of the Indian Office pointed out to me that under the circumstances it would be impossible for them to advance more funds, and that was the end of it.

Mr. CARTER. When was it that this man made this statement to you?

Mr. MONDELL. Last October.

Mr. CARTER. Well, Mr. Stephens was referring to the total expenditures for the year 1915, last year.

Mr. MONDELL. Well, those were the expenditures—left over expenditures of the year before?

Mr. CARTER. Yes.

Mr. MONDELL. Well, if there was anything left over it was simply in the development of the work. But he told me last fall that he did not have money enough; that he had not done all the work that he ought to have done, in order that he might save some money for next spring. As a matter of fact he did not save enough money to do all the work he thought would be necessary in the coming spring, because of the demands last summer.

The CHAIRMAN. Do you have these huge rains out there that wash out the ditches, etc.—the canals, so that it is necessary to rebuild them at times?

Mr. MONDELL. This is not a country of unusual floods. The floods are not as sudden or disastrous as they are lower down the streams, because they are near the headwaters of the streams. These streams rise in the mountains within 40 or 50 miles of where the water is used.

Mr. CARTER. On June 30, 1915, there was an unexpended balance of \$6,222.

Mr. MONDELL. Well, that unexpended balance has all been used. It is all used, and as a matter of fact they have practically nothing now. As I said a moment ago, I thought the \$6,000 you referred to was an unexpended balance this last fall, but the engineer told me he would have no money at all left if he did the work he thought he ought to do, but that he was intending to save some money for spring work unless the Indian Office could give him some more money, which they could not do under the circumstances.

Mr. NORTON. May I just inquire when was this project started?

Mr. MONDELL. The project is all one, but it consists of a number of ditches. The project as a whole was started about 20 years ago.

Mr. NORTON. How much is under irrigation now?

Mr. MONDELL. My recollection is that the department calls it 19,000 acres, approximately, out of the 40,000 acres under ditch.

Mr. NORTON. How much has been expended on the project so far?

Mr. MONDELL. I think it was \$666,000.

Mr. NORTON. How much does it cost to operate the project each year?

Mr. MONDELL. Well, I do not think I can give that. I think the cost of operation is small.

Mr. NORTON. Does the commissioner know?

Mr. MERITT. We have here \$100,000 total cost of irrigation, operation, maintenance, miscellaneous, repairs, and improvements.

Mr. MONDELL. We have only been spending \$25,000 to \$50,000 per annum in all of late—the whole work, building and maintenance.

Mr. SNYDER. That does not seem to have much of a bearing on the cost of the distributing.

Mr. NORTON. You have an estimate here to the effect that it costs \$100,000. Now, if it costs that, Mr. Meritt, it must have come out of some other appropriation, did it not?

Mr. MERITT. The project has cost altogether \$666,000, and heretofore we have had larger appropriations which were available.

Mr. NORTON. Here is what I want to reach: How much is paid in by the Indians and whites each year on this project? How much was paid in last year, do you know?

Mr. MONDELL. The Indians do the work of maintenance themselves. There have been very few white settlers on the reservation—none until the last few years.

Let me call the gentleman's attention to this fact, that the item that he refers to is the total item for maintenance, operation, and miscellaneous from the beginning. My understanding that includes those costs from the beginning—engineering, superintendence, maintenance, and operation, etc.

Mr. NORTON. I would like to believe that that was true, but I doubt that that is the correct statement. I will ask the commissioner to put in the record a statement of the cost of maintenance and operation of this project for the fiscal year ending June 30, 1915, and also a statement as to the receipts from the water users for the use of this project during the fiscal year ending July 1, 1915, so that the committee may have that information in the record.

Mr. MERITT. The cost of operation and maintenance of the Shoshone irrigation system for the fiscal year 1915 was \$21,544.93, of which the maintenance costs were \$15,801.65 and equipment for maintenance was \$5,743.28.

The total amount received from water users during the year 1915 was \$746.46.

With regard to the question whether the white lessees or Indians are paying for the operation and maintenance of this project, I would say that office letter of January 20, 1912, approved by the department January 23, 1912, instructs the superintendent "to collect in advance from all lessees or white owners a maintenance charge of 60 cents per annum per acre for the full irrigable acreage of leased or owned land after the first year's lease or ownership." The funds used for maintenance costs are reimbursable.

It will be noticed from the above quotation from the superintendent's instructions that the maintenance and operation charge on lands leased by or sold to white men is remitted for the first year. After that time, however, the tax becomes 60 cents per acre per annum, and there is no doubt but that this charge will be promptly met by the white lessees or purchasers. As indicated by the present cost of maintenance and operation, this amount will be sufficient to meet the expenses.

In explanation of the small amount collected I would say that a large part of the lands leased to whites has been placed under cultivation during the last year and therefore they were exempt from payment of operation and maintenance charges during that year. They are, however, liable for these charges after the first year.

Now, I would like to ask the gentleman if he knows how much of this land that is under irrigation is being used up there by white settlers—white landowners?

Mr. MONDELL. I should think perhaps 5 per cent.

Mr. NORTON. The record here shows that the acres farmed by whites is 4,579 out of the 19,000. That is considerably more than 5 per cent.

Mr. MONDELL. Well, if the gentleman had these figures, it was not necessary to inquire of me, because I made no effort to find out the difference between the two when I was up there. I saw that both whites and Indians were raising good crops, and frequently the Indians had better crops than their white neighbors; but in the main, over the territory that I went through, the country is very largely inhabited by Indian families. The Indian Office is making an effort to get all of what they call "dead" Indian land sold on that reservation, I presume because we realize that the only way to get the Indians to farm is to give them object lessons. I was greatly surprised when I went there last fall at the changed conditions in the last two years, since we have got a few white settlers. We found Indians way off, 4 or 5 or 6 miles from where they had settled up to that time, and many of them had gone to those localities because white settlers were there.

It had been impossible up to that time to get them to leave the vicinity of the school and the agency and the centers and go out to these distant places. But the moment a white settler located and began to till the ground Indians became more inclined to move to their adjoining allotments. And the salvation of that situation is the sale, at a reasonable price, of the heirship lands, gradually getting white people scattered in among the Indians.

Mr. DILL. Is not that the salvation of the Indian everywhere?

Mr. MONDELL. I think so.

Mr. NORTON. Now, I want to have presented to the committee some facts here—I have every confidence in the gentleman's statement. On the showing of the Indian Bureau here last year it appears that 19,857 acres were actually irrigated. Of this amount, 6,760 acres were farmed by Indians, 4,579 acres were farmed by lessees, and 8,518 acres were farmed by white owners. So there is a considerable proportion of this land now under cultivation that is farmed by the whites.

Now I also trust that the bureau will put in, that the committee may know who is paying for the maintenance and operation of the project, whether the whites and lessees and Indians or whether the maintenance and operation of the project is being paid out of the Indian's funds, to be reimbursed.

Mr. MONDELL. The total amount of money spent last year on this entire project was \$25,000, and that covered everything, construction, extension, maintenance, and all; and that was the sum the year before. But as the Indians have come to farming more lands, very largely due to the influence of the few white settlers, there has been a very greatly increased demand for the extension of the ditches and the laterals, and the Indian Office asked for an increase this year from \$25,000 to \$50,000, taking the appropriation back to the sum that it was for quite a number of years, until it was reduced two years ago. Now what I would like to have the committee to do

would be to add enough to that \$50,000 so that the office can begin work on the Big Wind River ditch. I feel that those Indians allotted under that ditch are entitled to consideration just as much as the Indians under the other system farther down; and I believe in justice to everybody. The Indian Office should not longer neglect to do something to justify the State authorities in maintaining their water right.

The cost of the Big Wind River ditch was originally estimated at \$10 an acre. The Secretary of the Interior in his report says—and his report is not favorable for three reasons. First, he said records of the survey of the old ditch had been burned. Second, that there was irrigated land on this reservation that was not now farmed. In answer to that let me say to you, that you will go through this whole record in vain to find Indian areas, under reclamation projects, where greatly more than 50 per cent of the land is actually being farmed. Third, that the money was needed elsewhere. I do not know as to that proposition, but I am sure we do need the money there.

The CHAIRMAN. Has the Big Wind River project ever been approved by Congress? A proposition involving more than \$30,000 to be expended on any project of that character for irrigation must first be approved by Congress. Now, as I understand it, there would be quite a large margin, and unless it has been approved by Congress—evidently this project has not been approved by Congress, and if not, it would be impossible to put it in this bill.

Mr. MONDELL. In a sense it may be true that no part of this project on which we have spent \$666,000 has been approved by Congress, because I do not recall that there was a bill introduced and passed providing for the development of this irrigation work. We began to make appropriations for the irrigation of this Wind River Reservation years ago under a treaty provision.

The CHAIRMAN. Long before this \$30,000 idea crept into the law.

Mr. MONDELL. And it has been for 20 years a work in progress, just as much as any item in your bill; so that not only the Big Wind River ditch, but all of the ditches, are works in progress. Now we have done very little, it is true, to the Big Wind River ditch. The Indian Office surveyed it and they did do some work near the head gates, but they have not of late years been doing much of anything to that particular work. But if you would increase the appropriation they could begin, and I think these allotted Indians who have been waiting 10 years for irrigation are entitled to consideration. I think the State, which has steadfastly maintained the rights, the water rights, is entitled to some consideration, and I am sure that these lands if irrigated—and they can be irrigated cheaply; the highest estimate that has been made is \$14 an acre—that if they can be irrigated they will be farmed very speedily.

Mr. NORTON. Mr. Mondell, just a word. I find on page 178 of the report of the Commissioner of Indian Affairs for the fiscal year ending June 30, 1915, it appears that during the fiscal year 1915 \$49,757.38 was spent for construction on the Wyoming-Shoshone project, and that \$22,263.37 was paid for maintenance. That equals the total cost of construction of this project up to June 30, 1915, of \$711,269.78, exclusive of administration and special investigation cost of \$182,516.25, and that the total cost of maintenance to June 30, 1915, was \$82,953.75.

Mr. MONDELL. I am not familiar with the report from which the gentleman reads. Up to within the last two years, as I said, there have been few white men on the reservation, and there are few now, comparatively.

Now, Mr. Chairman, if you will give me one minute more, I want to emphasize one matter which may be of some interest to the committee. The Indian Office entered several years ago on a plan of selling the heirship lands on this reservation, I think, with some little hesitancy. I spent considerable time on the reservation last fall to satisfy myself how that plan was working out. I was surprised and pleased at the improvement in the conditions under which I found the Indians farming. I saw one Indian with 17 stacks, good stacks, of small grain on an allotment. I question if he would have done it except for the fact that a white man had bought an 80-acre tract up in that region and started to farming. I found that true all over the reservation, that where the white men had started to farming the Indians had gone on to their allotments, surrounding the lands sold, and were improving their lands. I found further that down where the Indians have been farming in the past they were farming much better this year than before, and I think it is very largely due to the influence of those white settlers.

The CHAIRMAN. We are very much obliged to you, Mr. Mondell.

Mr. HAYDEN. I would like to ask permission to insert at this point a report from the department on the amendment which I offered.

The CHAIRMAN. Very well.

(Whereupon, at 11.45 a. m., the committee went into executive session.)

PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.
BY
J. P. KINNEY

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INDIAN APPROPRIATION BILL, 1917

HEARINGS

July 1917
BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

U.S. Congress

PART 3

PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.
BY
J. P. KINNEY



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COMMITTEE ON INDIAN AFFAIRS.

SIXTY-FOURTH CONGRESS.

JOHN H. STEPHENS, *Chairman*, Texas.

CHARLES D. CARTER, Oklahoma.
THOMAS F. KONOP, Wisconsin.
CARL HAYDEN, Arizona.
LEWIS L. MORGAN, Louisiana.
WILLIAM H. MURRAY, Oklahoma.
DENVER S. CHURCH, California.
CHARLES M. STEDMAN, North Carolina.
WILLIAM J. SEARS, Florida.
C. C. DILL, Washington.
JOHN N. TILLMAN, Arkansas.
HARRY L. GANDY, South Dakota.

PHILIP P. CAMPBELL, Kansas.
PATRICK D. NORTON, North Dakota.
SAMUEL H. MILLER, Pennsylvania.
S. WALLACE DEMPSEY, New York.
HOMER P. SNYDER, New York.
ROYAL C. JOHNSON, South Dakota.
FRANKLIN F. ELLSWORTH, Minnesota.
BENIGNO C. HERNANDEZ, New Mexico.
JAMES WICKERSHAM, Alaska.

JAMES V. TOWNSEND, *Clerk*.
PAUL N. HUMPHREY, *Assistant Clerk*.

INDIAN APPROPRIATION BILL.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Wednesday, January 26, 1916.

The committee met at 10 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

There were present before the committee Hon. Pat Harrison, a Representative in Congress from the State of Mississippi; Hon. Scott Ferris, a Representative in Congress from the State of Oklahoma; Hon. Joseph B. Thompson, a Representative in Congress from the State of Oklahoma; and Hon. W. W. Hastings, a Representative in Congress from the State of Oklahoma.

The CHAIRMAN. Gentlemen, this is an adjourned meeting of the committee. We desire to complete this question as soon as possible, and the gentlemen who are present representing the two sides in the Mississippi Choctaw question will use the day. Do you wish to open the case, Mr. Harrison?

Mr. HARRISON. Well, Mr. Chairman, of course we will do whatever the committee desires us to do in the matter. I did not expect to go into the matter fully, but if the committee desires me to do so, I can go into it fully. My only object in appearing before the committee this morning was to discuss the per capita payment provision that is embodied in the appropriation bill.

Mr. CARTER. Page 57?

Mr. HARRISON. Yes. And I wanted to be heard, partly out of courtesy, and also because we want that matter stricken out. If the committee wants to go into the whole Choctaw matter, of course I shall be very glad to do so.

Mr. CARTER. There are a great many new members of the committee who have never heard this case before, and perhaps it would be a good idea for you to give your side of the question.

STATEMENT OF HON. PAT HARRISON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI.

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, of course this matter is not new to the gentlemen from Oklahoma sitting on the committee, nor to the chairman of this committee, nor Mr. Carter, nor to Mr. Campbell, but I see around me some new members of the committee, and I would say for their benefit that this Mississippi Choctaw matter has been before Congress for some time; and for at least the last four years it has appeared at each recurring appropriation bill.

The matter occurs in this way. As is proposed in this bill there is a per capita payment desired to be paid of \$200 to each Choctaw now on the rolls of the tribe. We who come from Mississippi claim that this payment should not now be made, because there are certain differences that are existing between the Choctaw Indians in Mississippi and the Choctaw Nation in Oklahoma; and until those differences are clearly determined, that if this money should be paid out the Government of the United States might be liable to the Indians in Mississippi; and we claim that in equity and in justice and in fairness these Mississippi Choctaws are entitled to be upon the rolls of the tribe, the same as are those Choctaws in Oklahoma, and for that reason are entitled to share equally as much as they in the funds and property of the tribe.

Now, that contention is based on these facts. Prior to 1830 every Choctaw of Choctaw blood lived in south and central Mississippi.

In 1820 the United States Government by treaty gave to the Choctaw Nation—all of them were at that time in Mississippi—a large tract of land west of the Mississippi River, in Oklahoma. Those are the lands that they have owned and do now in part own. The Government of the United States gave to the Choctaw Nation those lands under the treaty of 1820. They gave it to the Indians in Mississippi for 4,000,000 acres of lands of the Choctaw Nation, which they owned in Mississippi.

Ten years later, in 1830, there was another treaty, and around this treaty this discussion has hinged largely. It was in that treaty that the Government of the United States desired to move these Indians in Mississippi west into Oklahoma, but there was a certain percentage of the Indians in Mississippi who did not want to leave Mississippi, and they could not come to a common understanding—the representatives of the Government and the Choctaw Nation—for the reason that those Indians in Mississippi who desired to stay in Mississippi would not enter into the agreement that they should leave Mississippi until there was inserted a certain provision in the treaty of 1830. That provision is known as article 14 of the treaty of 1830. That gave to the Mississippi Choctaw, as we contend, the right to stay in Mississippi, and by remaining in Mississippi he did not lose any of the privilege of a Choctaw citizen.

Now, just to bring that matter more forcibly to you, I want to read that provision which could not have been inserted in the treaty of 1830 except to satisfy those Indians of the Choctaw Nation who wanted to remain in Mississippi. It says:

Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him, over 10 years of age, to join the location of the parent. If they reside upon such lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of Choctaw citizens, but if they ever remove they shall not be entitled to any portion of the Choctaw annuity.

The Choctaw annuity is a small amount which is conceded not to be over \$20,000 a year.

So, acting under that provision, there were great hordes of these Indians who went into Oklahoma, although there were a large number of them who stayed in Mississippi. Acting under that treaty the United States Government sent an agent down to Mississippi, by the name of Ward, to allow those who desired to come under the provisions of article 14 to signify their intention to stay in Mississippi. And the fact is shown, and it is uncontroverted, and it will not be controverted by any gentlemen who will oppose this proposition; it is conceded by the attorneys for the nation, and is conceded by every one that this man Ward went down into Mississippi and stayed there drunk and did not accept those people who came to him to signify their intention; that he would use certain devices and plans to let these Indians signify their intention. For instance, sometimes handing them some sticks, and giving them a piece of paper. And in one instance it was shown that the paper signifying that some Indians then intended to come under article 14 was afterwards used by him or some one else as shaving paper and torn up. So that was his action. It is not defended by anybody, and there were only 143, as the records show, that ever signified their intention to come under article 14 of the treaty of 1830. It was afterwards shown that there were 5,000 Indians in Mississippi at that time, showing that this man Ward did not do his duty at all.

Mr. CAMPBELL. What was the date of Ward's mission?

Mr. HARRISON. I think it was about 1837 they went down there. I am not exactly sure about that date, but it was along about the thirties.

Mr. THOMPSON. You do not contend that the Mississippi Choctaws who went west had anything to do with Ward, do you?

Mr. HARRISON. Absolutely not. This man Ward was a representative of the Government. But it just shows that he did not carry out, on the part of the Government, the intentions of the Government.

Now, following that up, the Government has tried, or did try all along through the years, to get these Mississippi Choctaws to move out of Mississippi and move west, but they did not want to go. They entered into this treaty with the express proviso that they did not have to go, and they wanted to stay in Mississippi. And it is in behalf of those who did remain in Mississippi and whose ancestors did receive a patent to lands under article 14, or were entitled to receive lands or a patent to lands under article 14, that we are here presenting this matter to you.

Mr. NORTON. Mr. Harrison, in order that I may get the matter straight in my mind, do you contend that the Mississippi Choctaws who remained in Mississippi, for one reason or another, were entitled to any of the property of the Mississippi Choctaws—of the Choctaws in Oklahoma?

Mr. HARRISON. I do not think there is any doubt of it. Yes; I contend that.

Mr. NORTON. Then your interpretation of article 14 of the Dancing Rabbit treaty is that if they remained in Mississippi and received all that they were to receive under that article, or article 19, they still had an interest in the property of the Choctaws in Oklahoma?

Mr. HARRISON. Absolutely. That is what article 14 means, according to our interpretation of it.

Mr. NORTON. Have you any authority other than your own that that is the proper interpretation of it?

Mr. HARRISON. Well, I have this authority, that of a case that has been discussed quite a good deal, known as the Jack Amos case. That was decided by the Dawes Commission in 1897. The Dawes Commission held—and I will elaborate on that shortly—the Dawes Commission held that they did have to come to Oklahoma, and that case was appealed from the Dawes Commission up to the territorial court, presided over by one Judge Clayton. That court had practically the same jurisdiction as the Federal district court, but it was a territorial court at that time. Judge Clayton said that they had to remove, and he based his reason on what was known as the Cherokee case, found in 117 U. S. Reports. Now, in an ex parte opinion rendered about the same time by Judge Townsend, who was on a court of like jurisdiction, he held differently from that, and that opinion is found in the hearings before the subcommittee of last year on that proposition. In that connection, may I say, in a speech made by Mr. Ferris in the last Congress, in the extension of his remarks I noticed in reading it over yesterday he contends that the United States Supreme Court passed on that proposition. Did I understand that correctly?

Mr. FERRIS. May I answer now?

Mr. HARRISON. If you will let me finish, then you can answer. Now the Supreme Court of the United States did not pass on that. It is conceded by the attorneys for the Nation that the United States Supreme Court did not pass on that question; but they expressly stated in their opinion—it is known as the Stevens case—that it was purely a question of jurisdiction that they decided, and they did not decide the merits of the case. The question of jurisdiction it decided was that Jack Amos had a right to appeal from the decision of the Dawes Commission to this Judge Clayton's court. I just say that in passing.

But aside from that, Senator Owen, now representing Oklahoma in part in the Senate, representing certain Mississippi Choctaws and representing them up to about 1914—a splendid lawyer and a splendid man—he filed a brief about 1913 on this matter, and in that brief he stated this in part, speaking of the necessity of the Mississippi Choctaws to remove to the Territory—

Owen and Winton maintain they should not remove at all unless they pleased.

And you will find—and his brief is found in these hearings, in the remarks I made before the subcommittee—you will find that Senator Owen always contended that these Indians did not have to remove to Oklahoma in order to share in the privileges of the tribe.

Mr. NORTON. You contend that he says there that they were not obliged to remove in order to have a share in the property?

Mr. HARRISON. We absolutely do.

Mr. NORTON. He made that contention appearing for whom?

Mr. HARRISON. Appearing for some Mississippi Choctaws, and you will find that in his brief.

Mr. NORTON. Of course.

Mr. HARRISON. Well, now, I will not condemn Senator Owen, because I do not believe that he would take that position merely because he was representing them as attorney, but because he knew more about it than anybody else in the United States. I would not think

that simply because he was paid he would testify to something that he did not believe. And you will find all through this brief, Mr. Norton, that he contended—and rightfully so—that they did not have to remove.

Mr. NORTON. Of course that is the contention of every attorney who appeared for the Mississippi Choctaws.

Mr. HARRISON. Well, under article 14 we think that that was without question a fair construction. Of course people differ, and honestly differ, on legal questions.

Mr. CARTER. May I ask you a question there? When was Judge Townsend's decision rendered, that you spoke about?

Mr. HARRISON. I quote it in this hearing. I did not bring a copy of that over here with me, but I think the Townsend decision was rendered in 1897 or 1898.

Mr. CARTER. Now, are you familiar with the ——— and Minter decision?

Mr. HARRISON. I am not familiar with it, but I understood that after he did hold differently from that. I have never seen that opinion. I understood in the hearing before that that was contended, that he had changed his opinion on it. But in that connection let me state this, that when you read Judge Clayton's opinion, basing his reasoning on the Cherokee case, found in 117 U. S. Reports, you will find that in after years—after Judge Clayton decided that case—that the United States Supreme Court in 202 U. S. Reports decided in the Cherokee case along the line of reasoning that we produce here in support of the Mississippi Choctaws, and held that certain Cherokees that lived east, in North Carolina, who did not follow the tribe west, that they were entitled to share in a fund of \$5,000,000 that was obtained for the sale of lands that they owned with the Cherokees who lived west. And if you read and reason from the decision you can but come to the conclusion that the Supreme Court of the United States was not inconsistent with any one of the views they expressed, and that we can base our rights on either one of those cases.

Mr. NORTON. Those cases are not analogous at all.

Mr. HARRISON. Now, I do not want to take issue with the gentleman, but has the gentleman read either one of those cases?

Mr. NORTON. Yes; I have read them very carefully.

Mr. HARRISON. I would like to enter into a discussion on that point, but I have only a few very few minutes. I am just bringing these points up to show them to the committee because this is a controverted matter, and I do not expect the gentlemen from Oklahoma to agree with me, but I do expect that the other gentlemen of the committee, that any suggestions I make you will look into and see whether or not my assertions are true.

Mr. HAMLIN. Have you the Cherokee treaty convenient?

Mr. HARRISON. No; I have not the Cherokee treaty here.

Mr. HAMLIN. On which that decision was made?

Mr. HARRISON. No; and I did not bring the decision over here because I know I can not go into an analysis of those decisions in 40 or 50 minutes here, because there are so many different angles to this proposition, so you read 117 U. S. Reports of the Cherokee trust fund cases, and the one found in 202 U. S. Reports, and you

will see our reasoning brought out by the reasoning in those cases.

Mr. MURRAY. The treaty of 1820 was to make a grant of land west to the Choctaw Nation, was it not?

Mr. HARRISON. That is true.

Mr. MURRAY. And the treaty of 1830 was to effect their removal west, was it not?

Mr. HARRISON. The treaty of 1820 without question gave the lands in Oklahoma to the Choctaw Nation, and the prime purpose of the treaty of 1830 was to remove the Choctaws west, but that treaty would not have been entered into—and that is admitted by the attorneys for the Choctaw Nation—if it had not been for the insertion of article 14, giving the Mississippi Choctaws who wanted to remain in Mississippi a right to signify their intention and remain in Mississippi.

Mr. MURRAY. Well, now, do you think that the Government, making a treaty for the purpose of removal, would incorporate a provision whereby a member of a tribe could remain and draw property in Mississippi, and yet remain in Mississippi and draw property in Oklahoma? That would defeat the removal end.

Mr. HARRISON. No; it would not because a great number of them signified the intention that they wanted to remove. But there were, as found in the American State papers—the history of the Choctaw Indians shows conclusively that there were certain of them that wanted to stay in Mississippi. They had their homes there, they had their happy hunting grounds there, and there were many things they did not want to leave, and they pleaded with them not to force them to leave, but to allow them to remain.

Mr. FERRIS. The only difference between the treaty of 1820 and the treaty of 1830 was that the treaty of 1820 gave each head of a family that wanted to remain a square mile of land, did it not?

The treaty of 1830 gave each one 640 acres, each head of a family, and each member of the family over 10 years old 320 acres; each member less than 10 years of age 160 acres?

Mr. HARRISON. The treaty of 1820 did not do anything like that at all.

The CHAIRMAN. If you desire to answer question, you may do so, but, if not, you do not need to. You can proceed in your own way as you would under the rules of the House.

Mr. HARRISON. Now, Mr. Chairman, this matter went on until 1896, and then it was that the United States Government appointed the Dawes Commission to go down into Oklahoma to identify the Choctaws in Oklahoma. And they did make a roll of the Choctaws in Oklahoma at that time, and they refused to enroll those Mississippi Choctaws who lived in Mississippi. Following that the Congress of the United States in 1898, knowing the acts of the Dawes Commission in refusing to enroll the Mississippi Choctaws, knowing the action of Judge Clayton in rendering his opinion in the Jack Amos case, passed a law known as the Curtis Act and authorized the Dawes Commission to go into Mississippi and there to make up a list and to identify the Choctaws in Mississippi.

Acting under that act a man by the name of McKinnon, representing the Dawes Commission, and one of the Dawes Commissioners, I think, went into Mississippi and made himself a roll of some 1,900 and some odd Mississippi Choctaws; and I say to you that there

are of that list that was made by this man McKinnon, identifying these Mississippi Choctaws in Mississippi, about 1,100 of them that are not on the rolls of the tribe, that are entitled to be upon the rolls of the tribe, that went through the same examination as every man that McKinnon and the Dawes Commission identified and placed upon the rolls; and there is no reason in the world, there never has been advanced any, there can not be advanced any, why those Indians who are identified and are on the McKinnon roll should not now be upon the final rolls of this tribe. That roll went on to the Secretary of the Interior. He left it an open matter until the 4th of March, 1907, when under the law the final rolls were closed, and then he disapproved that roll. I would like for some man representing Oklahoma, or anybody else, to tell me how in the world, when the United States Government appointed a commission to go to Mississippi and identify the Mississippi Choctaws, and made a roll of 1,900, that he should take 500 of them and let them appear on the rolls, let them share in the funds of the tribe, and cut out 1,100 of them that were identified under the same facts and had proven their right to enrollment. There is not any reasoning in it, and I submit, gentlemen, I submit with all sincerity, that this committee ought to see at least justice done to the full-blood Mississippi Choctaws, to those Choctaws who had been identified by the agents of the Government; who were identified by the Dawes Commission; who are now on the McKinnon roll and are not on the final rolls of the tribe.

Let me read to you what Senator Owen says about that proposition. This is from the hearings on pages 745, 746, and 747:

In the meantime Mr. Charles Curtis, a Representative from Kansas, prepared various bills (H. R. 4214 and H. R. 6702) for the protection of the people of Indian Territory, and for other purposes, which were perfected and introduced as H. R. 8581, Fifty-fifth Congress, second session. This bill subsequently became a law, called the Curtis Act. This bill, when being perfected in the committee, provided, among other things, that the Dawes Commission, in making the rolls of citizens of the Five Civilized Tribes, should observe the following rule:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Mr. A. S. McKennon, of the Dawes Commission, prepared the above as an amendment and it was adopted by the committee. It would, by legislative enactment of Congress, have barred the Mississippi Choctaws absolutely from enrollment. (Rec., 500.) The petitioner, Owen, who was exclusively engaged in the duty of looking after the claim of the Mississippi Choctaws to citizenship, was exceedingly disturbed at this provision, and immediately appealed to the Senators and Representatives from Mississippi to protect the Mississippi Choctaws against this provision. The petitioner, Owen, personally dictated an amendment to the McKennon amendment, above quoted, as follows:

"Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

And had a number of carbon copies of this provision made which he furnished to different friends as a basis of cooperation in protection of the Mississippi Choctaws.

The committee adopted the amendment above stated, as prepared by plaintiff Owen, and the perfected bill, introduced as H. R. 3581, contained said provision and thus protected the Mississippi Choctaws from the ruinous rule drafted by A. S. McKennon and which the Dawes Commission at first proposed to be put upon them.

The petitioner, Owen, moreover, insisted, in pursuance of the report of the Dawes Commission which provided that the Mississippi Choctaws would have to be identified by some competent tribunal, that the commission should be

directed to identify the Mississippi Choctaws and by the assistance of the Representatives from Mississippi, particularly of Mr. Williams and Senator Walthall, and Mr. McKennon, of the Dawes Commission, which had made the favorable report declaring the necessity of identifying the Mississippi Choctaws, Congress was convinced and passed the following provision as an amendment to the Curtis Act:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto and make reports to the Secretary of the Interior."

Messrs. Winton and Owen both appealed to Senator Walthall, and Senator Walthall had a conference with Mr. McKennon in which Mr. McKennon agreed to draft an item to protect the Mississippi Choctaws. Mr. McKennon drew this item and submitted it to Senator Walthall for his approval, and Senator Walthall did approve it, but the draft submitted to Senator Walthall was as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights to Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded February 27, 1830, and to that end to administer oaths, examine witnesses, and perform all other acts necessary thereto; and if they find such persons have removed to and in good faith become residents upon the lands in the Choctaw Nation and are entitled to enrollment under said article, they shall place their names on the rolls made by them." (Rec., 537.)

When Mr. McKennon submitted this matter to the committee the latter and vital part of the very important provision was struck out—that is, the words—

"And if they find that such persons have removed to and in good faith become residents upon the lands in the Choctaw Nation and are entitled to enrollment under said article, they shall place their names on the rolls made by them"—

were stricken out and there was inserted in lieu thereof the following words: "and make report to the Secretary of the Interior." (30 Stats., 503.)

It will thus be seen that there was a secret underhanded opposition to the Mississippi Choctaws, because it must be remembered that this roll of identification, made by the Dawes Commission March 10, 1899, and submitted by "report to the Secretary of the Interior" was pigeonholed for eight years and then disapproved without notice. This policy was ruinous, for many of the Mississippi Choctaws, full-blood Indians, relied upon the Interior Department to advise them when their identification was complete, so that they might move to the Choctaw country with safety. The Interior Department held those identified on this roll of 1899 in ignorance and uncertainty until it was too late to move and then disapproved the roll. The gross injustice of this procedure is manifest, and no pretense can be made that the controlling officials of the Interior Department really entertained any genuine sympathy with the enrollment of the poor full-blood Mississippi Choctaws.

The Secretary also refused to approve any plan proposed to finance the removal of the Mississippi Choctaws, who were too poor to remove themselves, although plaintiff Owen urged that it be done, from 1900 to 1903.

Mr. Winton thereupon went to Mississippi, and with the greatest possible activity urged the Mississippi Choctaws to appear in person before the Dawes Commission, and on March 10, 1899, Mr. McKennon made his report. (See Ex. 1, p. 509, R. L. O. Dep.) In this report the commissioner made a schedule of 1,925 Mississippi Choctaws, whom he identified as Mississippi Choctaws entitled to citizenship by treaty rights, and stated that in Leake, Neshoba, and Newton Counties there were from three to five hundred full-blood Mississippi Choctaws who did not appear before the commission.

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed and submitted by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock on March 4, 1907, without notice or warning, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Mississippi Choctaw, and finally the entire schedule was rejected without notice. Against this treatment of the Mississippi Choctaws the petitioner, Owen, from time to time vigorously protested, but in vain. It was obvious that although this report

showed that at least 2,500 full-blood Mississippi Choctaws, fourteenth-article claimants, were entitled to identification, they were poor, ignorant, and helpless, and it also demonstrates the fact that the Dawes Commission, which was expressly charged by law to identify these helpless, ignorant people, never did discharge their full duty in the premises.

The commission itself only gave 30 days to identify the full-blood Mississippi Choctaws in Mississippi and then the Interior Department pigeonholed this report and disapproved it eight years afterwards, thereby striking from the roll hundreds of acknowledged full-blood Mississippi Choctaws without hearing or notice, showing that the Interior Department and the Dawes Commission, while claiming to be the only friends the poor, ignorant Mississippi Choctaws had, were in reality pursuing a policy extremely injurious both to the final identification of the full-blood Mississippi Choctaws and to their actual enrollment and allotment as citizens of the Choctaw Nation.

When the Dawes Commission had agreed with the Choctaw authorities in the Choctaw-Chickasaw agreement of February 7, 1901, section 13, whereby the schedule dated March 10, 1899, was to be recognized as a final identification and that all full bloods should be identified, a mode of identification Petitioner Owen strongly favored and urged, the Interior Department demanded that this agreement recognizing the schedule of March 10, 1899, and the identification of all full bloods should be changed by making a radical change in section 13, striking out the recognition of the schedule of March 10, 1899, and striking out the "full-blood rule of identification."

The Choctaw and Chickasaw commissioners and the Dawes Commission agreed with the Interior Department and made this ruinous change in section 13, striking out the schedule of March 10, 1899, and the "full-blood rule of identification" and inserting a technical rule "duly identified," which would have barred 95 per cent of the Mississippi Choctaws under departmental interpretation.

This provision, as to recognizing the schedule of March 10, 1899, and the recognition of the "full-blood" Mississippi Choctaws as entitled to identification (for whom Petitioner Owen had been fighting from 1896, nearly five years) was entirely acceptable to Petitioner Owen and to Winton and his associates. This was all they had desired on this point, except that the children of such full bloods should be identified and allotted also. It was felt when this was agreed to by the representatives of the Choctaw and Chickasaw Tribes and by the Dawes Commission that a final triumph had been won, with the exception that Winton and his associates did not approve the requirement submitted in the fourteenth article of the agreement (p. 12, H. R. Doc. 490; p. 235, Ex. 1. R. L. O. Dept.), which proposed to require "all Mississippi Choctaws as herein defined to remove 'within six months after the ratification of this agreement.'" Petitioner Owen objected to the requirement that the Mississippi Choctaws should be denied citizenship unless they removed within six months from February, 1901, because the laws of Mississippi made it impossible for them to move within the crop season and comply with this proposed requirement. It was desired that they should not be required to remove until within at least six months after final identification, for the reason that until they were finally identified they had no certainty of being accepted when they did remove. Owen and Winton maintained that they should not remove at all unless they pleased. Owen defeated this agreement of 1901.

The attention of the court is earnestly called to this action on the part of the Interior Department to demonstrate the fact that Petitioner Owen had not only to deal with the opposition of the Choctaws west and their attorneys—McMurray, Mansfield & Cornish—who had a contingent fee, finally fixed at \$750,000, to defeat all claimants for citizenship in the Choctaw Nation, but had the secret and powerful hostility of officials in the Department of the Interior, who were influenced by McMurray and who did not defend these helpless Mississippi Choctaws nor carry out the law to properly and fully and finally identify them on the common-sense principles laid down in the report of the Dawes Commission of March 10, 1899—that is, the full-blood rule of evidence—and that therefore the Mississippi Choctaws had peculiar need of representation by attorneys who would with fidelity and diligence protect their interests. (P. 511, Ex. 1, R. L. O. Dept.)

And I might read other things that he says relative to that. But the facts clearly show, gentlemen, that there were about 1,100 of these Mississippi Choctaws who have been identified as Mississippi

Choctaws and who do not now appear upon the final rolls of the tribe. That is true, isn't it, Mr. Campbell?

Mr. CAMPBELL. I think it is.

Mr. HARRISON. That is true, gentlemen; and so you can imaginé, if you go and let this money be distributed among the Indians who are now upon the final roll and cut out those other Indians who have been identified but are not on the roll, what an embarrassing attitude you place the Government of the United States in. And so I submit, because I can not go into this matter as I would like, in the hearings before the subcommittee last year, of which Mr. Carter was chairman and of which Mr. Campbell was a member, we presented this matter for weeks, it is true, and I think for three days I presented the matter, and consequently I could not go into a full discussion of it in 40 minutes. But I plead with you, because I know that the gentlemen on this committee want to do what is right. I know that you want to come to a fair and honest conclusion in this matter, and I plead with you to take those hearings that were held by this subcommittee and read them, and I ask that rather than for me to impose upon your patience that you read my argument in that matter.

Now, here is the solution. I am not going to try to anticipate the arguments that the gentlemen on the other side are going to make, because they are going to contend that this matter has been settled; that the Mississippi Choctaws had full right and opportunity to go to Oklahoma and be enrolled; that the Choctaw Nation there has invited them for years to come there and be enrolled. I submit to you that if you take the brief of Senator Owen in this matter that you will see that while they were constantly inviting them there at the same time the attorneys for the tribe had a fixed contract that every one they kept off of the rolls they were to get a contingent fee for. If that is contradicted, if that is denied, then I submit the brief of Senator Owen to the gentlemen of the committee.

Mr. TILLMAN. How far back does that condition date?

Mr. HARRISON. That was mostly done after the act of 1902 was passed, which has been styled frequently as the McMurray Act, July 1, 1902. That purported to give to the Mississippi Choctaws a lot of rights and broadened their rights so that they could come into Oklahoma and get upon the rolls, but at the same time it lessened their rights. It restricted their rights and it prevented them from going there and being enrolled.

Mr. CARTER. In what way did it do that?

Mr. HARRISON. Well, I will read what Senator Owen says about that, because what I might say—I could not make anybody from Oklahoma believe anything I say about this matter. I do not say it because these gentlemen have constituents back home who are importuning them not to allow any Mississippi Choctaws to get enrolled, because when they do they know that their constituents will get proportionately that much less. I do not expect them to agree with me on this proposition, and so I think that the best authority that I could produce would be the man in whom they have confidence and who represents the great State of Oklahoma in the United States Senate, and who, I believe, knows more about the question than you, Mr. Thompson, than you, Mr. Ferris, or myself or anybody else, because he has studied it more and analyzed it so well; and I submit

that I could not pick a better authority anywhere in this country to support a contention like that than to go to the State of Oklahoma and get their leading and most distinguished citizen to prove my case.

Now, here is what Senator Owen says about it:

The act of July 1, 1902, in effect narrowed and diminished the rights previously granted to the Mississippi Choctaws by the act of May 31, 1900, *supra*, by imposing conditions which barred many of them. Plaintiff Owen continued to make efforts to protect the rights of the Mississippi Choctaws, and on March 9, 1904 (Congressional Record, 3180), United States Senator H. D. Money, of Mississippi, at the request of Petitioner Owen, had printed in the Congressional Record a memorial of the Mississippi Choctaws, prepared by said Owen, praying for an extension of time, in the following words:

"Your memorialists, full-blood Mississippi Choctaws, residents of Mississippi and of Indian Territory, most humbly pray that those who shall have been identified by the United States Commission to the Five Civilized Tribes may be permitted, at any time prior to the completion of allotments, to file their applications to said commission for allotments, and that they be not required to conform to any other rules relative to their enrollment or allotment than other citizens of the Choctaw Nation by blood."

On March 15, 1904, a like memorial of the Mississippi Choctaw Indians, prepared by Plaintiff Owen, was presented to the House of Representatives by Mr. Stephens, chairman of the Committee on Indian Affairs, and published in House Document No. 614, Fifty-sixth Congress, second session, in which it was shown the harsh manner in which McMurray, Mansfield & Cornish, attorneys for the Choctaws and Chickasaws, were construing the Choctaw-Chickasaw agreement of July 1, 1902, together with a copy of a bill in equity, prepared by that firm, to restrain the Dawes Commission from enrolling Mississippi Choctaws who had not literally complied with the most extreme technical construction of the sections 41, 42, 43, and 44 in the agreement of July 1, 1902.

An attempt was made by Petitioner Owen also on March 15, 1904, Fifty-eighth Congress, second session, in Senate bill No. 5058, to further protect the Mississippi Choctaws, but which did not succeed at that time.

Second, they imposed a condition in the articles of the Choctaw-Chickasaw agreement, in sections 41, 42, and 43 of the agreement as ratified July 1, 1902, that a Mississippi Choctaw should prove within 12 months after his removal that he had removed under penalty of forfeiture, although they well knew that such full-blood Choctaws were grossly ignorant and thoughtless people, liable to overlook the importance of this legal restriction.

The third condition, which they artfully imposed, was that the Mississippi Choctaws (who were identified a second time), who did remove within six months and who did, within a year, furnish proof, should continuously reside for three years in the Choctaw-Chickasaw country, and they attempted to construe the continuous residence as a continuous residence upon the allotted land, a thing impossible, of course, for infants and other individuals incapable of self-control. This artful contrivance was intended to defeat the Mississippi Choctaws who had complied with all previous conditions, of proving up the identification, of removing within six months, of furnishing proof within 12 months thereafter, but who might not continuously reside in the Choctaw-Chickasaw country.

These Mississippi Choctaws love to move about. They like to go from one place to another, and many of them got homesick for Mississippi, in accordance with their nature, and did not continuously reside as required by this artfully drawn stipulation.

The fourth condition was that they should furnish proof within four years that they had complied with the condition of continuous residence. The Mississippi Choctaws, being a very ignorant and thoughtless people, might easily be expected to forget to furnish this proof in accordance with this requirement.

For this reason I advocated an elimination of these unfavorable restrictions, so that the Mississippi Choctaws should not be unduly discriminated against, and procured the passage of the following act of Congress, on the 21st of June, 1906, as follows, to wit (Indian appropriation act—Five Civilized Tribes):

"No distinction shall be made in the enrollment of full-blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who had removed to the Indian Territory prior to March 4, 1906, and who shall furnish proof thereof."

Mr. ANDERSON. Answer objected to as argumentative, hearsay, and not responsive to the question.

Q. 3. Do you recall the moving cause to the securing of that particular bill or legislation? Do you recall that Mansfield, McMurray, and Cornish, as attorneys for the Choctaw Nation, brought some suits in the Indian Territory for the purpose of removing from the roll full-blood Mississippi Choctaws who had failed to reach the Territory, some of them only lacking a few days within the six months provided?

Mr. ANDERSON. Question objected to as leading.

That is page 747 of the hearings.

Now, speaking in answer to the question of how the act—

Mr. NORTON (interposing). The contention of the attorney for the Choctaws, Mr. Hurley, on that point, is it not, is that that contract provided for striking from the rolls only those who were on the rolls?

Mr. HARRISON. I think the attorneys and the Representatives from Oklahoma contend absolutely different from what Senator Owen contended as attorney.

Mr. NORTON. You have read the contract?

Mr. HARRISON. The contract is in the hearings, and it is my idea that they did have, aside from their fixed salary, a contingent fee for every one they kept from those rolls. And the proof of that was shown that they issued injunctions when they went out into Oklahoma to restrain them and prevent them from taking up allotments. In that connection let me say to the gentleman that when these gentlemen say, "We have invited these Mississippi Choctaws to Oklahoma, and they have not come," I want to say to you that in 1903—I think it was 1903, immediately after the passage of the act of July 1, 1903—Congress appropriated \$20,000 for the purpose of removing some of these Choctaw Indians from Mississippi to Oklahoma. They sent a man to Mississippi to remove them, and the \$20,000 was spent in removing 243, I think it was, of the Choctaws to Oklahoma; and in removing those 243 an indebtedness or deficit of \$1,000 was created. That indebtedness was incurred in removing just those few, when there were a couple of thousand at least absolutely full bloods at that time. And when they served notice on them, as is shown in these hearings, they only gave them 17 days notice that this agent was coming down there to remove them; and here the Indians were scattered out 50 miles, in some instances, from a railroad, in a sparsely settled country. There was no fairness in it; there was no justice in it.

I have shown you from the above extract from Senator Owen's brief how this act restricted the rights of the Mississippi Choctaws.

And you will see all through those hearings, gentlemen, that the provisions of that law absolutely restricted and diminished the opportunities for the Mississippi Choctaws to be enrolled.

Now, to show how absolutely unfair all this proposition is, and to show that we do not want anything but what is right, the attorneys for the nation, the Representatives in Congress from Oklahoma, outside of Senator Owen, contend that the Mississippi Choctaws have no legal or equitable rights to any part of the funds of this Choctaw Nation. Let me submit to you a proposition on behalf of the people of Mississippi, the Indians of Mississippi. If that is true, then they can not be heard. This committee knows, and Congress knows, that for four years the affairs of this nation have been tied up in pre-

venting per capita payment to them, because the funds would be dissipated and nothing would be left to these people in the event they ever got on the roll. Let me submit to them, if they are just and fair and want to see the right thing done, and really believe in their contention, that the Mississippi Choctaws have no legal or equitable rights, I am willing, and the Mississippi delegation is willing, that you write into this provision a per capita payment, if it can be done legally, that this per capita payment, say, of \$100, be paid with the understanding that this whole question shall go to the Court of Claims to be decided in every imaginable way, from an equitable standpoint and a legal standpoint, the differences between the United States Government and the Choctaw Nation, between the Choctaws in the West and the Choctaws in Mississippi. Let them determine and adjudicate this matter, and on that let us rest, because just as long as this matter is appearing in the Congress of the United States it can not be settled by the payment of a per capita.

In the discussion last year Mr. Burk, who was ranking minority member of this committee and at one time chairman of the Committee on Indian Affairs, suggested that the way to settle this question was to send it to the Court of Claims. Read his remarks of January 8, I think it was, 1915, on that question in the Congressional Record. Mr. Mann, leader of the Republicans on the floor of the House, stated he did not believe it could ever be settled here in Congress and suggested that the Government of the United States might be liable to the Mississippi Choctaws in the event that per capita money should be paid to those now upon the rolls of the tribe and prevent those who were entitled to enrollment from sharing in the funds of the tribe. And he suggested that it ought to be settled by some court of competent jurisdiction.

So I have prepared an amendment that I want to suggest for your consideration on this question.

The CHAIRMAN. Is it in the nature of a substitute or an amendment?

Mr. HARRISON. Let the per capita payment of \$100 be made to the Choctaws upon the roll, and write a provision in there that if this money is paid and the court should ever determine that more people were entitled to be enrolled, that that amount so paid shall be proportionately deducted from what shall be coming to them in the future. At the same time write a provision in there that the whole question of difference shall go to the Court of Claims for adjudication, and let them settle these points.

Let me say this, for the benefit of the new members on this committee, that that was a case decided back in the nineties that was brought against the Government of the United States by the Choctaw Nation in Oklahoma for certain injuries and wrongs committed, not against the Choctaws in Oklahoma, but against the Choctaws in Mississippi, and in that suit the Government of the United States had a judgment of practically \$8,000,000 for the Choctaw Nation for those wrongs done to the Mississippi Choctaws. Of course, after the expenses were deducted, etc., there was practically something less than \$3,000,000 remaining, but that money went to the individual members of the Choctaw Nation in Oklahoma, and not a cent of it went to the Mississippi Choctaws in Mississippi. And I ask is this matter going to the Court of Claims so that they

may look into that proposition, Mr. Campbell, to see whether or not those people in Mississippi are entitled to be refunded anything for that suit?

Mr. NORTON. They took out of that amount the value of the lands given to the Mississippi Choctaws and the value of the scrip?

Mr. HARRISON. No; they took out the value of the scrip that was funded—\$872,000. I want to say in that connection that not one dollar of that amount of money went to the Mississippi Choctaws. It all went to the Choctaws in Oklahoma, because under the law under which that scrip was issued half of that scrip was to be issued to the Mississippi Choctaws in Mississippi and the other half was to be issued after they removed to Oklahoma. The scrip was not issued except on the understanding that they should go to Oklahoma, and when it was funded—when this scrip was funded—it naturally went to those who held it, and those who held it were the ones who left Mississippi and went to Oklahoma. And you will find, Mr. Norton, all through the history of this proposition, notwithstanding it is contended to the contrary by those who oppose it, that the benefits and the money went to the individual members in Oklahoma and not to the poor Indians living down there in huts and hollows of Mississippi.

Mr. CAMPBELL. Would your proposed amendment save Congress and this committee and the Senate committee from claimants who are not Mississippi Choctaws and never have been?

Mr. HARRISON. Well, it would put the question up to them just to say who are Mississippi Choctaws under one provision here, to say who are Mississippi Choctaws and what they are entitled to receive, and whether they are entitled to anything against the Government, and whether they are entitled to anything against the Choctaw Nation. I think it would decide every question involved.

Mr. CAMPBELL. You know it is contended, and I have sometimes thought, with a good deal of force, that many of the claimants are not and never have been Choctaw Indians, either Mississippi or anywhere else.

Mr. HARRISON. I think that is absolutely true, Mr. Campbell, and I want to say to the committee that the hardest proposition, the thing that has affected the rights of the Mississippi Choctaws more than anything else, is the practice of some of the attorneys connected with the matter. I have got no more sympathy with the attorneys who would rob a claimant, an Indian, than any man on this committee has. I have denounced this man Powell who has gone through the country and who has robbed the people of my State by making some of them believe that he was an Indian attorney.

Mr. CAMPBELL. How about Cantwell?

Mr. HARRISON. I do not think Cantwell's operations have been as bad as this man Powell. I think the capitalization of this concern, the syndicating of it was bad, reprehensible, and was not right at all. He was trying to make money without question, but I never heard that Cantwell, or any other attorney for that matter except Powell went out—I believe Connely said he did in a few instances—went out and charged those claimants a fee of \$2.50 to write a contract for them. I might say Powell is indicted in the Federal court now in Louisiana; and I saw the Federal district attorney this summer, Mr. Jack, and I told him all the facts I knew about his opera-

tions; that I had denounced him personally in letters; that I had denounced him on the stump in my district; that I had denounced his practices; and if he thought I could be of any benefit to him in the matter of throwing any light upon Powell and his actions I would go to Shreveport and testify in the case against him. And the case was set for November 28, and I was going over there, but I got a message from Mr. Jack saying that the case had been put off, etc.

The CHAIRMAN. You have had 45 minutes. Do you desire to proceed further?

Mr. HARRISON. Just one minute more.

So I say, gentlemen, that this provision written into it would send the whole matter up to the Court of Claims. I say that in the Fifty-fifth Congress Mr. Owen said that he tried to get the matter to the Court of Claims, and that it was reported favorably—the bill was reported out of the Senate Committee on Indian Affairs, and I think out of the House Committee on Indian Affairs—

Mr. CARTER (interposing). That was before Senator Owen was a Senator?

Mr. HARRISON. Yes; I mean as attorney. Such a bill as that was reported.

Mr. NORTON. May I ask just one question there, if your contention that the Mississippi Choctaws, the Choctaws in Mississippi who remained in Mississippi, have a right to the tribal property in Oklahoma is not sustained by the court, does your case then fall?

Mr. HARRISON. Absolutely. I think it ought to be decided some way.

Mr. NORTON. Your case entirely falls then?

Mr. HARRISON. That is my idea about it. There has never been a court, in my opinion, of competent authority which has passed upon this question. The highest authority which has passed upon it was Judge Clayton in the Territorial district court, a judge whose duties are about the same as those of a Federal district judge.

Mr. CARTER. He was a Federal district judge.

Mr. HARRISON. I think it was the court of the Territorial district.

Mr. CARTER. He was a Federal judge just the same.

Mr. NORTON. That seems to impress me as being the very gist of this whole thing. The Choctaws in Mississippi may have some claim against the United States, but if their contention that they have a right to this property without removing falls, then their interest in this property that we are dealing with disappears.

Mr. HARRISON. Absolutely. I think that the question ought to be settled, because I realize what the Indians of Oklahoma are up against. I realize there are Indians out there who need this per capita payment, and I dislike, as much as any man in Congress, to be a party to withholding these funds, but there is nothing else for us to do. We would be neglecting the rights of those people if we should sit down and see their funds dissipated by being divided among them, and we believe sincerely that certain of these Indians in Mississippi ought to be enrolled. Now, either do that, gentlemen, we ask you, or strike the provision of the per capita payment from the bill, because certainly it ought not to be paid to those in Oklahoma without being paid to those in Mississippi who claim enrollment.

Or do another thing; enroll them, as was once done in an appropriation bill. Enroll the Mississippi Choctaws who have been identified on the McKinnon roll or by the Dawes Commission up until the time that the final rolls were closed. Enroll those and let them share in the proposition.

Mr. CARTER. You really had 46 minutes instead of 45. You still have 7 minutes remaining.

Mr. HARRISON. I will stop now. I really think that the right thing to do in this whole matter is to send it to the Court of Claims and let them adjudicate all the questions.

Mr. JOHNSON. Has that proposition ever been made before?

Mr. HARRISON. I do not think so.

The CHAIRMAN. Mr. Harrison, would you be willing to introduce an amendment to the bill as the basis for your proposition, sending this whole matter to the Court of Claims?

Mr. HARRISON. I will present this matter to you and this amendment that I think ought to go in. I have drawn it very carefully.

The CHAIRMAN. It ought to go to the Judiciary Committee, had it not?

Mr. HARRISON. No; I would rather put in a per capita payment; just let a provision like that be incorporated.

The CHAIRMAN. It would be subject to a point of order.

Mr. HARRISON. Yes; but I do not think if the Mississippi Members would agree to it and the Oklahoma Members would agree to it, anybody else would make a point of order against it, I am sure.

STATEMENT OF HON. JOSEPH B. THOMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA.

Mr. THOMPSON. Now, Mr. Chairman, I have not time, of course, under the time that is left me to discuss this matter fully, and I hope that I may be permitted to proceed during the seven and a half minutes that I have without being interrupted.

Mr. Harrison says that the treaty of 1820 did not provide for an allotment of lands in Mississippi to the Mississippi Choctaws who remained there. Section 9, if I remember, of that treaty provided:

All those who have separate settlements and fall within the limits of the land ceded by the Choctaw Nation to the United States, and who desire to remain where they now reside, shall be secured in a tract or parcel of land, 1 mile square to include their improvements. Anyone who prefers removing, if he does so within one year from the date of this treaty, shall be paid their full value, to be ascertained by two persons, to be appointed by the President of the United States.

That was the treaty of 1820. The treaty of 1830 simply emphasized the treaty of 1820, but provided for the removal of the Mississippi Choctaws, none of whom had removed at that time. It provided in addition to that—it changed that provision by providing that each Choctaw who remained as the head of the family might have 640 acres of land; each member of the Choctaw tribe over 10 years of age residing with the family should have 320 acres, and each member under 10 years of age should have 160 acres of land. The only difference, as I recall, between the treaty of 1820 and 1830 was the removal provision and that change with reference to the amount of land that each Indian who remained should receive.

Now the Choctaws at this time, under the statement of Mr. Harrison and the speeches that have been made by Mr. Harrison before and by Senator Williams in the Senate, have claimed their rights under article 14 of the treaty of 1830. That treaty provided that an Indian agent should be appointed who should identify these Mississippi Choctaws, and in addition give them lands as I have just enumerated. The agent who was appointed at that time, Mr. Ward, did not perform his duty. It appears that he was a drunken man, and instead of enrolling these Indians and identifying them on this roll—he identified, as I remember, 143 of the Mississippi Choctaws who remained, who were about 4,000 out of the 19,000 Choctaws that lived there at that time. Now at that time, in 1830, all of the Choctaws resided in Mississippi. The white settlements were encroaching on their country, and they wanted to get the Choctaws out of that country and into another country, and so they made this treaty providing for the disposition of 22,000,000 acres of land that included the present Choctaw and Chickasaw Nations, and 11,000,000 acres that is in 11 counties in Oklahoma now, and a part of 4 other counties west of the one hundredth meridian.

The conduct of the United States toward the Choctaws of the United States, Mr. Chairman and gentlemen of the committee, has been anything except that which honorable citizens of the United States could approve. In 1855 another treaty was made with the Choctaws and Chickasaws, providing for a lease of this land, which constituted about half of the Choctaw reservation in the West, or about 11,000,000 acres of land, to the Comanches, Kiowas, and affiliated bands. Eight hundred thousand dollars was paid to the Choctaws for this 11,000,000 acres of land—for the lease.

In 1866 another treaty was made between the Choctaws and the United States at Fort Smith, providing for absolute cession of this leased district, 11,000,000 acres, to the United States for the affiliated bands. Three hundred thousand dollars additional was paid for an absolute title to this 11,000,000 acres—in other words, making 10 cents an acre that was paid to the Choctaws for this 11,000,000-acre leased district. And in the treaty of 1866 they were required to adopt their freedmen, negroes whom they had held as slaves prior to the Civil War; and the United States in that treaty agreed to hold this \$300,000 and to remove the freedmen from the Choctaw and Chickasaw Nations. The United States failed to observe that part of the agreement, and afterwards made the Choctaws and Chickasaws adopt the freedmen, and made them give them 40 acres of land each.

Now, the matter stood in that condition until 1893, when the United States passed an act providing for the creation of the Dawes Commission, and in that act they stated that this commission was created for the purpose of creating a State out of the Indian Territory. In 1896 they passed a supplemental provision providing that the Dawes Commission should enroll, or make a roll of the members of the Choctaw and Chickasaw Tribes, and gave them 90 days to do this. The Commission to the Five Civilized Tribes attempted to do that, and it was from this decision—the decision of the Dawes Commission under this provision, this act of Congress—that the Jack Amos case came up. The Dawes Commission refused to enroll these

Mississippi Choctaws, and Judge Clayton sustained that position in the authority that Mr. Ferris cited to the committee.

In 1898 the Curtis Act was passed, containing the agreement between the Choctaws and Chickasaws and the United States for the final winding up of the affairs of the Choctaws and Chickasaws. And in that act the Government of the United States solemnly provided that in view of the provisions of this agreement between the Choctaws and Chickasaws and the United States, and by reason of the government that would be established under it, the Government of the United States and the Choctaws and Chickasaws agreed that their government should expire at the end of eight years from that time, or on March 4, 1907. And in that provision in 1898 they provided further that all of the funds and annuities of every kind should be paid to the Choctaws and Chickasaws.

Now, in 1900 another act was passed by the Government of the United States providing for the enrollment of the Mississippi Choctaws. In 1902, when the supplement agreement was made between the United States and the Choctaws and Chickasaws; and at that time the gentleman from Mississippi, who is a Member of the other branch of this Congress—I think Senator Williams was a Member of the House—took care of the Mississippi Choctaw interests and was present and a Member of the House when that provision was put in the bill. And it was put in, Mr. Chairman and gentlemen of the committee, at the suggestion of the Congress to take care of the Mississippi Choctaws, and it provided that those Mississippi Choctaws should be identified.

Now, as Mr. Ferris has said, from 1830 until 1907 the Mississippi Choctaws, every one of them who removed from Mississippi to Oklahoma, had a right to the lands of the Choctaw Tribe of Indians, and everyone who came out there—I say it without any fear of contradiction—everyone who came out there was admitted as a member of the Choctaw Tribe of Indians by the Choctaw tribal government.

The CHAIRMAN. Your time has expired, Mr. Thompson.

Mr. THOMPSON. Mr. Chairman, I am very sorry, because I had quite a number of things that I wanted to say. I wanted to specially call the committee's attention to the letter I have here from the Indian Bureau, if you could give me about three minutes more.

The CHAIRMAN. You can have that put in the record.

Mr. THOMPSON. I do not like to put it in without reading it, because it might not be read. I have a letter here which shows there is \$31,000,000 due the Choctaws and Chickasaws; and, after paying out annuities we ask, there will be something like \$25,000,000 or \$26,000,000 that these Mississippi Choctaws could get their money out of if they are prohibited from coming into this bill; provided, of course, that they have a claim against the funds belonging to the Choctaws in Oklahoma.

STATEMENT OF HON. PAT HARRISON—Continued.

Mr. HARRISON. Mr. Chairman and gentlemen, I want you to understand that it is not the gentleman from Mississippi who condemns the statements made by Mr. Owen and shows him up as a man who, under oath and as the attorney of a tribe of people, makes

an elaborate statement of facts and contends for a certain principle, and then when he gets into the United States Senate changes his opinion about the matter. I want you to know that it is the Representatives from Oklahoma that bring that charge against Senator Owen and not myself; because the fact is that I gathered from Senator Owen from what he has said in the briefs that he filed in the courts where he had taken oath to try to do the fair thing and the right thing, and if what is stated by Mr. Hastings is true, if he would state that the Mississippi Choctaws have no rights and that there is no Indian in Mississippi entitled to be enrolled, and then a few years before—two years before—he had stated under oath and as the attorney for those people that they had not received just treatment, that the laws that had been passed restricted their rights and that they were entitled to enrollment—he ought to be disbarred from practicing before any court in the world. I want the committee to know I made no such statement as that.

Let me read you what he says. Senator Owen says—

Mr. NORTON (interposing). Is this as a lawyer?

Mr. HARRISON. This is as a lawyer, when he had taken the oath to deal fairly with his clients in the courts:

Against this treatment of the Mississippi Choctaws Petitioner Owen from time to time vigorously protested.

Now, I am talking about persons who have been identified by the Dawes Commission. I know that there are people who are claiming the rights of Choctaws who are not entitled to be placed upon the rolls. I know that people are selfish, generally, and when they think they can get something they are going to do it, and that these attorneys have acted very badly in trying to divert sentiment and making certain poor people believe they have Indian blood in them when they have not such Indian blood necessary to bring them under the provisions of the treaties, etc. But what I am speaking about now is the 1,100 Mississippi Choctaws who are full bloods, who have been identified and proven to be full-blood Choctaws and entitled to enrollment on the identification roll up here that never has been approved by the Secretary of the Interior, but was discarded, and I do not think that any of those parties that Mr. Ferris calls attention to—negroes testifying about—that those cases were any of them.

Mr. NORTON. These 1,100 were discarded because they did not move to Oklahoma, were they not?

Mr. HARRISON. No reason was attached in the world. Part of them were enrolled, may it please you, and they did move to Oklahoma. Those that were enrolled moved to Oklahoma.

Mr. CARTER. Was everyone who moved there enrolled?

Mr. HARRISON. No; because it has been shown that many of them who tried to be enrolled had to come back because injunctions were gotten out against them.

Mr. CARTER. Are not those the very ones Mr. Ferris was talking about?

Mr. HARRISON. I do not know. You have spoken of particular cases in which the facts show up badly. But my friend arguing before this committee of distinguished broad-minded men who knows you can cure any provision relative to attorneys' fees—he reminds

me of a man speaking to a justice of the peace court down in Oklahoma or a jury of men who might be swayed by passion and by prejudice in showing you pictures of some negroes. On the rolls of the Choctaw Nation there are men who have not got a particle of Indian blood in their veins. There are people of pure white blood and white people with one sixty-fourth Indian blood on the rolls, and there are some Negro freedmen on the rolls. But that has nothing to do with this case. If this committee wants to do the right thing and the Interior Department wants to do the right thing, they can ferret out the people who are entitled to share in the funds of this tribe. They can go there and investigate to see which ones are full bloods or half bloods or quarter bloods, or whatever rule this committee wants to make, or the Interior Department wants to make. You can find out, because it would be easy to prove or let them show which ones have certain rights under the treaties and under the law. So all this talk about attorneys' fees we can cure very easily. We passed at the last session of Congress a provision that no attorney should base a claim for an Indian claimant without first getting the contract approved by the Secretary of the Interior. That is the law now, and in the bill which I have introduced in behalf of the Mississippi Choctaws there is a provision that the amount of attorneys' fees may be fixed by the Secretary of the Interior. There is no trouble at all about that. So, gentlemen, do not be led away by some cry that will carry you away from the real facts in this case.

I came before you, gentlemen, hoping you would adopt some provision about this, because it is not a pleasure to us to get to the floor of the House and fight this thing out for four years, as we have been doing.

The CHAIRMAN. We are very much obliged to you, gentlemen. We adopted a rule yesterday that we would only hear Members of Congress in argument on this matter, and that is the reason we have given you this entire day.

Mr. SEARS. May I make this suggestion, that the gentlemen representing both sides mail to the members of this committee such briefs or statements or references as they might desire.

Mr. HAYDEN. That will all appear in the hearing.

Mr. SEARS. But we might want to look into the matter in the meantime.

Mr. HARRISON. I would be very glad to extend my remarks in the matter, and I would be very glad if the committee would not take any action until they have looked into the arguments.

The CHAIRMAN. Without objection, then, gentlemen, we will allow additional briefs. We want to get the matter up in four days. We want to take the bill up next week if we can.

Mr. NORTON. Mr. Chairman, I reserve the right to object. I think this bill should be on the floor now, but I want to see everything that anyone can reasonably desire to put into the record, put in. But I think the matter should be closed up as soon as possible.

The CHAIRMAN. The committee will stand adjourned.

(Whereupon, at 12.15 o'clock, the committee adjourned.)

HARTWICK COLLEGE
ONEONTA, N. Y.

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INDIAN APPROPRIATION BILL, 1917

HEARINGS

Feb 1917

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

U.S. Congress



PART 4



PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.
BY
J. P. KINNEY

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COMMITTEE ON INDIAN AFFAIRS.

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INDIAN APPROPRIATION BILL, 1917.

STATEMENT OF HON. SCOTT FERRIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA.

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, I have been sick in bed for two days with the grippe and shall not try to speak very loud and will not continue very long. I wish to apologize to you, Mr. Chairman, and to the committee for the consumption of so much time on Oklahoma matters, but in the height of good humor I must say that in this instance it is of the choosing of the gentleman from Mississippi rather than ourselves. He comes here and attacks a provision in this bill which is trying to carry out two solemn treaties made with the Oklahoma Indians for the payment to them of their own money.

Now, might I for a moment, gentlemen, say one word regarding the historical phase of this matter so that we may get started off clearly.

Ninety-six years ago all of the Choctaw Indians, approximately 19,000 in number, lived in the State of Mississippi. The treaty of 1820 was made to bring about their removal. It was entered into, signed up, and in all things agreed to. Under that immediately 15,000 of the approximately 19,000 Choctaws removed to Oklahoma in obedience to the treaty and in obedience to the wishes of the Government. They acted as wards of the Government, with the Government as the supervisor. Approximately 4,000 of the 19,000 remained in Mississippi.

In 1830 Congress made an additional treaty with these Indians, still seeking to get them to remove to Oklahoma with their brethren, and in that treaty they put in the fourteenth article of the treaty which is the sole and only claim that the Mississippians have ever made to any rights for those who remained in Mississippi. Let me read it:

ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by section lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty, in such case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Now the last two lines of Article XIV is the sole thing upon which the Mississippians base their claim. There can be no other claim. They do not assert any other claim. It is all there is to it, so let us pass to that one proposition.

Between the passage of this treaty of 1830 and 1855, 3,400 of these 4,000 that remained went to Oklahoma, were enrolled, and in all things became members of the Oklahoma band of Indians, leaving approximately 700 behind. These 700 Indians had the right to go and take a section for every head of a family; to take a half section for every child over 10 years of age; to take a quarter section for every child under 10 years of age. I hold before you a complete list of Indian names of 143 families, taken from rolls of the Indian Office—it was then under the War Department. There are the names of 143 families who took their patent and deed just exactly as Congress intended them to.

Mr. CARTER. That was the heads of families, the heads of families and children, too? How many does it include all told?

Mr. FERRIS. Only 143 heads of families, but there are some others in addition. I present them to the committee so there can be no mistake about who they are, what they are, and that they actually received it.

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of art. 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335).

| Patentee. | Date of patent. | Remarks. |
|--|-----------------|--|
| Ab-be-ho-kah..... | Jan. 13, 1846 | |
| Afa-ma-tubbe..... | Sept. 3, 1846 | |
| Agnes..... | Sept. 9, 1846 | |
| Ah-be-nah-tubbe..... | Jan. 20, 1846 | |
| Ah-chee-non-tubbe..... | Sept. 7, 1846 | |
| Ah-chuk-mah-tubbe..... | Aug. 18, 1846 | |
| Ak-kah-po-tubbe..... | do..... | |
| Ah-la-mo-tubbe..... | Dec. 4, 1845 | |
| Ah-no-sa-cubbe..... | Oct. 14, 1846 | |
| Ah-num-po-lah..... | Dec. 24, 1845 | |
| Ah-to-nee..... | Dec. 4, 1845 | |
| Ah-to-hle-cha..... | Jan. 5, 1846 | |
| Ah-took-lah-ho-nah..... | Sept. 4, 1846 | |
| Ah-pa-sah-too-nah..... | Sept. 7, 1846 | |
| Ah-woon-te-nah..... | Dec. 24, 1845 | |
| Ah-wan-to-nah..... | Mar. 30, 1846 | |
| Al-la-tah-ho-yo..... | Jan. 13, 1846 | |
| Amah..... | Sept. 3, 1846 | |
| Anolah..... | Feb. 4, 1857 | And 2 children over 10 years of age and 3 children under 10 years of age at date of treaty. |
| A-nok-ae-tubbe..... | Nov. 3, 1837 | |
| Anthle-Honah..... | Sept. 4, 1846 | |
| Asholata..... | Sept. 3, 1846 | |
| Aun-ah-che-mah..... | Oct. 14, 1846 | |
| Aun-to-tubbe..... | Dec. 24, 1845 | |
| Bah-ne-tubbe..... | Aug. 18, 1846 | |
| Beams, Betsy..... | Nov. 23, 1846 | In her own right and to "Vicey," her child over 10 years of age, and to "Amy" and "Kitty," her children under 10 years of age at date of the treaty. |
| Bell, Robert..... | Dec. 14, 1846 | |
| Bo-le-ho-nah..... | Jan. 5, 1846 | |
| Brashears, Alexander..... | Sept. 17, 1841 | |
| Brashears, Delilah..... | Dec. 8, 1842 | In her own right and for her 3 children over 10 and her 3 children under 10 years of age at date of the treaty. |
| Brashears, Rachel..... | June 21, 1841 | |
| Brashears, Zadock (commonly called Zadock, jr.)..... | Mar. 29, 1842 | |
| Bryant, Louis..... | Jan. 29, 1840 | |
| Buchanan, Charles..... | Aug. 20, 1841 | |
| Buckles, Betsy..... | Feb. 17, 1838 | |
| By-ana..... | Feb. 3, 1847 | |
| Cah-mul-le..... | Jan. 13, 1846 | |
| Carney, Jeremiah..... | Apr. 13, 1848 | |
| Cha-fa-ho-na..... | Sept. 3, 1846 | |
| Chanahajo (alias Oake Chanahajo)..... | Dec. 14, 1846 | |
| Cha-tambee..... | Sept. 9, 1846 | |
| Che-caw (or Che-caugh)..... | Jan. 5, 1846 | |
| Che-mah-yo-ka..... | do..... | |
| Chuck-po-tubbe..... | Dec. 28, 1846 | |
| Christie, William..... | Sept. 21, 1841 | |

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of art. 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335)—Continued.

| Patentee. | Date of patent. | Remarks. |
|---|-----------------|---|
| Cobb, Samuel | Mar. 20, 1846 | For himself and for his children. |
| Con-chi-hee-tubbe | Dec. 5, 1845 | |
| Con-na-ho-te-mah | Jan. 20, 1846 | |
| Coon-ou-tah-te-mah | Oct. 14, 1846 | |
| Cun-e-mah-tubbe | Aug. 18, 1846 | |
| Cun-ou-tam-be | Sept. 2, 1846 | |
| Daniel | Apr. 13, 1848 | |
| Durant, Fisher | Apr. 12, 1848 | |
| Durant, Pierre | May 13, 1848 | |
| Durant, Risseze | Dec. 14, 1846 | |
| E-ah-pil-lah | Dec. 24, 1845 | |
| Eahambee | Feb. 3, 1847 | |
| Eahoo-ka-chubbee | do | |
| Eha-hah-tomah | Oct. 14, 1846 | |
| Eia | Feb. 3, 1847 | |
| Ela-ba-tubbe | Sept. 7, 1847 | |
| Do | Dec. 14, 1846 | |
| Elah-chubbe | Aug. 18, 1846 | |
| Ela-pahoka | Feb. 3, 1847 | |
| Ela-nam-tubbee | Sept. 9, 1846 | |
| Eli-o-tubbe | Mar. 30, 1846 | |
| Ehiza | Sept. 4, 1846 | |
| E-mah-ho-to-nah | Jan. 13, 1846 | |
| E-manootana | Sept. 9, 1846 | |
| E-ma-sha | Jan. 13, 1846 | |
| E-minta-ham-be | Sept. 8, 1846 | |
| E-mok-lam-be | Oct. 14, 1846 | |
| E-muck-a-to-na | Aug. 12, 1845 | And to Ko-na-la-hona Sa-ho-yo, and Ta-na-cub- bee, her children over 10 years of age; and E-la- pa-ho-ka, her child under 10 years of age at date of treaty. |
| Ey-ya-tubbe | Dec. 21, 1837 | |
| E-ya-la-ko-noh | Sept. 7, 1846 | |
| Falissa | Sept. 9, 1846 | |
| Feb-e-mah-ho-nah | Mar. 30, 1846 | |
| Fe-le-ka-chubbe | Dec. 1, 1845 | |
| Foster, William | June 6, 1844 | In his own right and to his 2 children under 10 years of age at date of treaty. |
| Garvin, Henry | July 7, 1842 | |
| Garvin, Benjamin W | Aug. 11, 1845 | For himself and 3 children under 10 years of age at date of treaty. |
| Graham, Susan or Susanna | Feb. 7, 1846 | And her child over 10 years of age at date of treaty. |
| Ha-cubbe | Dec. 6, 1845 | |
| Ha-la | Jan. 5, 1846 | |
| Hall, William | June 29, 1841 | |
| Hancock, Caroline D | June 28, 1850 | |
| Hancock, Jubal B | do | |
| Hancock, Mary M | do | |
| Hancock, William M | do | |
| Hardaway, Hartwell | Nov. 23, 1841 | |
| Harris | Apr. 13, 1848 | |
| Heccatambe | Sept. 9, 1846 | |
| He-o-te-mah | Oct. 14, 1846 | |
| Hin-o-la | do | |
| Hi-a-tubbee | Dec. 21, 1837 | |
| Hoecalahoma | Sept. 8, 1846 | |
| Ho-ka | Sept. 9, 1846 | |
| Hok-la-homa | Dec. 28, 1846 | |
| Kok-o-lo-chubbe | Dec. 4, 1845 | |
| Homer, John | June 29, 1841 | |
| Hotajahhona | Sept. 9, 1846 | |
| Hotah | Dec. 21, 1837 | |
| Ho-ta-mah | Oct. 14, 1846 | |
| Ho-te-mah-lah | Mar. 30, 1846 | |
| Ho-te-mah | Sept. 8, 1846 | |
| Ho-te-nah-chubbe | Sept. 4, 1846 | |
| Hotiah, Abbah (otherwise written Hoter). | Jan. 2, 1851 | And to her 2 children (1 over 10 years and 1 under 10 years of age at date of treaty). |
| Ho-ti-yah | Mar. 30, 1846 | |
| Ho-to-mah | Sept. 4, 1846 | |
| Ho-to-man-ka | Mar. 30, 1846 | |
| Ho-tubbe | Dec. 6, 1845 | |
| Hoo-tubbe | Oct. 14, 1846 | |
| Howell, Calvert (alias Calvin H.) | May 9, 1840 | |
| Hoyo | Sept. 3, 1846 | |
| Ho-yubbe | Dec. 11, 1845 | |
| I-am-in-tubbee | July 17, 1845 | |
| I-ath-le-pah | Dec. 24, 1845 | |
| I-bah-osh-tah | do | |

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of art. 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335)—Continued.

| Patentee. | Date of patent. | Remarks. |
|---|-----------------|---|
| Ilie-ho-nah | Sept. 7, 1846 | |
| Im-ah-ho-yo | Jan. 5, 1846 | |
| Im-ma-no-a-ho-ka | Mar. 30, 1846 | |
| Im-un-no-ubbe | Jan. 5, 1846 | |
| I-o-pon-na | Dec. 11, 1845 | |
| Isaac | Feb. 3, 1847 | |
| Isha (or Ayaha) | Dec. 14, 1846 | |
| Ish-man-tubbe | Mar. 30, 1846 | |
| Ish-mi-ah | do | |
| Ish-no-ak-ke | Jan. 30, 1846 | |
| Ish-ta-ho-le | Oct. 14, 1846 | |
| Ish-te-la-mah | Aug. 18, 1846 | |
| Ish-te-o-nah | Mar. 30, 1846 | |
| Ish-ti-hok-ta | Jan. 5, 1846 | |
| Ish-tim-e-le-chubbe | Mar. 30, 1846 | |
| Ish-tim-iah-homah | do | |
| Ish-to-niah | Jan. 13, 1846 | |
| Ish-to-nah | Mar. 30, 1846 | |
| Ispia | Jan. 2, 1841 | |
| Is-te-ubbe | Jan. 5, 1846 | |
| Is-to-noka | Dec. 28, 1846 | |
| Jacob | Mar. 30, 1846 | |
| James, Adam | Sept. 30, 1844 | |
| Jemmy | Dec. 14, 1846 | |
| Jenkins, Jack | Oct. 10, 1842 | |
| John | Oct. 14, 1846 | |
| Joel | Sept. 9, 1846 | |
| Johnson, George | Aug. 11, 1845 | For himself and 7 of his children, and to S. D. Johnson, 1 of his children. |
| Johnson, Mary | do | For herself and 2 children under 10 years of age at date of treaty. |
| Jonas | Apr. 13, 1848 | |
| Jones, John | Aug. 18, 1842 | |
| Jones, Tennessee | Jan. 5, 1846 | |
| Kan-che | Sept. 4, 1846 | |
| Kanoon-tubbe | Dec. 14, 1846 | |
| Kan-o-to-nah | Sept. 4, 1846 | |
| Ko-na-la-ho-na | Dec. 28, 1846 | |
| Koo-cha | Dec. 11, 1845 | |
| Labrouse, Mathew | Jan. 12, 1839 | |
| Lah-hah-tubbe | Jan. 5, 1846 | |
| Lah-tubbe | Mar. 30, 1846 | |
| Lap-pa-te-mah | Jan. 13, 1846 | |
| Lapissa | Sept. 8, 1846 | |
| Lightfoot, William | Mar. 10, 1843 | |
| Lila | Apr. 13, 1848 | |
| Low-ah-ho-ka | Mar. 30, 1846 | |
| Lu-ock-ho-mah | Apr. 30, 1848 | |
| Lush-ho-min-tubbe | Oct. 14, 1846 | |
| Machaia | Sept. 8, 1846 | |
| Mah-la | Apr. 12, 1848 | |
| Martha | Apr. 13, 1848 | |
| Matona | Sept. 3, 1846 | |
| McGilbry (alias McGilverry), John | June 21, 1839 | |
| McGilbry (alias McGilverry), John | Apr. 8, 1845 | As he had 4 children over 10 years of age at date of treaty, instead of 3 children. |
| McGilbry (otherwise called McGilvery), Lucy | Mar. 20, 1845 | And to Susie, her child. |
| McGilbry (otherwise called McGilvery), Turner | Apr. 8, 1845 | And to his 2 children under 10 years of age at date of treaty. |
| McGilvery, Gordon | Nov. 18, 1851 | |
| Me-ha-shan-tah | Jan. 5, 1846 | |
| Me-ah-she-cubbe | Dec. 6, 1845 | |
| Me-he-tim-ah | Aug. 18, 1846 | |
| Me-she-mah | Sept. 4, 1846 | |
| Me-hah | Oct. 14, 1846 | |
| Mima | Apr. 13, 1848 | |
| Min-ta-ham-bee | do | |
| Mol-a-tubbe | Sept. 4, 1846 | |
| Mol-la | Dec. 4, 1845 | |
| Muncrief, Sampson | Oct. 24, 1838 | |
| Murphy, George | Jan. 29, 1840 | |
| Na-con-sha | Dec. 1, 1845 | |
| Nah-ho-to-nah | Mar. 30, 1846 | |
| Nail, Benjamin | Sept. 2, 1846 | |
| Nail, Greenwood L. | do | |
| Nail, Marcelline | do | |
| Nelson | Sept. 9, 1846 | |
| No-ah-ho-nah | Oct. 14, 1846 | |
| No-a-timah | Nov. 3, 1837 | |

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of art. 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335)—Continued.

| Patentee. | Date of patent. | Remarks. |
|-----------------------------------|-----------------|--|
| Nok-e-ne-ham-be..... | Aug. 18, 1846 | For herself and for 3 children over 10 years of age and 2 children under 10 years of age at date of treaty. |
| Nok-o-an-tubbe..... | Dec. 11, 1845 | |
| No-que-ah..... | Apr. 13, 1848 | |
| No-wah-ho-na..... | July 17, 1845 | |
| Oak-la-yubbe..... | Dec. 11, 1845 | And to his 2 children under 10 years of age at date of treaty. |
| Ogalaima..... | Sept. 8, 1846 | |
| Ogleasta..... | Sept. 9, 1846 | |
| Ohoya (or Ohoyo Tom)..... | Jan. 20, 1888 | |
| O-ka-in-cheek-mah..... | Sept. 2, 1846 | |
| Ok-is-tam-bee..... | Mar. 30, 1846 | |
| Ok-la-ho-ya..... | Jan. 13, 1846 | |
| Ok-lah-kah-ho-yo..... | Sept. 7, 1846 | |
| Oklanowah..... | Sept. 9, 1846 | |
| O-na-ham-be..... | Jan. 2, 1841 | |
| Ona-hain-in-taiah..... | Sept. 8, 1846 | |
| Oon-ah-tubbe..... | Dec. 5, 1845 | |
| Oun-tah-che-ah..... | Dec. 24, 1845 | |
| Oxberry, James..... | Mar. 24, 1841 | |
| Pah-lubbe..... | Dec. 14, 1846 | |
| Panecbba..... | Sept. 3, 1846 | |
| Paress, Antony or Anthony..... | Oct. 11, 1843 | |
| Pa-sa-chubbe..... | Sept. 2, 1846 | |
| Pa-shah-ho-nah..... | Dec. 11, 1845 | |
| Pebrworth, Henry..... | May 14, 1842 | |
| Pe-his-tubbe..... | Jan. 20, 1846 | |
| Pe-tah-ab-mah..... | Aug. 18, 1846 | |
| Pie-yah..... | Sept. 7, 1846 | |
| Pinson, Betsey..... | July 2, 1842 | |
| Pis-ah-ha-mah..... | Sept. 2, 1846 | |
| Pish-tah-o-nah..... | Jan. 13, 1846 | |
| Riley, Patrick..... | Oct. 11, 1843 | |
| Robertson, Lewis..... | Sept. 28, 1842 | |
| Sahoyo..... | Dec. 28, 1846 | |
| Sa-lah-ma..... | Mar. 10, 1843 | |
| Sampson..... | Dec. 28, 1846 | |
| Shota..... | Sept. 3, 1846 | |
| Sho-tubbe..... | Sept. 4, 1846 | |
| Silas..... | Sept. 8, 1846 | |
| Shallahohoka..... | Dec. 28, 1846 | |
| Sock-a-to-nah..... | Jan. 20, 1846 | |
| Socke-tubbe..... | Jan. 13, 1846 | |
| Sow-ah-tubbe..... | Dec. 24, 1845 | |
| Stabohla (alias Stapolelona)..... | Dec. 28, 1846 | |
| stanton, Allan..... | do..... | |
| Su-Sa..... | Aug. 18, 1846 | In his own right and to Cun-nah-ho-ye-E-lah-nola, and Ona-tubbee, his children over 10 years of age, and to O-quah-ha-nah and Cun-nah-la-tubbee, his children under 10 years of age at date of the treaty. |
| Syllin..... | Sept. 8, 1846 | |
| Ta-ho-ba..... | Sept. 7, 1846 | |
| Tah-ho-pe-ah..... | Dec. 4, 1845 | |
| Tah-lah-mo-tubbe..... | Sept. 8, 1846 | |
| Tah-te-nah..... | Jan. 20, 1846 | |
| Tah-pa-nis-sto-nah-ho-nah..... | Nov. 23, 1846 | |
| Tallahomibbee..... | Feb. 3, 1847 | |
| Tanacubbee..... | Dec. 28, 1846 | |
| Tilly..... | Sept. 9, 1846 | |
| Te-hr-cubbee..... | Aug. 12, 1845 | And to Hota-tubbee, his child over 10 years of age, and Iota-tubbee and E-mo-kanah, his children under 10 years of age at date of treaty. |
| To-bla-chubbee..... | Dec. 1, 1845 | |
| Toby (alias Tobba), James..... | do..... | And to Sinai Tom, Sophia Tom, Levicy Tom, and Hamah Tom, his 4 children under 10 years of age at date of the treaty. |
| Tom, Jim..... | Feb. 26, 1841 | |
| Tom, Jack..... | Apr. 4, 1849 | |
| Tomahoka..... | Sept. 9, 1846 | Patent surrendered and new patent issued July 14, 1848. |
| To-ne..... | Mar. 30, 1846 | |
| Took-lah-tubbe..... | Oct. 14, 1846 | |
| Turnbull, William..... | Oct. 11, 1843 | |
| Tus-ka-ah-tubbe..... | Oct. 14, 1846 | |
| Tuskiaha..... | Dec. 14, 1846 | |
| Tussaka..... | Dec. 28, 1846 | |
| Tu-wah-kee..... | Oct. 14, 1846 | |
| Tu-wa-tu-cha..... | Mar. 10, 1843 | |

List of Mississippi Choctaw Indians to whom patents were issued for land under the provisions of art. 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335)—Continued.

| Patentee. | Date of patent. | Remarks. |
|------------------------|-----------------|----------|
| Tu-wa-tu-cha..... | July 14, 1848 | |
| Ub-aheni-ah..... | Dec. 5, 1845 | |
| Un-ah-han-tubbe..... | Sept. 2, 1846 | |
| Un-ah-tubbe..... | Jan. 13, 1846 | |
| Un-ta-hi-o-che..... | Dec. 4, 1845 | |
| Un-tim-ah-ho-nah..... | Sept. 7, 1846 | |
| Walker, John..... | June 29, 1841 | |
| Ward, Tobias..... | Sept. 3, 1846 | |
| Wa-tubbe..... | Dec. 24, 1845 | |
| Wes-hock-she-homa..... | Sept. 3, 1846 | |
| Wesley..... | Feb. 3, 1847 | |
| Ya-ha-mah..... | Sept. 2, 1846 | |
| Yem-e-tubbe..... | Dec. 24, 1845 | |
| Yem-ma-huhbe..... | Sept. 2, 1846 | |
| Yem-o-ho-nah..... | Sept. 7, 1846 | |

¶ The CHAIRMAN. What is the date of that roll? These rolls are all available in the Indian Office here in Washington.

Mr. FERRIS. It was the Douglas-Cooper muster rolls. That shows them, and there were War Department records transferred to the Indian Office and can be had in the Indian Office.

The CHAIRMAN. What year was it made in?

Mr. FERRIS. Between 1830 and 1855, along during that period. The dates they received patent is opposite their respective names in each case.

Later came an act of Congress which provided that for those who would not take land—and there was some maltreatment of Indians, by some Government agent, as suggested by Mr. Harrison—land was not worth much at that time and only 143 families would take it. Congress came along and made a supplemental provision for these and said they may have scrip, which is a certificate which allows them to take land anywhere in three or four States that they desire.

I hold in my hand a list of Indians that received scrip, 3,885 of them in number, and there are the Indian names. Here are the dates on which they received it. This is also from the Indian Office. I will pass this around so that you can see it. I will also incorporate it in the record so it can be referred to later. It is as follows:

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842 (5 Stat. L., 513), in view of land to which they were entitled under article 14 of the treaty of Sept. 27, 1830 (7 Stat. L., 333-335).

| | |
|------------------------------|------------------|
| Anolata. | Anocwaatonah. |
| Aletisteia. | Atanahajo. |
| Anonitama. | Apatubbee. |
| Ashahoma. | Athpota. |
| Alonesa. | Antamba. |
| Anontamla (or Anotaioubbee). | Aleisteia. |
| Anontona. | Alahotema. |
| Anointubbee. | Anekcheto. |
| Anatambee. | Apolo-apah. |
| Ataiahona. | Ashatema. |
| Alamantubbee. | Akostellatubbee. |
| Alahoma. | Alchma. |
| Anaintubbee. | Atakohubbee. |
| Alanantubbee. | Altona. |
| Ahotema. | Anahoyo. |
| Akomotubbee. | Atabotema. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|--|--|
| Ashahema. | Ah-hath-la. |
| Alanintubbee. | Ah-pe-sah-tubbee. |
| Apala-hoka. | Ah-lo-min-chubbee. |
| Ancubbee (or Ooncubbee). | Ah-mak-ham-ubbee. |
| Alatahoma. | Ah-no-ah-ha-cubbee. |
| Ahtolahoka. | Ah-no-skoo-nah. |
| Anontee-na. | Ah-ho-tu-nah. |
| Allah-ho-te-mah. | Ah-nc-ho-tim-ah. |
| Ah-fah-mo-ah. | An-tim-ah. |
| Ah-te-ubbee. | Ah-na-hoak-ho-nah. |
| Ah-pock-ah-mah-tubbee. | Ah-chuck-ma. |
| Ah-tah-chubbee. | Al-me-ho-ye. |
| Ah-te-uh-la-ho-ka. | Ah-ho-nah. |
| A-o-nah-ha-mah. | Ah-na-tim-ah. |
| A-low-a-ho-nah. | Al-moon-tubbee. |
| Ah-pock-ar-mah. | Al-e-he-mah. |
| Ah-chah-fah-tubbee. | Ah-la-che. |
| An-no-sa-tubbee (or Pessahtubbee). | An-un-tim-ah. |
| A-bon-wa-te-mah. | As-she-ap-ki-ka. |
| Ah-ta-hah. | Ah-kah-ne-ubbe. |
| A-he-ah-tubbee. | Ah-no-le-chubbe. |
| Ah-ne-la-he-yo. | An-thle-no-nah. |
| Ah-took-ko. | Ah-be-ho-ka. |
| Ah-po-to-tubbee. | Ah-chaffa-ho-nah. |
| Ah-no-yo-ka. | Ah-che-lah. |
| Ah-chah-fah-le-mah. | Ah-be-ne-tubbe. |
| Ah-ho-te-mah. | Ah-moon-to-nah. |
| Ah-lah-ka-tubbee. | Ah-took-co-la (alias Andrew Wier, i. e., Ware). |
| Ah-fah-mo-ah. | Ah-take-ah-ho-nah. |
| Ah-no-ah-ka. | Ah-ish-tim-ah. |
| Ah-la-mah-ho-nah. | Ah-bah-ka-tubbee. |
| Ah-na-sa. | Ah-be-ho-nah. |
| Ah-no-le-che-mah. | An-ok-mah. |
| Ah-pok-ah-nan-tubbee. | Abit-ish-tiah. |
| Ah-pa-sah. | Ah-to-ko-tubbe. |
| Ah-no-lah. | Al-be-ish-to-nah. |
| Ah-lock-ka-cha. | Ah-che-to-nah. |
| Ah-to-nubbee. | Ah-look-lin-tubbee. |
| Ah-la-chubbee. | A-mah. |
| Ah-to-shoubbee. | Ah-no-le-ho-na. |
| Ah-min-tubbee. | Ah-cho-ah-ho-ka. |
| Ah-pah-lah-ho-nah. | Ah-sha-ho-ka. |
| Ah-lo-co-tubbee. | Ah-bah-pil-a-ba-ka. |
| Ah-took-la. | Ah-kas-te-ma-tubbee. |
| Ah-pah-tubbee. | Ah-noo-se-ho-nah. |
| Ath-tubbee. | Ah-to-chubbe. |
| Ah-mesa-cubbee. | Ah-fab-moon-tubbee. |
| Ah-pah-sah-te-mah. | Ah-te-ko-tubbe. |
| Ah-mo-gla-tubbee. | Ah-nubbe. |
| Ah-chi-ah-tubbee. | Ah-took-ah-li-ah. |
| Ah-be-hah-tah. | Ah-he-o-ke. |
| Ah-sha-la-tubbee. | Ah-tah-ho-nah. |
| Ah-ho-la-to-nah. | Ah-lo-me. |
| Ah-chah-pa-tubby. | Amah. |
| Ah-na-chubbee. | Ah-pe-la-tubbe. |
| Ah-no-fa-nubbee. | Ah-be-tah-tah. |
| Abba-ho-nah. | Ath-la-ho-yubbe. |
| Ah-nook-tah-lubbee. | Ah-che-tubbe. |
| Ah-moon-pish-ah-cha (or He-tuck-loc-ah). | Ah-toke-ah-to-nah. |
| Ah-to-la. | Ah-che-ah-tubbe. |
| Ah-no-ka. | Ah-che-bah. |
| Ah-to-nan-ka. | Ah-mok-le-tubbe. |
| Ah-took-ah-lah. | Ah-he-kah-ho-nah. |
| Ah-to-no-ham-bee. | |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|-------------------------|----------------------|
| Ah-yo-mah-te-kah. | Au-uk-fil-le-te-mah. |
| Ah-lo-mah-tubbe. | Ab-it-is-te-ah. |
| Ah-hooklin-tubbe. | Ah-she-chin-ah. |
| Ah-shal-in-tubbe. | Ah-le-ho-ka. |
| Ah-muk-fil-le. | Ah-tubbe. |
| Ah-lo-ko-tubbee. | Ah-ne-ho-te-mah. |
| Ah-took-la-ho-ka. | Ah-pis-sal-la. |
| Ah-fa-ko-me-ho-nah. | Ah-ho-yo. |
| An-it-im-ah. | Ah-mi-yah. |
| Al-mo-tubbe. | Ah-cha-pa-ho-nah. |
| Ah-ho-la-tim-ah. | Ah-she-lah. |
| Ah-thlup-pik-chi-ah. | Ah-pa-sa-tan-be. |
| Al-be-hah-tubbe. | Ab-la-che. |
| Al-be-ho-chi-ah. | Ah-wa-che-ho-nah. |
| Ah-ki-sah. | Ah-puk-yo-hubbe. |
| Ah-ho-nah. | Ab-be-ish-ti-yah. |
| Ah-chuck-mah-he-ah. | Atuk-lam-be. |
| Ah-ko-moon-tubbee. | Ah-pah-lah-ho-nah. |
| Ah-look-la-tubbe. | Ab-ti-ti-yah. |
| Ah-ka-ko-tubbe. | Ah-fah-mah. |
| Ah-lo-te-shubbe. | Ah-fa-ko-ma-to-nah. |
| Ah-la-chun-ah. | Ah-chuk-ma-tubbe. |
| An-ha-tun-ah. | Ah-took-la-ho-mah. |
| Ah-tho-me-ho-nah. | Ah-no-la-ho-nah. |
| Ah-e-nah. | Ah-koo-chun-tubbe. |
| Ah-kah-pul-e-tubbe. | Ah-che-le-tah. |
| Ah-to-ho-tubbee. | Ah-cho-mah-kah. |
| Ah-be-ho-nah. | Ah-lo-mah. |
| Ah-pa sah-ho-ka. | Ab-be-ho-nah. |
| Ah-pa-la-ho-nah. | Ah-lah-nah-tubbe. |
| Ah-tah-ho-nah. | Ah-no-ah-tubbe. |
| Ah-che-ah. | Ah-took-lah-tubbe. |
| Al-moon-to-nah. | Ah-nook-we-ah-che. |
| Ah-fah-moon-tubbe. | Ah-ka-che-ho-nah. |
| Ah-sho-me-kah. | Ah-nook-lah. |
| Ah-ash-tubbe. | Ah-lo-mah-tubbe. |
| Ah-no-ah-ham-bee. | Ah-to-la. |
| Ah-ha-cam-bee. | Ah-cha-fo-tubbe. |
| Ah-ha-to-nah. | Ah-che-lah. |
| Ah-no-sa. | Ah-pa-sa-ho-nah. |
| Ah-be-ne-tubbe. | Ah-nook-fille. |
| Al-be-ho-nah. | Ah-ne-po-tubbe. |
| Ah-to-la-te-mah. | Ab-it-ik-ah-ne-wah. |
| Ah-tah-le-ho-nah. | Ah-pa-san-tubbe. |
| Ah-chiah. | Ah-fa-ko-me. |
| Ah-chah-ah-tubbee. | Ah-cha-le-tah. |
| Ah-wah-te-ah. | Ah-che-ah. |
| An-tubbe. | Ah-pe-lah. |
| Ah-lo-sho-mo-tubbe. | Ah-cha-fo-ho-nah. |
| Ah-ho-te-nah. | Ah-nook-fille-hoka. |
| Al-be-te-ah. | Ah-ne-hoon-tubbe. |
| Ah-tah-le-ah. | Ah-che-to-nah. |
| Ah-noo-tom-be. | Ah-hak-po-tubbe. |
| Ah-nook-wah-ah-too-nah. | Ash-tubbe. |
| Ah-tah-be-le-ho-nah. | Ahe-min-tubbe. |
| Ah-to-catch-a. | Ah-fa-no-tubbe. |
| Ah-unk-fa-la. | Ah-cha-po-tubbe. |
| Ah-no-ah-ta-cubbe. | Ah-nook-we-ah. |
| Ah-e-o-ka-tim-ah. | Ah-no-sa-tubbe. |
| Ah-pe-le-tubbe. | Ah-po-to-he. |
| Ah-che-ah-ho-nah. | An-cha-to-nah. |
| Ah-to-no-ho-nah. | Ah-no-la-tubbe. |
| Ah-pa-la-ho-nah. | Ah-pa-sa-ho-nah. |
| Ah-no-ah-tam-be. | Ah-no-si. |
| Abbe-to-ble-tubbe. | An-tubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|--|-------------------------------|
| Abbe-took-chi-ah. | Ah-man-tubbe. |
| Ah-che-ah-so-nah. | Al-o-ma-cha. |
| Ah-took-li-ah. | Ah-pe-hah-tubbe. |
| Al-a-te-mah. | Ah-chuck-mish-tubbe. |
| Ah-nook-fil-la. | Ah-no-ha. |
| Ah-nook-hum-ah. | Ah-to-be-tubbe. |
| Ah-lo-mah-ho-nah. | Ah-no-la-che-mah. |
| Ah-chuk-mo-ho-yo. | Ah-took-ah-lah. |
| Ah-che-ah. | Ah-chuck-mah-to-tubbe. |
| An-tah-ho-nah. | Ah-to-kah. |
| Ah-look-le-tubbe. | Ah-take-ah-te-mah. |
| Ath-ta-lam-la. | Ah-to-bah-tubbe. |
| An-ta-te-mah. | Ah-pis-ta-ka-tubbe. |
| Ah-noon-tubbe. | An-tah-ha-mah. |
| Ah-took-lan-tubbe. | Ami-yah (or Emi-yah). |
| Abbe-neen-tubbe. | Ah-wa-tu-nah. |
| Al-noon-tubbe. | Ah-to-lah-tubbe. |
| Ah-cha-kah-hoo-nah. | Ah-che-to-nah. |
| An-chok-to-nubbe. | Ah-chick-mah-ho-nah. |
| Ah-the-ho-nah. | Ah-lo-wa-tubbe. |
| Ah-pa-sah-ho-ka. | Ah-hum-me. |
| Ah-no-si. | Al-be-tiyah. |
| Ah-fa-ma-ho-ka. | Ah-po-la-chubbe. |
| Ah-nook-cha-mah-ho-nah. | Ash-wak-tubbe. |
| Al-be-chef-fah. | Ah-ho-nah. |
| Ah-che-ubbe. | Ah-ca-no-tubbe. |
| Ab-no-la-ham-bee. | Ah-che-toma. |
| Ah-wa-che-ho-nah. | Ah-che-le-tubbe. |
| Ah-wah-che (alias Ah-wah-che-ho-nah). | Ah-cho-ah. |
| Ah-nook-che-to. | Ah-no-wah-tubbe. |
| Ath-ko-la. | Ah-moon-ti-yah. |
| Ah-tah-she-nah (alias Hash-tah-sho-nah). | Ah-chuck-mah-to-ka-tubbe. |
| Ah-po-tubbe. | Ah-onk-tim-ah. |
| Ah-hom-lah. | Ah-oon-tam-be. |
| Al-moon-tubbe (or Oon-an-cha-tubbe). | Ah-tuk-la-me-ho-nah. |
| Ah-man-to-nah. | Ah-ha-tam-be. |
| Ah-pok-a-mah. | Ah-ta-hubbe. |
| Ah-took-ah-lan-tubbe. | Ah-ho-yo-tubbe. |
| Ash-ka-ma. | Ah-ho-gla-cha. |
| Ah-be-ti-ah-ho-ka. | Al-is. |
| Ah-yo-ah-ho-nah. | Ah-cha-fon-tubbe. |
| Abbe (or Ah-nah-be). | Ah-pa-san-tubbe. |
| An-an-to-ma. | Ah-be-chunk-tah. |
| Ah-ne-he-nah. | Ah-chu-nan-tubbe. |
| Ah-chah-le-ho-nah. | Ah-pa-sam-la (or Pa-sam-lee). |
| Ah-fum-ah-took-a-lo. | Ah-ho-nah. |
| Ah-to-ga-te-mah. | Ah-fah-nah. |
| Ah-ne-he-mah. | Ah-fun-nee. |
| Ah-nook-we-ubbe. | Ah-pul-e-chubbe. |
| Ah-pa-lah-to-nah. | Ah-ho-ka. |
| Ah-toog-la-he-nah. | Ah-kah-me-zubbe. |
| Ah-le-ho-tonah. | Ah-cah-lah-honubbe. |
| Ah-to-ble-cha. | Ah-pa-nam-tim. |
| Ash-chin-tubbe. | Ah-chuf-fah-take-ubbe. |
| Ash-te-ah-ho-nah. | Ah-chunk-ma-ho-ka. |
| Ah-chi-ah. | Ah-po-la (or Big Billy). |
| Ah-chin-tubbe. | Ah-nook-chin-to. |
| Ah-chuck-mah-tubbe. | Ah-pa-sa-ka. |
| Abbe-ho-yo. | Ah-the-o-hubbe. |
| Ash-ho-nah. | Ah-ka-na-la-tubbe. |
| Ah-wan-tubbe. | An-ta-ho-na. |
| Ah-po-to-le. | Allice. |
| Ah-took-ah-lan-tubbe. | Ah-to-ko-ah. |
| Ah-la-mah-ho-mah. | Alth-to-ca-ho-nah. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|------------------------------------|---|
| Ah-chuk-a-la. | Al-it-o-nah. |
| Ah-can-non-tubbe. | Bun-na-ho-na. |
| Ah-le-noon-tubbe. | Bo-leho-na (alias To-lo-le-ho-na). |
| Ah-mo-te-ah. | Binia. |
| Ah-pah-ta-tubbe. | Butah. |
| Ah-be-ho-ka. | Bling-a-tubbe. |
| Ah-pa-kah-tubbe. | Ba-maha. |
| Al-ca-in-ta. | Beck-y. |
| A-num-brilla. | Bi-a-ta. |
| Ak-an-ubbe. | Bil-la. |
| A-che-ho-ka. | Bah-fo-cubbe. |
| Augustin. | Bah-pis-sah. |
| Ala-ti-ya (alias Ho-le-te-a). | Be-lin-go-nah. |
| A-be-ha-ya. | Beckey. |
| Ah-nook-fa-lah. | Bun-na-chubbe. |
| Ah-to-sho-tubbe. | Bah-sa. |
| Ah-pa-hah (alias Johnny Walk). | Be-lin-kat-tah. |
| Ah-pis-ah-te-mah. | Be-nah. |
| Ah-nah-ho-te-nah. | Be-nan-cha-ho-ka. |
| Ah-min-tubbe. | Bah-fun-ka. |
| Ah-no-sa-cubbe (or No-sa-cubbe). | Ben. |
| Ah-cha-can-tubbe. | Bun-ah-tu-nah. |
| Ah-lah-ho-ka. | Bum-ah-tah-ka (or Tik-be-ubbe). |
| Ah-pa-lah-ho-nah. | Becka. |
| Ah-lah-ta-mah. | Bessy. |
| Ah-pa-san-tubbe. | Buch-ah-hono. |
| Ah-took-ah-lah-him-ah. | Be-nan-che. |
| An-a-in-ta. | Bah-la-ho-nah. |
| At-ta-tam-ca. | Bah-ho-te-nah. |
| An-ti-kubbe. | Bah-te-nah. |
| A-to-ni-cubbee. | Bah-ah-nubbe. |
| A-cha-i-a-tubbe. | Bo-la. |
| An-ti-cub-kubbee. | Bah-na-tubbe. |
| Ah-be-hat-tah. | Ba-ho-nah. |
| Ah-fo-kah-tubbe. | Ba-ha-ka. |
| Ah-ne-te-mah. | Bah-ka-tubbe. |
| An-ok-che-to. | Be-nin-tubbe. |
| Ab-a-wa-la. | Bah-nubbe. |
| A-po-la-tubbee. | Bell David. |
| Achi-a. | Basey. |
| Al-a-la-ko-la. | Becky. |
| Ash-o-mo-ta. | Bu-mah. |
| A-hath-la. | Bat-sey. |
| An-na. | Be-lin-go-nah-gohn. |
| A-ya-to-na. | Bah-nah-tubbee. |
| Ah-o-la-ta. | Bah-tubbee. |
| Ah-la-ha-ma. | Bah-na-che. |
| Al-a-te-ma. | Be-na-tam-le. |
| Ano-la-ho-na (alias Yin-ma-ne-la). | Boh-tubbe. |
| A-cha-la. | Boh-cha-lah. |
| Ah-be-coo-chah. | Bi-o-glah. |
| An-thle-hubbe. | Bo-ha-le. |
| Ans-coon-la-tubbe. | Bah-na-tubbee. |
| Ah-tuk-la-me-ho-nah. | Bob Captain (alias Mingo-ho-nah). |
| Ah-cho-man-tubbe. | Belink-at-tah. |
| Ash-tubbe. | Can-a-ho-yo. |
| An-tu-nah. | Chompah. |
| Aush-tubbe. | Che-mo-na. |
| Ah-hi-o-tubbe. | Chickasa. |
| Ah-chuck-a-la-mah. | Cun-nea-ho-na. |
| A-hu-ta. | Cun-nea-tubbee. |
| Amos. | Charles. |
| An-un-tubbe. | Con-sha-tubbee. |
| Ah-fa-koma. | Chis-he-ho-ma (alias Capt. Red Post Oak). |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|--|------------------------------|
| Conam-o-mubba. | Cun-e-mah-tim-ah. |
| Chonk-choo. | Cun-un-tah-lee. |
| Can-on-e-ta-la. | Can-un-tah-mah. |
| Cun-ne-a-tubbee. | Cun-e-ubbe. |
| Chom-pa. | Cun-e-mam-lee. |
| Chok-ma-he-ma. | Cun-e-me-yubbe. |
| Can-che-te-ma. | Co-ah-ho-mah. |
| Cunnam-an-tubbee. | Cun-e-mah. |
| Can-cha-to-na. | Chaffa-to-nubbe. |
| Chil-le-tam-la. | Cun-e-o-te-kah. |
| Can-cha-ho-ka. | Che-kah. |
| Chonnis. | Cun-e-mah-ho-nah. |
| Chuffa-to-na. | Chin-alle. |
| Can-pa-lubbee. | Chille. |
| Che-hom-bee. | Captain Bob (or Mingol oma). |
| Co-cha-tubbee. | Che-ma-ho-ka. |
| Cun-na-cha. | Co-tah. |
| Cun-ne-chubbe. | Chal-le. |
| Cah-to-nah. | Chak-al-e-che. |
| Che-no-lah. | Cun-e-te-mah. |
| Charles. | Con-cheto-nah. |
| Chuffa-ta-no-la. | Che-po-lah. |
| Co-hick. | Chah-hubbe. |
| Cun-ne-chubbe. | Cun-e-ish-tu-nah. |
| Cah-la-tubbee. | Cun-e-o-te-mah. |
| Cun-ne-ubbee. | Can-e-tam-le. |
| Cun-ne-ah-tubbee. | Chul-le. |
| Cah-la-tubbee. | Coon-oon-tan-te-mah. |
| Cun-ne-o-nah. | Cun-noon-to-mah-la-ho-ka. |
| Cun-ne-ah. | Chah-ah-tubbe. |
| Chuffa-tubbee. | Con-ah-la-chubbe. |
| Cun-ah-he-mah. | Che-ho-nah. |
| Carson. | Chum-pah-te-mah. |
| Cah-to-nah. | Cun-ne-mah-chubbe. |
| Com-pal-tubbee. | Che-ho-te-mah. |
| Con-noon-tam-lee. | Cun-ubbe. |
| Chamis. | Chuf-ah-tam-be. |
| Cun-ne-ish-to-nah. | Con-che-ho-ka. |
| Charles. | Cun-e-mah-tim-ah. |
| Cah-la-ho-na. | Cun-ah-min-chubbe. |
| Cun-ne-che-nah. | Chane. |
| Cun-a-la-to-nah. | Cun-e-mo-nubbe. |
| Cun-ne-mo-nubbee. | Chan-le. |
| Ce-lia. | Cun-e-me-tim-ah. |
| Cun-ne-ubbee. | Cuu-u-ta-cubbe. |
| Cun-na-see. | Con-she-ho-yo. |
| Cun-ne-ho-chubbee. | Chef-fa-to-nah. |
| Co-chubbee. | Charles. |
| Cun-noon-ta-mah-ho-nah. | Chit-o-kubbe. |
| Cun-noon-tah-cubbee. | Chif-fa-ti-yah. |
| Cun-noon-tah-cubbee. | Chuf-fa-ho-ka. |
| Creesay. | Chook-mam-le. |
| Cun-ne-tam-bee. | Cha-le-ho-nah. |
| Con-che-te-mah. | Chaf-ubbe. |
| Chah-ley. | Cheffa-to-nah. |
| Cun-no-ma-tubbee. | Che-co-tubbe. |
| Cus-cahtick-lah (or Yock-a-na-ho-mah). | Cha-wah-te-ah. |
| Chille-tah. | Chick-a-mah. |
| Cun-na-mam-lee. | Chef-fa-to-no-wah. |
| Chin-sah. | Cha-lan-tah. |
| Cun-noon-tah-chubbee. | Chick-a-sah-ho-ka. |
| Chum-tah. | Chef-to-ti-yah. |
| Cun-ah-ha-mah. | Cho-ho-ka (or Ah-chu-wah). |
| Cun-e-mam-la. | Che-mah. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|-------------------------------------|------------------------------------|
| Chuk-fy-noo-sa. | Che-ni-la-ho-ka. |
| Chil-le-tam-be. | Con-o-he-mah. |
| Chuf-fa-tu-nubbe. | Con-sha-ho-nah. |
| Chef-fa-tu-nubbe. | Cun-oon-ta-kah. |
| Chef-fa-ho-ka. | Chuf-fa-tubbee. |
| Chick-oon-tubbee. | Che-ho-a-to-na. |
| Chif-fo-ti-ya. | Cha-cha. |
| Chuf-fa-tubbee. | Cha-co-nubbee. |
| Chef-fah-bin-lubbe. | Co-cha-tam-co. |
| Cun-ne-tam-be. | Carson (or Ka-chi-en). |
| Che-lok-kee. | Chuf-fa-ta-no-la. |
| Chick-e-mah-yo-ho. | Cham-pa-ya (or Sham-pi-a). |
| Chum-pah-te-mah. | Choom-pa-ho-ka. |
| Can-o-me-tubbe. | Chuffa-tubbee. |
| Cun-e-ah-he-mah. | Cobb Pickens. |
| Cun-e-ah-hok-tah. | Cobb, Any. |
| Cun-e-moon-tubbe. | Cobb, Molly. |
| Cun-oon-te-mah-homah. | Chuffa-to-ke-ubbe. |
| Cum-un-mubbee. | Chook-ah-tal-le. |
| Cun-e-ah-ston-ah. | Cush-o-nah. |
| Cousin. | Chil-le-ta. |
| Con-ah-la-cha. | Cun-oon-tick-cah. |
| Con-sha-lah. | Cune-me-tim-ah. |
| Cun-oun-tam-be. | Chok-tah-ho-ma (or Pis-it-ti-yah). |
| Cun-e-mah-tubbee. | Chas-po-ho-nah. |
| Con-e-moon-tubbee. | Che-mah-le-ho-ka. |
| Con-sha-ho-ka. | Cut-te-o-to-mah. |
| Cun-e-mo-nubbee. | Cun-ne-me-ubbe. |
| Choom-pah. | Caleb, John. |
| Chum-pah-ho-ka. | Con-she-ho-ka. |
| Chah-e-te-mah. | Cole, Colbert. |
| Cun-ne-ah-ho-nah. | Cole, John. |
| Con-che-ton-nah. | Cole, Augustin. |
| Chum-pah-te-mah. | Dyer, Lucinda. |
| Cun-e-o-to-nah. | Dyer, Nelly. |
| Cun-ne-te-nah. | Dyer, Jeremiah. |
| Che-cah-ta. | David. |
| Cha-po-la. | Dixon. |
| Chick-a-sha. | Davis. |
| Che-mi-o-ka. | Dennis. |
| Cut-tah-ho-chubbee. | Durant, Pierre. |
| Che-ah. | Durant, George. |
| Chief-fah-tam-lee. | Durant, Vina. |
| Cun-ne-tubbe. | Durant, Sylvester. |
| Cun-ne-o-to-nah. | Durant, Jefferson. |
| Chubbee. | Durant, Isham. |
| Chah-la. | Durant, Sophia. |
| Com-pa-lubbee. | Durant, Charles. |
| Cun-ne-tam-bee. | Dyer, Polly. |
| Cut-a-po-la. | E-o-ta. |
| Chik-mah-em-ah-tubbee. | E-mait-cha-tubbee. |
| Cun-e-me-to-nah. | Esteeupunna-koka. |
| Cole-Coleman. | E-la-ho-yo-ta-ma. |
| Colbert. | E-mach-o-nubba. |
| Cham-a-ha-jo. | Em-a-la. |
| Che-po-ka. | E-mam-ba. |
| Cah-te-mah. | E-la-to-nubbee. |
| Cha-fahn-to-nah. | E-li-che-to. |
| Can-cha-ho-nah (or Tan-cha-ho-nah). | Ea-to-na. |
| Cuffah-ka. | Een-puk-a-nubbee. |
| Cun-ne-mah. | Eli-lubbee. |
| Co-chubbee. | Ea-ish-ya. |
| Cun-oon-ta-mah. | E-muth-pa-sa-lubbee. |
| Cun-oon-ta-bee. | E-me-she-ho-na. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|---------------------|-------------------------------------|
| E-lo-tu-ne. | E-mish-ah-ho-nah. |
| Ema-ho-na. | E-ah-ho-chubbe. |
| E-yo-ko-tubbee. | E-ru-nubbe. |
| E-laah' a ho-na. | Eah-kiah-ho-ka. |
| Eli-an-ne-ho-nah. | E-ha-ho-nah. |
| E-a-chub-bee. | E-lap-o-tim-ah. |
| E-a-han-tubbee. | E-male-le. |
| E-man-o-a-tubbee. | E-lah-ho-tim-ah. |
| Ea-ho-na. | E-lah-u-kah. |
| E-la-is-te-ma. | E-ca-we-che. |
| E-la-cha. | E-lah-pish-te-ah. |
| E-ma-ho-na. | E-lah-ho-ka. |
| E-lah-ho-te-mah. | E-lah-in-im-ah. |
| E-lah-so-quah. | E-ah-ho-ka-tubbe. |
| E-yok-a-ma-tubbee. | E-yak-o-tubbe. |
| E-mock-mahn-tubbee. | E-lah-tam-be. |
| Eho-ah-to-nah. | Eah-to-chubbe. |
| Eah-la-ho-nah. | E-ah-ho-kah-tubbe. |
| E-ho-yo. | E-lah-ne-ho-nah. |
| E-ah-ho-ke-ta. | E-glen-ubbe. |
| Emah-ho-kah. | E-lu-nah-tubbe. |
| E-lah-moon-tubbee. | E-le-no-ah-chubbe. |
| E-a-mock-in-tubbee. | E-ah-tah-ah-ho-mah. |
| E-mo-mah-ho-ka. | E-le-mah-ho-mah (or La-mah-ho-nah). |
| E-ah-ho-nah. | E-mo-nubbe. |
| Eah-ho-nubbee. | E-lah-u-kah. |
| E-man-te-ah-ho-ka. | E-cah-le-ho-nah. |
| E-ah-chubbee. | E-li-o-te-ka. |
| E-lam-bee. | E-klen-ah-tah (or E-glen-ah-tubbe). |
| E-ah-tubbee. | E-ah-ho-ka. |
| E-o-tubbee. | E-ki-o-nubbe. |
| E-lah-nubbee. | E-lah-ha-cubbe (or Il-ah-he-kah). |
| E-low-e-te-mah. | E-ah-to-nah. |
| E-yosh-moon-tubbee. | E-li-o-te-mah. |
| E-o-nah. | E-lap-no-wah. |
| E-coffe-tubbe. | E-ah-ho-nubbee. |
| E-ah-ha-cubbe. | E-ah-ho-tim-ah. |
| E-o-kah-tubbe. | E-li-yubbe. |
| E-o-kah-tubbe. | E-yal-a-ho-ka. |
| E-mak-ko-nubbe. | E-la-pa-subbe. |
| E-lah-ho-to-nah. | E-la-lo-ma-tubbe. |
| E-lu-nah-tubbe. | E-lah-ho-nah. |
| E-me-la-chubbe. | E-mah-to-kah. |
| E-mish-toe-nah. | E-le-ah-tubbe. |
| E-lah-e-shubbe. | E-la-cha-te-mah. |
| E-lo-nah. | E-ah-he-tubbe. |
| E-o-tim-ah. | E-ha-la-to-nah. |
| E-la-yo-kak-tubbe. | E-la-ho-te-mah. |
| E-mi-ah-tubbe. | E-me-la-to-nah. |
| E-math-la-cubbe. | E-mock-he-tubbe. |
| E-la-pe-ah. | E-lah-he-kah (alias E-la-ha-cubbe). |
| Ela-pe-sa-ho-ka. | E-ah-tubbe. |
| E-le-ah-ho-nah. | E-ho-ah-to-nah. |
| E-lah-pun-ah-ho-yo. | E-la-pe-wah-ho-nah. |
| E-la-pam-le. | E-ma-che-ah-ho-nah. |
| E-mah-yah-ste-mah. | Eah-cah-tim-ah. |
| E-lah-took-am-be. | E-lah-fe-tu-nah. |
| E-la-po-nubbe. | E-ah-to-nah. |
| E-la-ho-tubbe. | E-ah-an-tubbe. |
| Em-ma-le-ho-ka. | E-lah-tah-tubbe. |
| E-la-ho-ta-ka. | E-as-tu-ubbe. |
| E-le-ho-yo. | Eli-pipa. |
| E-ok-tam-bee. | E-oh-tah. |
| E-mith-lubbee. | E-ah-ha-tubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|------------------------------------|---------------------------------------|
| E-lah-pah-nubbe. | E-la-ho-te-ah. |
| E-ah-le-ho-tim-ah. | E-ah-ho-nubbe. |
| E-Cah-tah. | E-lah-pish-ti-yah. |
| E-lap-in-tubbe. | Este-mil-le. |
| E-yah-ah-to-nah. | E-yak-a-tubbe. |
| E-la-shubbe (or Billy N-kon-Shaw). | E-yi-ho-yo. |
| E-ya-ka-tubbe. | E-yah-hah-tubbe. |
| E-mish-te-ubba. | E-mal-ho-mah (alias E-mah-le-ho-mah). |
| E-mo-nubbe. | E-mah-tam-bee. |
| E-ne-cuu-e-ubbe. | E-lah-ko-tubbe. |
| E-yah-hubbe. | E-lah-ke-mah. |
| E-cha-pah-no-enah. | E-lah-te-ubbe. |
| E-lah-ho-yubb. | E-lah-ho-yo. |
| E-mack-lubbe. | E-li-to-nubbe. |
| E-li-che-tubbe. | E-ya-le. |
| E-mah-tall-ah. | E-ah-tom-bee. |
| E-mah-sha. | E-li-chin-tubbe. |
| E-li-chuf-cubbe. | E-li-he-nubbe. |
| E-ma-ha. | E-la-ba-cubbee. |
| E-cha-po-tubbe. | E-lap-no-an-tubbe. |
| E-lo-ok-chi-ah. | E-lah-che-ho-nah. |
| Emo-nubbe (alias Im-mo-nubbe). | E-yah-ham-bee. |
| E-lan-tubbe. | E-ah-ho-ka-te-mah. |
| E-mah-no-wah. | Elice. |
| E-mah-ho-to-nah. | E-sha-to-nah. |
| E-sha-ho-ka. | E-hu-e-te-tubbe. |
| E-lah-tah-to-nah. | E-ah-cah-to-nah (or Cah-to-nah). |
| E-ho-ah-tubbe. | E-mis-tubbe. |
| E-lah-he-nubbe. | E-ah-ho-te-mah. |
| Edmund. | E-man-che. |
| E-yak-tubbe. | E-me-to-ho-nah. |
| E-yah-he-tubbe. | E-mo-no-la-cho-nah. |
| E-mish-tubbe. | E-ho-ah-tam-be. |
| E-lah-pah-ne. | E-le-o-ka-te-mah. |
| E-lah-pis-ubbe. | E-lah-yo-kah-to-nah. |
| E-le-o-nah. | E-ah-ham-bee. |
| E-lah-pe-kah. | E-lo-mah. |
| E-yah-ish-to-nah. | E-lah-pish-ah. |
| E-chah-pah. | E-cah-no-ah-ho-nah. |
| E-lo-ma-him-mah. | E-ah-ho-ka. |
| E-ah-ham-be. | E-lah-to-nah. |
| E-lah-tubbe. | E-mam-be. |
| E-lah-ho-yubbe. | E-mah. |
| E-mah-a-lubbe. | E-lo-nah. |
| E-yak-a-che. | E-yah-ham-ba. |
| E-li-ho-kubbe. | E-hi-o-cubbee. |
| Esta-ho-yo. | E-man-cha. |
| E-lah-lo-ma-tubbe. | E-mah-nin-che. |
| E-cha-po-tubbe. | E-yak-ki-ah. |
| E-lan-to-nah. | E-yah-ham-ba. |
| E-as-ta-ho-nah. | E-ham-bee. |
| E-bak-ah-tubbe. | E-ma-cha-tubbe. |
| E-yah-tu-nah. | Eli-cha-tubbe. |
| E-mi-ya-tubbe. | E-lah-pa-ah. |
| E-mo-na-ho-ka. | E-liza. |
| Ey-ah-li-yah. | E-mah. |
| E-lak-che-te-mah. | E-li-tubbe. |
| E-li-yubbee. | E-lah-e-mah. |
| E-bah-took-lah. | E-lo-yah-tubbe. |
| E-lah-o-tubbe. | E-lik-hon-ah. |
| E-ah-ho-nubbe. | E-lah-pio-ubbe. |
| E-yan-to-ho-ka. | Em-bo-tah. |
| E-lah-po-chubbe. | E-ah-te-mah. |
| E-min-to-ho-nah. | E-o-kah-tubbe. |
| E-lah-he-mah. | E-cha-po-tubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|------------------------------------|---------------------|
| Elian-ne-ho-nah. | Elijah. |
| Ex-ah-kah-ho-tubbe. | Ellen. |
| E-lam-bee. | E-o-tah. |
| E-mah-lah-te. | E-lah-pam-la. |
| E-no-wah. | E-lah-we-tubbe. |
| E-him-mah-la-tubbe. | E-ye-me-tubbe. |
| E-ah-sha-tubbee. | E-loom-ah-ho-kah. |
| E-lah-ho-yo-ho-nah. | E-li-emah. |
| E-ah-lo-ho-nah. | E-lah-pa-lubbe. |
| E-lo-mon-to-cubbee. | E-no-wah. |
| E-me-le. | E-me-le-hubbe. |
| E-li-za. | E-la-u-ka-tubbe. |
| Eah-che-hubbe. | E-lah-pun-te-mah. |
| E-lah-tim-ah. | E-me-la-ho-na. |
| E-o-cutch-ah. | Faya. |
| E-chah-pah. | Fannubbe. |
| E-mah-shah-chubbe. | Falle-cheto. |
| E-ah-ham-bee. | Fal-a-min-chubbee. |
| E-lah-pe-ah-ho-nah. | Fe-ma-la. |
| E-mah-om-be. | Fa-nubbee. |
| E-to-pok-a-nah. | Fe-tick-ah-chubbe. |
| E-meen-tah-ho-nah. | Fil-e-ah-tubbe. |
| E-li-oon-ah. | Fo-kah-lin-tubbe. |
| E-lah-tubbe. | Fe-temah-ti-mah. |
| E-lap-ik-e-bah. | Fe-le-kah. |
| E-yon-tah. | Fal-ah-moon-tubbe. |
| E-mipah. | Fe-le-nubbe. |
| E-mo-thah-tubbe. | Fe-le-tah. |
| E-li-o-te-mah. | Fe-laka-tubbe. |
| E-lan-tubbe (or Tish-o-pi-a). | Fil-e-ah-tim-ah. |
| E-a-chubbe. | Fo-ko-lin-tubbe. |
| E-la-ha-lu-ta. | Fah-hah-mah-ho-nah. |
| E-lo-ni-ah. | Full-o-mo-tubbe. |
| E-lo-ho-ka. | Fil-e-mam-le. |
| E-fiza. | Fal-lal-moon-tubbe. |
| E-mo-na tubbe. | Ful-le-ho-mah. |
| E-o-ca-tubbe-to-nah (or To-cubbe). | Fun-ne-ho-mah. |
| E-whah-to-nah. | Fa-la-moon-tubbe. |
| E-ah-kah-tubbe. | Fil-e-ti-yah. |
| E-lah-ma-tubbe. | Fe-lah-moon-tubbe. |
| E-la-ha-cubbe. | Fil-e-tubbe. |
| E-la-te-mah. | Fo-look-a-che. |
| E-mah-lubbe. | Fish-o-ho-cubbe. |
| E-ah-tahn-tubbe. | Fo-le-na-te-mah. |
| E-ah-ki-ah-to-nah. | Fa-lam-e-tubbe. |
| E-ah-ho-nubbe. | Fish-u. |
| E-li-o-nubbee. | Fil-e-cutch-e. |
| Eatamia Charles. | Fa-lam-a-tubbe. |
| E-mil-la. | Fal-am-a-tubbe. |
| E-la-ho-tema. | Fal-am-ah-ho-ka. |
| E-lan-tubbe. | Fil-e-tah-ho-nah. |
| E-la-ta-i-ho-na. | Fal-ah-mo-tubbe. |
| Ea-ish-tubbe. | Fille-moon-tubbe. |
| E-math-lo-la. | Fallo-ah-ham-be. |
| Een-ta-ho-ka. | Fil-e-mah. |
| E-ma-lubbee. | Fil-e-to-nah. |
| E-no-ka. | Fe-le-moon-tubbe. |
| E-li-za. | Fe-lem-e-tubbe. |
| E-lo-wa-tubbe. | Fin-miu-tubbe. |
| Eliza. | Fille-tah. |
| E-la-took-e-la. | Fut-cha. |
| E-lo-ma-chubbe. | Fil-le-ca-tubbe. |
| E-la-pa-nubbe. | Fille-man-tubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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| Fah-lah-mah. | Ho-lah-tubbee. |
| Fan-e-ubbe. | Han-nah. |
| Fo-lub-be-chubbe. | Ho-ha-cubbee. |
| Fo-look-a-che. | Hith-ah. |
| Fitch-ik-no-wah. | Ho-cubbee. |
| Fish-ah-he-lubbe. | Him-mock-ah-bee. |
| Fah-lam-bee. | Hi-ah-la-ho-mah. |
| Fillubbee. | Ho-te-man-chubbee. |
| Fil-e-mon-e-ti-ma. | Ha-chah. |
| Fil-e-mah-tubbe. | Ho-pa-na. |
| Fa-lo-mah. | Ho-gla. |
| Fee-chubbe. | Ho-cho-na. |
| Foster, Thomas W. | Hick-a-to-mah. |
| Foster, George H. | Ho-tan-te-ni-ah. |
| Foster, Elija G. | Hi-o-tah. |
| Frazer, Sweeny. | Ha-la. |
| Fo-ca-tubbee. | Ho-te-nubbee. |
| George. | Ho-to-nah. |
| Gibson. | Ha-cubbee. |
| Go-ma-chubbee. | Hi-o-te-mah. |
| Gibson. | Hun-o-nah-tubbee. |
| Gowin, Betsey. | Ho-pi-ah. |
| Hol-la-chee. | Ho-te-ah. |
| Him-mo-ka-to-na. | Ho-bah-cha-ho-nah. |
| Hoya (or Ahoya). | Ho-te-ah-ho-nah. |
| Hothma. | Ho-yo-pa-tubbe. |
| Ha-ma-yo-lubbee. | He-kah-tubbee. |
| Hoth-ta-ma. | Ha-cha. |
| Hok-a-tubbe. | Ho-chubbe. |
| Ha-o-cho. | Ho-nah. |
| Hillubbee. | Ho-ta-che-ho-nah. |
| Hoy-e-ta-na. | Ho-lima. |
| Hoyo-ho-tubbee. | Hah-tak-lam-ah. |
| High-i-ho-na. | Hock-la-ho-nah. |
| Hol-la-chubbee. | Hun-nubbe. |
| Hem-a-che-na. | Ho-tim-ah. |
| Ho-pa-ka-che. | Ho-tah-at-tubbe. |
| Bus-he-Mingo. | He-kah-tubbe. |
| Ho-ka-lo-che. | Ha-le-tubbe. |
| Ho-te-ma-ta. | Hi-oun-ubbe. |
| Ho-ti-a-ka. | Ho-lah-bah-ho-nah. |
| Ho-te-mo-na-ho-ka. | He-kah-ti-mah. |
| Hul-tuk-ho-ma. | Ho-tan-yah. |
| Hollah. | Ho-tish-tam-be. |
| Hi-a-ca-to-na. | Ho-tish-im-ah. |
| Han-nubbee. | Ha-ka-a-ho-mah. |
| Hia-cutch-ee (or Hi-yo-ca-chee). | Hal-le. |
| Ho-ta-cubbee. | He-kak-ti-mah. |
| Ho-but-a-ka. | Hok-la-ho-nah. |
| Hi-a-tubbee. | Ha-o-le-tim-ah. |
| Ho-te-o-a. | Ho-tim-e-ah. |
| Ho-let-tah-ho-nah. | Hah-tak-ubbe. |
| Ho-te-nah-chubbee. | Ha-tick-illa. |
| Hi-ack-co-nubbee. | Ho-tik-la. |
| Hick-a-tom-bee. | Ho-tah-tah. |
| Hi-a-la. | Hi-ne-ubbe. |
| Hal-la. | He-cubbe. |
| Ho-che-fo. | Ho-te-ah. |
| Ho-te-mah. | He-u-ah-le-tubbe. |
| Hop-pa-la-tubbee. | Ho-to-nah. |
| He-ne-ah-ho-nah. | Ho-ne-tam-be. |
| Ho-to-man-cha. | Hol-ba-tubbe. |
| Ho-ta. | Ho-ne-mah. |
| Ho-tah-ho-nah. | He-nah-ho-mah. |
| Ho-tam-bee. | Hook-e-la. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|---------------------|---------------------------------|
| Hi-ah-ka-tubbe. | Ho-pi-yah. |
| Hath-la. | Hoo-sah-tubbe. |
| Hi-o-tubbe. | Hoo-che-mah. |
| He-yo-ho-nah. | Heith-lah-tho-nah. |
| Hool-lo. | Ho-tubbe. |
| Ho-ka. | Ho-mok-o-nubbe. |
| Ho-cha. | Ho-to-pah-le. |
| Ho-te-mi-ah. | Hoth-te-nubbe. |
| Hon-oon-tam-ba. | Ho-be-ti-yah. |
| Hi-ah-ka-tubbe. | Hin-che. |
| Hi-e-le-ho-nah. | Ho-te-kubbe. |
| Ha-lubbe. | Hoth-te-nubbe. |
| Ho-tim-ah-che. | Ho-tubbe. |
| Ha-la-che. | Ho-pah-ka-ho-nah. |
| Ho-te-an-ah. | Hush-hook-ho-nah. |
| Hota-tim-ah. | Hi-tuke-pa-ho-ma (or Yak-i-ah). |
| Ho-lis-ah-tubbe. | Hush-e-no-wah. |
| Ho-yo-ubbe. | Hi-em-e-te-mah. |
| He-challe. | Hi-o-tubbe. |
| Ho-pak-o-nah. | Hi-a-lee. |
| Ho-te-ah. | Ho-yubbe. |
| Hik-it-e-ah-ho-nah. | Hash-ah-i-ta-nah. |
| Ho-tin-lubbe. | Hi-a-lee. |
| Ho-yo. | He-ki-yuable. |
| Hon-ah-ho-tubbee. | Ho-te-nah. |
| Hah-be-nah. | Hi-en-e-chubbe. |
| Ho-yo-nubbe. | Hah-mock-la-ho-nah. |
| Ho-bah-tam-tubbe. | Ho-chon-chubbe. |
| Hok-e-lo-tubbe. | Ho-pa-hin-tubbe. |
| Ha-took-lubbe. | Ho-tish-le-ah. |
| Ho-te-tubbe. | Ho-te-yah. |
| Hush-e-ho-mah. | Ho-te-mah. |
| Hi-yo-la. | Ho-yo-ho-nah. |
| Hol-le. | Hoy-ubbe. |
| Hi-een-ah-tubbe. | Hi-ak-ah. |
| Ho-le-ti-ah. | He-yape-ah-ha-jo. |
| Holla-ti-yah. | Hi-yak-hubbe. |
| Hok-lo-tubbe. | Ho-che-fo-tubbe. |
| Ho-bah-to-mah. | Hol-la-ho-nah. |
| Ho-tan-tu-nah. | Han-ah-to-nah. |
| Hi-o-to-nah. | Hi-ah-co-nubbe. |
| Ho-te-mah. | He-no-nah-tubbe. |
| Hill-a-tubbe. | Hool-bah-tubbe. |
| Ho-lis-so-ho-nah. | Ho-nah. |
| Hos-to-no-che. | Ha-ba-nah. |
| Hio-gale. | Ho-nah. |
| Hi-yah-kubbe. | Ho-pah-ka-tubbe. |
| Ho-chubbe. | Ho-lah-cha. |
| Han-tubbe. | Ho-lah. |
| Hush-shook-ho-mah. | Ham-bee. |
| Ho-te-mah. | Ho-ni-o-nubbee. |
| He-kah-tubbe. | Ho-te-mah. |
| Ho-te-mah. | Ho-yo-an-tubbe. |
| Hus-ke-ah-hooc-ta. | Han-ah-mock-ah-yah. |
| Heo-te-mah. | Ho-to-ak-ah. |
| He-lubbe. | Ho-tah-ho-nah. |
| Ho-yubbe. | Hon-to-nah. |
| Hah-la-le. | Ho-lah-te-mah. |
| Ho-te-nah. | Hoo-nah. |
| Hool-bah-tubbe. | Ho-me-ho-tubbe. |
| Hushe-te-mah. | Ho-bah-tam-bee. |
| Hok-sa-gee. | Hah-nubbee. |
| Hi-yok-ah. | Hi-ak-e-tubbee. |
| Hi-ape-ha-sa. | Han-nubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|----------------------|------------------------------------|
| Hool-bah-ho-nah. | Hush-to-nubbee (alias Ae-ma-to- |
| Hik-e-yah. | cubbe, alias O-gle-ish-ti-a). |
| Ho-nah. | Ho-yo-ho-nubbee. |
| Hi-ah-ka-tubbe. | Ho-lin. |
| He-lubbe. | Ho-na-chi-to. |
| Ha-man-che. | Ho-cha. |
| Ho-kubbe. | Ho-cha. |
| Hik-ah-che. | Ho-te-ock-a. |
| Him-ah-ubbe. | Ho-yo. |
| He-ka-che-ho-nah. | Hol-la. |
| He-ah-ka-ish-to-nah. | Ho-e-ho-nah. |
| Ho-ka. | He-ke-ah-ho-nah. |
| Hun-nuk-ubbe. | He-kah. |
| Ho-ba-tubbe. | Ho-ba-te-yah. |
| Him-mock-am-bee. | Ho-to-nah. |
| Ho-te-mah. | Ho-chubbe. |
| Hi-a-to-nah. | Ha-mook-lah-tubbe. |
| Ho-yo-pah. | He-to-nah. |
| Ho-ta-ho-nah. | Ho-te-mi-ah. |
| Ho-tah-lah-ha-mah. | Ho-yubbee. |
| Ho-le-ba-chubbee. | Ho-tam-bee. |
| Ho-che-nah. | He-in-tim-ah. |
| Ha-ta-mah-ho-nah. | Hoo-too-nah. |
| Ho-ka. | Hoo-la-te-i-a. |
| Ho-te-nah-ho-nah. | Hock-lo-hatt-ah. |
| Ho-pah-kah. | Ho-ba-lah. |
| Ho-pi-ah-tubbe. | Ho-yo-ki-ah. |
| Ho-shin-she-ho-mah. | Hock-a-la-tubbee. |
| Ho-yo-pa. | Hash-ta-sho-nah. |
| Ho-e-o-na. | Is-te-a-ka-ia-ho-na. |
| He-a-ka-ti-na. | Is-tam-ba. |
| Hotch-a-ka. | Is-tilla-bala-tubbee. |
| Ho-ba-te-i-a. | Ia-ma. |
| Ha-tubbe. | Is-ti-e-a-tubbe. |
| Hoh-tah. | Ish-kumma. |
| Hi-ah-ko-nubbe. | Is-tam-ba-la-bee. |
| Hi-ah-ka-mah-tubbe. | Ista-pe-ca-nubbee. |
| Ho-le-to-pah. | Ish-te-mei-a-nubbee. |
| Ho-ta-cubbe. | Is-tam-cha. |
| Hick-a-tubbe. | Is-tim-a-la-ho-na. |
| Ho-yo-ka. | Is-o-gla-te-ma (alias Oclatema-Im- |
| Ho-to-nah. | mil-o-ho-na). |
| Hetty. | Is-tam-tubbee. |
| Ho-te-mah. | Ish-tam-yah. |
| Ho-pi-ah-ho-mah. | I-ubbee. |
| Ho-no-que-ah. | Is-tam-to-na. |
| Hun-oon-pah. | Is-ta-ho-la. |
| Ho-pah-cubbe. | Iste-man-cha-ho-na. |
| Ho-chah. | I-o-wa-che. |
| Hong-ki-o. | Ick-a-na. |
| Ha-cubbe. | Im-ubbee. |
| Hoth-te-ma-ho-yo. | I-a-tubbee. |
| Hoth-te-ma-ho-yo. | Im-mish-to-nah. |
| Ho-ma-a-chee. | I-a-mah. |
| Hik-in-tubbe. | I-sum. |
| Hick-a-tubbe. | Ish-a-tubbee. |
| Ha-yo-pa. | I-sim. |
| Hali-son. | Ish-te-mahn-a-chubbee. |
| Ha-to-na. | Im-mah-la-hubbee. |
| Ho-ba-tish-ubbe. | Im-mi-e-ho-to-nah. |
| Ho-ti-kah. | I-ah-nin-tubbee. |
| Hok-ta. | Ish-wa-chubbee. |
| Ho-ka-lo-tubbe. | I-to-tubbee. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|----------------------------------|---|
| Ish-to-mah-ho-nah. | Ish-ho-ni-ye. |
| Im-sey. | Ish-tubbe-ho-ka. |
| Im-moch-fo-quah-tubbee. | Im-an-o-tik-a. |
| Ish-ton-te-mah. | Ish-tan-we-che. |
| Ick-neth-lo. | Im-ah-ho-nah. |
| I-a-hubbee. | Ish-to-nah-che-ho-nah. |
| Ish-tim-a-so-yo. | In-lah-tubbe. |
| Im-mah-tha-chubbe. | Im-om-ubbe. |
| Is-un-mah. | Ish-tah-lubbe. |
| I-o-glah-tubbe (or Hustuk). | Im-ah-ho-yo. |
| I-a-mah. | Illa-ho-yubbe. |
| Illa-ho-nah. | Insh-kam-ah. |
| Ish-ta-ka. | Ish-tal-ath-i-ah. |
| Ooos-ta. | Ish-tal-lah-ho-nah. |
| Ish-ta-ho-nah. | Im-ah-ho-ka. |
| Ish-sham-bee. | Is-ho-ka (or Ath-le-ho-ka). |
| I-orth-la. | Ish-tah-yo-co-nah. |
| Illa-ho-ka. | In-am-be. |
| Illa-glah-to-nah. | I-yo-nah. |
| I-a-mah. | Ish-pah-lah-te. |
| Ish-te-lah-mah. | In-am-be. |
| Ish-wah-ki-yo. | I-yo-nah. |
| Ish-te-mah-ka. | Ish-pah-lah-te. |
| I-con-nah. | Im-ah-tish-e-ho-nah. |
| Im-mah-no-wah-ho-nah. | Ish-im-ah-ho-ka. |
| Im-mock-kah-ho-nah. | Ish-te-mi-o-nah. |
| Io-pun-na-chubbee. | In-lah-to-nah. |
| Im-mish-ti-yah. | Im-pun-ah. |
| I-o-ke-a-to-nah. | Ish-ti-ah. |
| Ish-tah-shubbee. | Ish-tam-mo. |
| Ish-tah-lah. | Ish-te-me-le-ho-ka. |
| Im-me-ho-ba-tubbee. | Ish-ti-ah. |
| Ish-to-mahlone-chubbee. | I-ath-le-pah. |
| Ista-min-cha-tubbee (or Mincha). | Im-ah-le-ho-nah. |
| Im-mah-lah-te-mah. | Ish-ta-lubbe. |
| Illa-con-a-tubbee. | Ish-te-mi-ah-ho-ka. |
| I-ok-lo-tubbe. | Is-te-che. |
| I-e-ne-tim-ah. | In-lah-ho-nah. |
| In-pak-nah-ho-nah. | I-ah-che-ho-nah. |
| Im-ah-illa. | Im-ah-tah-ho-nah. |
| Iye-le-he-mah (or I-la-ho-nah). | Ish-to-ni-ye. |
| Isaac. | Ish-tem-bo-la. |
| Im-my. | Im-uk-tah-nubbe. |
| Ik-o-nah-te-mah. | Ille-tubbe. |
| Ish-te-ah-ho-nah. | Im-ah-chi-ah. |
| Ish-te-lah-ne. | Ish-mi-ah-ho-nah. |
| Ish-tah-ho-va-ho-nah. | Is-sta-cha. |
| Im-ah-le-ho-nah. | Ish-ton-ok-eu-ah (or Ish-ton-ah-kue-ab, or Nok-we-ah). |
| Ish-lah-ho-ka. | I-yok-e-tubbe. |
| Ish-ta-mah-ho-nah. | Ish-un-ah-ho-ka. |
| It-a-pe-sah. | Im-mah. |
| Ish-te-mi-ah. | I-e-ah-ho-nah. |
| In-lah-tim-ah. | Im-ho-ah-to-nah. |
| Im-al-to-va. | Im-i-e-ah-ha-tubbe. |
| Im-e-lubbe. | Ish-to-ka-ho-tim-ah. |
| Ish-te-mah. | Ish-te-me-lubbe. |
| Ish-to-me. | Ish-ho-yo. |
| Is-tubbe-hattah. | Im-ok-po-to-tubbe. |
| Ish-tu-nah-tubbe. | Ish-tubbe. |
| Ish-ta-ah-ho-nah. | Ik-io-ne-nah. |
| Ish-taho-nah. | Ish-ta-lo-la-tubbe. |
| Io-ka-to-nah. | Is-tubbe. |
| Im-pun-ah. | Ish-no-wah. |
| Is-shan-ke-ho-yo. | |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|--------------------------------|-----------------------|
| Isaac. | Ik-tah-te-mah. |
| In-lah-cubbee. | Ish-te-mi-yah. |
| Ish-ah-hok-ta. | Ish-te-ma. |
| Im-ah-ho-yo. | It-e-lak-na. |
| Ish-tah-ham-me. | Ik-be-tubbe. |
| Ish-ta-uek-la. | Il-ah-ish-to-nah. |
| I-tun-la-tubbe. | Ish-tik-ah-tubbe. |
| Is-te-me-chubbe. | In-sha-la-tubbe. |
| Im-ah-no-ah-tim-ah. | Io-yah-hubbe. |
| Ish-tah-tubbee (or Big Jacob). | I-yah. |
| Is-til-i-ah-ho-ka. | Ish-tah-pak-mah. |
| Ish-ti-o-pa. | I-ask-ka-mah. |
| I-yo-co-nubbe. | Il-le-ho-ka. |
| Ish-te-ah-ho-ka. | I-oath-ah. |
| Im-al-tah-ho-nah. | Il-ah-e-mah. |
| I-ok-la. | Im-ish-too-nah. |
| Ish-tah-hook-tah. | I-m-ah-tha-kah. |
| Ish-tah-tubbe. | Im-ah-i-sha. |
| Ish-ti-ah. | I-m-mil-le. |
| Il-ah-chaf-fubbe. | Ik-lan-ah-tah. |
| I-a-nah. | Im-ish-le-ah. |
| Im-uth-ta-ha-to-nah. | I-a-che-ho-nah. |
| Ish-li-vah. | Ish-ti-o-nah. |
| I-o-ko-nubbe. | I-hool-bah-tubbee. |
| I-map-kan-che. | I-lah-ho-tubbe. |
| Itte-ho-mis-tubbe. | I-hi-o-tubbe. |
| Im-mo-nubbe. | I-lah-ha-be-to-nah. |
| Ilah-ish-te-mah. | I-bah-wa-che. |
| It-ta-mith-tubbe. | Il-ah-ish-te-mah. |
| Im-me-ho-nah. | I-een-la-hubbe. |
| I-tu-nah. | I-o-ga-be. |
| It-ah-ho-bo. | I-o-kubbe. |
| Ish-me-ah. | I-sham. |
| Ib-ah-no-wah. | Isk-te-kubbe. |
| In-chuk-mah-ho-yo. | I-ha-ne-ubbe. |
| I-bak-ah-hubbe. | It-e-ok-chak-ko. |
| I-lah-yo-kubbe. | Ish-tah-ho-ho-tubbe. |
| I-ha-kon-bee. | I-yo-mah-ho-ka. |
| Ilah-no-la. | I-o-gle-te-mah. |
| Iha-gah-tubbe. | Ish-tah-ho-cubbe. |
| Ish-te-ma-ho-nah. | Ish-te-mah-le-chubbe. |
| In-too-lah. | I-yo-nah-te-mah. |
| I-ha-kah-tubbe. | Ish-tah-ho-nah. |
| I-lap-im-hah. | I-lik-e-tubbe. |
| Im-ah-talle. | I-al-ba. |
| I-ape-ah-tubbe. | Ish-tan-tubbe. |
| I-ik-len-ah. | In-tah-hubbe. |
| I-yo-ke-nubbe. | Im-ah-no-wabbe. |
| I-hik-e-tubbee. | Ish-tal-lah. |
| I-mut-te-ah. | In-lab-tubbe. |
| I-ok-Che-ho-ka. | Ish-tah-tubbe. |
| Im-ah-yah. | Is-te-mi-o-nah. |
| I-em-ma. | Ish-tesh-tan-be. |
| In-tu-la-ho-ka. | I-yo-nan-te-nah. |
| Ish-to-pah-nubbe. | Ish-tah-ho-nah. |
| I-lap-o-nah. | Ik-ham-ah. |
| Ish-tan-te-mah. | I-ath-le-pah. |
| Ish-ko-chubbe. | Ish-tan-fo-nah. |
| I-o-pa-chee. | Ish-ta-ne-mah-tubbe. |
| Ish-la-ho-ka. | I-orth-lah. |
| Ish-ta-bo-la. | I-yo-ko-mah. |
| Im-o-na-ho-ka. | Ish-ta-hem-ah. |
| I-it-tu-lah. | I-e-ton-lah. |
| Ish-te-mak-ah. | Ish-te-mah-ho-nah. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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| I-math-pis-a-tam-be. | Ish-tim-mah-la. |
| Ish-ho-ya. | I-a-min-tah-ho-ka. |
| Ish-tah-a-mah. | Ish-ta-ah-ha-cubbe. |
| Ish-tah-he-mah. | Im-mah-sho-mah. |
| Ish-tah-ah-ho-mah. | Il-la-che. |
| I-tin-lah-him-ah. | Ish-tah-ho-pah. |
| Is-chaf-ubbe. | Ish-tah-lubbe. |
| I-yo-lah. | It-tah-low-echah. |
| Ish-tah-ho-nah. | Im-mo-nah-to-nah. |
| Ish-ton-tin-ah. | Im-mo-na-tubbe. |
| I-ka-h-po-lubbe. | Ish-te-mah. |
| Im-me-ho-ka. | Ish-tahn-tah. |
| I-an-ta-tubbe. | Im-mah-tiyah. |
| Ish-tah-ho-nah. | Ish-ti-a-mah. |
| Ish-ti-o-klu. | I-a-nah. |
| Ik-lan-ubbe. | Im-me-sha. |
| Ish-to-ho-yo. | Ish-tah-ho-we-cha. |
| I-o-bon-ubbe. | Ish-stanthly. |
| Ish-ten-eah-to-nah. | Is-te-me-i-a. |
| Ik-len-ah. | Im-mo-na-ho-yo. |
| Ish-to-nan-chi. | I-cha. |
| Ish-pah-na. | Im-ma-to-ho-ho-na (or A-to-ba). |
| Ish-tim-mi-ho-ya. | Im-mah-sah-che. |
| Ish-a-ho-nah. | Is-ton-a-ka. |
| Io-ka-chubbe. | I-o-glah. |
| Il-la-con-nah-tubbe. | Ick-glen-a-hee-cha. |
| Ish-tin-mo-na-chubbe. | Ish-te-mah-nah. |
| I-co-mah. | Il-ie-o-tubbe. |
| Im-ubbe. | Im-al-to-bah. |
| Im-moon-tubbee. | Im-ah-lah-ho-nah. |
| Ik-ko-nah-ho-nah. | I-o-koon-ah. |
| Il-la-mo-to-nah. | Ik-ke-ho-nah. |
| Im-mah-ho-nah. | Im-mah-na-chubbee. |
| Illa-ho-chubbee. | Im-mis-te-mah. |
| Im-il-le. | I-mah-pi-sah-timah. |
| Im-ah-ho-tonah. | I-mah-tah. |
| Is-tim-ah-ham-be. | I-o-ka. |
| I-o-pan-ubbe. | I-o-a-ho-ma. |
| In-ah-lubbe. | Illah-payn-to-nah (or To-nah). |
| In-ish-tam-be. | I-ah-ho-to-nah. |
| Ish-to-me-hah-tubbe. | Ish-te-mah. |
| I-it-ah-nubbe. | I-la-tubbe. |
| Im-ah-to-nah. | I-o-ma. |
| I-ok-lo-hubbe. | Jackson. |
| In-no-tubbe. | Jack (alias Ona-lubbee). |
| Ish-ta-ho-lubbe. | Joshua. |
| I-wah-tu-nah. | Jones, Jenny. |
| I-ah-ka-ho-che. | Joel. |
| I-yo-ho-nah. | John. |
| Im-ah-no-le-ham-be. | John. |
| It-e-mi-ya- (or Man-ya). | John-im-mey. |
| I-yo-wa. | Jackson. |
| Ish-te-chubbe. | Josephus. |
| Il-le-no-wa. | Jipie. |
| Ish-no-wa. | Jackson. |
| Im-ma-no-le-ho-yo. | Jep. |
| Is-stubbee. | Jefferson. |
| Im-po-nah. | Josey. |
| Im-mogla-chubbe (or O-glah-chubbe). | Jum-pah (or Chum-pah). |
| Im-me-yah-ho-nah. | Johny. |
| Im-mo-nah-ho-ka- (alias Na-wa). | Jake. |
| Im-pi-ah. | Jinny. |
| I-o-mah. | Jo-se. |
| I-o-gla. | Jim. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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| Joses. | Kah-tam-bee. |
| Johny. | Ka-yu-hubbe. |
| John. | Kush-oon-an-che-hubbe. |
| Jepe. | Kun-ne-ah-ho-nah. |
| Jim-Tom. | Ka-ha-le-ho-nah. |
| John. | Ko-bah-tom-bee. |
| Jinny. | Kal-so-tah. |
| Jackson. | Kush-ah-nam-bee. |
| Jones, Levi. | Ke-lis-ta. |
| James. | Kah-lo-tubbe. |
| Kan-she-ho-to-ma. | Kik-e-te-mah. |
| Kan-cha. | Ke-yo-ho-nah. |
| Kunnea. | Kan-ah-to-nah. |
| Ke-yo-cubbe. | Kun-e-mah-ho-nah. |
| Kon-the-tubbe. | Kush-oon-a-mus-tubbee. |
| Kan-oon-tubbe. | Ka-yo-he-mah. |
| Kon-che-ho-ka. | Kal-po-tubbe. |
| Kan-oon-tubbe. | Koo-chubbe. |
| Kan-che-to-nubbe. | Ka-o-cubbe. |
| Kon-che-tam-be. | Kun-e-tom-be. |
| Kun-e-moon-tubbe. | Kam-pillah. |
| Kom-pil-lah. | Kam-pilla. |
| Kon-e-toon-tubbe. | Kon-kah-noos-ko-bo. |
| Kon-che-ti-ah. | Kush-oon-an-cha-ha-ba. |
| Kan-che-ti-ah. | Ko-noo-tubbe. |
| Kan-oon-ta-tubbe. | Kun-e-ah-to-nah. |
| Kan-oon-ubbe. | Ke-ah-na-chubbe. |
| Kon-me-mah-ubbe. | Ko-tah. |
| Kon-oon-tah-tubbe. | Kan-sho-nun-she-hubbe (or Billy John). |
| Ko-tah. | Kun-ne-ah-ho-nah. |
| Ka-chubbe. | Ka-no-yo-he-kubbe. |
| Kis-ah-nah. | Koo-tah. |
| Kon-che-tubbe. | Kan-cha-tom-la. |
| Kan-an-ren-tin-tubbe. | Kan-che. |
| Kem-ish-to-nah. | Kuth-lee-lee. |
| Kam-pa-lubbe. | Kun-e-an-che-ha-la. |
| Kooch-abbe. | Kun-ah-ho-tubbe. |
| Ko-mubbe. | Ko-na-chubbe. |
| Kan-che-le. | Ka-le-ho-na. |
| Kun-ne-ahto-nah. | Ko-ke-i-a. |
| Ka-ne-tim-be. | Ka-o-tubbe. |
| Kun-nal-le-tubbe. | Ko-chubbee. |
| Kan-cha-tubbe. | Kan-a-ho-te-ma. |
| Kan-che-ma-ha. | Kish-u-mus-tubbe (or Ka-lubbee). |
| Kah-ne-tah. | Kon-che-ho-nah. |
| Ko-nan-chubbe. | Ka-sa. |
| Ka-tha-ho-nah. | Ke-ka. |
| Kan-che-tam-be. | Kan-alle. |
| Kah-no-ma-ho-nah. | Koo-cha-tiyah. |
| Kis-tubbe. | Kan-che-ho-nah. |
| Kan-che. | Kah-no-me-he-mah. |
| Kun-ne-ah-ho-nah. | Kush-ah-hooc-ta. |
| Koos-ta-na. | Kun-o-te-ma. |
| Kut-tah-hah. | Kurney, Charles. |
| Kah-il-le. | Kon-e-moon-tah. |
| Ka-tubbe. | Ken-che-to-ah. |
| Kah-non-te-ubbe. | Kearney, Creesay. |
| Kanche-ho-ka. | Kearney, Wilson. |
| Kun-e-tah-ho-nah. | Kearney, Josephus. |
| Kah-po-tubbe. | La-pin-tubbe. |
| Ke-ille. | Lewis. |
| Kun-ne-a-tubbe. | Loma. |
| Kam-pe-tubbe. | Look-fan-cha. |
| Ka-to-nah. | Laris. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

| | |
|---------------------------------------|-----------------------------|
| Lo-sho-ma. | Lucy. |
| Lushta. | Lo-wa-to-na. |
| Lo-ka. | Lo-wa-ho-ka. |
| Lo-mo-ka. | Lo-ma-ho-na. |
| La-pa-sa. | La-ho-na. |
| Lo-mah-ka. | Lo-wa. |
| Li-la. | Lub-bee. |
| Lis-mah. | Lirea Ann. |
| Li-la. | Lo-ma-ka. |
| Lah-sa. | Lovie. |
| La-man. | Lo-mah. |
| Lah-pah-ho-nah. | La-ti-ma-sha. |
| Lucy. | Low-a-tam-na. |
| Lo-ma. | La-sin. |
| Low-ch-te-mah. | Li-la. |
| La-sho-mah. | La-i-e-ma-ho-na. |
| La-mah. | La-pa-ta-ma. |
| Li-za. | Lah-ma. |
| Lah-sa. | La-pish-no-wah. |
| Lah-po-ka. | Loo-ak-ish-tubbe. |
| Lo-mah-ta-ka. | Lap-ah-hove-ta. |
| Lah-pah-te-mah. | Lah-pim-a-ho-ka. |
| Lush-pam-le. | La-pa-chubbee. |
| Look-o-la-tubbe. | Lucy. |
| La-po-te-mah. | Lo-wa-tubbe. |
| Le-ah-ho-nah. | Low-in-cha. |
| Lo-man-to-nah. | La-po-nubbee. |
| Lucy. | Ma-ha-to-na (or Wahatona). |
| Lo-sho-mah. | Molly. |
| La-mah-ho-nah. | Min-ta-ho-to-na. |
| Lo-ma-tubbe (alias E-la-lo-ma-tubbe). | Manc-che. |
| Lo-mah. | Mon-in-tubbe. |
| Lah-wah-ho-nah. | Min-te-nubbe. |
| Lo-ko-tam-be. | Mak-kee-ha-to-na. |
| Lo-sho-na. | Ma-al-e-he-ma. |
| Low-ah-tubbe. | Mut-ta-ho-na. |
| Lah-ta-kah (or Tom Billy). | Mul-tubbee. |
| Lo-ho-no-tubbe. | Mal-cho-na. |
| Low-wa-tubbe. | Mon-to-na. |
| Loo-sa. | Mal-a-ke-tubbe. |
| Lah-ha-nubbe. | Mach-ca-ho-na. |
| Lo-mah-to-nah. | Man-sha-tubbee. |
| Lap-ah-la. | Ma-hubbee. |
| Lo-mah. | Ma-to-na (alias Ona-to-na). |
| La-pa-sa-ho-nah. | Me-hi-a-te-na. |
| Lah-habbe. | Ma-ho-la-tubbee. |
| Lash-pah. | Me-ah-te-ubbe. |
| Lah-nah-che-ho-nah. | M-le-ah. |
| La-sho-ma. | Mal-le-te-ah. |
| Le-neah-ho-nah. | Me-ah-tubbee. |
| Low-ah-che. | Mi-yah. |
| Lah-mah-ha-cubbe. | Mo-min-tubbee. |
| Lap-oon-ah-hah. | Mock-an-tubbee. |
| Lo-mah. | Mason. |
| Low-a-chubbe. | Mina. |
| Low-um-che. | Mon-tah: |
| Lo-ma. | Me-mock-a-wah. |
| Lah-pahn-la. | Me-he-to-nubbee. |
| Lo-mah-ho-shul-bee. | Mah-la-ho-na. |
| La-fah-tah. | Me-ah-sho-nah. |
| Li-wea. | Mary Ann. |
| Lewis. | Me-ah-sham-tubbee. |
| Lo-mah-tubbee. | Meah-sho-tubbee. |
| Le-ah-ho-ka. | Mock-ah-to-nah. |
| Lah-pah-ma-tu-mah. | Me-la-ho-nah. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

Mo-me tim-ah.
 Me-ha-tubbe.
 Mok-a-chubbee.
 Mah-no-te-mah.
 Me-ah-ish-tam-be.
 Mak-ah-le-ho-nah.
 Math-la.
 Ma-che-tubbe.
 Min-tah-hubbee.
 Mah-han-tubbe.
 Me-la.
 Mak-ah-hi-ah.
 Me-ah-sho-tubbe.
 Me-ash-e-mah.
 Mak-a-le-ho-ke.
 Mo-min-tubbe (alias Mo-ma-cha).
 Mah-to-nah.
 Mah-ke.
 Mah-ye (alias Ok-lih-mi-ah).
 Mah-he-cubbe.
 Me-he-yo-ka-lubbe.
 Me-ah-shu-nah.
 Min-te-hubbe.
 Moc-ah-he.
 Mal-le-tubbe.
 Me-he-le-ho-nah.
 Mah-ah-tah-ho-nah.
 Me-o-chubbe.
 Mi-ah-tubbee.
 Mak-ah-ho-tim-ah.
 Me-he-o-tim-ah.
 Mak-e-ubbee.
 Me-hah-tah-tah.
 Me-he-looth-tubbe.
 Mingo-homa. See Capt. Bob.
 Me-tah.
 Me-ash-fane-ubbe.
 Me-ah-che.
 Me-hah-tish-te-ah.
 Min-te-ho-yo.
 Me-ah-shin-tubbe (or Me-ash-in-tubbe).
 Me-ah-ho-ka-tubbe.
 Me-she-mah-tubbe.
 Mah-le-le-ho-nah.
 Me-chubbe.
 Mi-ah-tim-ah.
 Me-yo-to-nah.
 Mo-nah-tubbe.
 Mish-tah-tubbe.
 Min-to-cubbe.
 Malle.
 Min-te-nubbe.
 Mah-ho-nah.
 Me-ah-i-ah-chu-nah.
 Min-to-ha-nah.
 Min-ta-chubbe.
 Me-ah-sho-nah.
 Mis-en-an-ha-tubbe.
 Ma-hi-ye.
 Mah-ha-cubbe.
 Me-ah-chubbe.
 Mah-le-le.
 Mi-ah-tubbe.
 Me-hah-kah-tim-ah.

Mau-chubbe.
 Mo-sho-le-tubbe.
 Me-shun-tah-tubbe.
 Mish-een-ah-to-nah.
 Mah-le-ah.
 Min-te-chubbe.
 Me-ah-she-mah.
 Me-hah-tim-ah.
 Me-la-he-yo-che (or Math-le-hi-o-ja).
 Me-ah-to-co-nah.
 Me-ha-ah-chubbe.
 Mo-min-tubbe (or Billy Jackson).
 Mo-min-che.
 M-ha-che.
 Me-ha-te-kubbe.
 Me-cam-bee.
 Mo-sha-kal.
 Mue-la-le-chubbe.
 Mingo-hapia (alias Ne-ta-cubbe).
 Me-sham-bee.
 Mi-o-nubbe.
 Mi-yah-ho-nah.
 Mo-chu-lak-a.
 Mah-to-nah.
 Mam-bah.
 Mo-min-che.
 Mul-la-le-ho-nah.
 Me-ash-pal-lah.
 Mah-li.
 Moon-tah.
 Me-ha-tubbe.
 M-she-he-kubbe.
 Me-ha-che.
 Mush-a-lah-kah.
 Ma-he-tubbe.
 Mul-a-tubbe.
 Mah-lah.
 Minte-ho-nah.
 Ma-ko-ka.
 Man-tubbe.
 Mo-nim-tubbe.
 Me-tah-lah.
 Mi-yah-tubbe.
 Mah-ka-tubbe.
 Mah-yah.
 Me-hat-e-she.
 Mah-ko-cha.
 Mah-ho-tubbe.
 Muk-am-bee.
 Mulla-tubbe.
 Mi-ya-cubbe.
 Me-ha-che-tubbe.
 Me-yah-tubbe.
 Ma-ha-te-tubbe.
 Maho-ka.
 Me-ho-te-ah.
 Me-she-mah-ho-nah.
 Muk-in-tubbe.
 Me-ha-to-nam-bee.
 Me-haw.
 Me-shom-to-yah.
 Me-ha-che-to-nah.
 Muttul-bee.
 Me-ah-sho-ka.

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|---------------------|---------------------------------|
| Mah-la-ho-ka. | Mal-la-le-ho-nah. |
| Me-sham-le. | Ma-lo-la-ho-nah. |
| Me-ha-took-ho-nah. | Ma-lubbee. |
| Mah-le. | Mis-to-bo-yea. |
| Mab-e-ti-yah. | Mook-ka-fa. |
| Mal-as-ho-nah. | Mi-yah. |
| Ma-sho-la. | Min-tah-chubbe. |
| Ma-chubbe. | Min-te-ho-yo. |
| Me-he-mah. | Me-he-tam-be. |
| Ma-ah-she-mah. | Ma-ha-to-na. |
| Me-sha-tubbe. | Min-ta-hubbe. |
| Me-sha-tubbe. | Me-ah-shia. |
| Me-shone-tah-tubbe. | Me-ha-to-na. |
| Me-ho-te-mah. | Mish-sham-be (or Me-ash-am-be). |
| Moon-tubbe. | Me-a-tube. |
| Me-han-to-tubbe. | Mal-la-ho-ka. |
| Me-ah-sho-nah. | Muth-toon-bah. |
| Me-ah-sho-tubbee. | Mock-ah-hi-yah. |
| Me-he-o-tubbee. | Mah-la- (or Suckey). |
| Mok-in-lubbee. | Mah-han-to-nah. |
| Me-mah-tam-be. | Moon-tubbe (or Moon-tah). |
| Me-ah-to-chubbee. | Mah-la-tubbe. |
| Me-sham-be. | Mint-tubbee. |
| Me-hah-to-nah. | Ma-ka-le. |
| Me-ah-she-nah. | Muk-a-to-na. |
| Mah-la. | Mas-sa-la. |
| Mus-shu-le-lah. | Me-lin-ga-li-ah. |
| Me-ah-tubbee. | Mat-he-chubbee. |
| Min-te-lubbee. | Mis-ta-i-a-ho-ka. |
| Math-la-tubbe. | Ma-ho-lut-ubbe. |
| Me-shune-tubbee. | Ma-lis-sa. |
| Mi-hah-tim-ah. | Mi-ha-ya-tubbe. |
| Mo-nim-tom-ba. | Molly. |
| Me-ash-oon-te-mah. | Moon-tah. |
| Me-ha-la-ho-nah. | Mary. |
| Me-ha-to-nah. | Maa-shem-a-ho-ka. |
| Mish-oon-tubbe. | Me-ah-tim-mah. |
| Mah-la-ho-nah. | Moon-tubbee. |
| Me-ash-in-tubbe. | Me-he-ubbe. |
| Mok-o-nubbe. | Mis-tubbe. |
| Mok-a-tubbe. | Ma-ham-bee. |
| Me-she-mah-tubbe. | Me-shom-kubbe. |
| Me-hah. | Mul-la-le-ho-nah. |
| Me-shoon-tah-tah. | Me-hah-to-nah. |
| Mah-le-ho-ka. | M-ha-che-ho-nah. |
| Me-he-ah-te-mah. | Ma-ha-tai-omubbee. |
| Me-ah-shu-nah. | Me-hi-a-tubbee. |
| Me-ah-ho-nah. | Min-tubbee. |
| Me-hi-o-tubbee. | Na-i-o-ka. |
| Min-ta-hubbee. | Nancy. |
| Moon-ta. | No-a-te-ma. |
| Moon-tah. | Nat. |
| Me-la. | Nancy. |
| Ma-ha-lo-ma-tubbee. | Ne-take-in-lubbee. |
| Min-ta-ho-ka. | No-wa. |
| Ma-hen-to-nah. | Nok-o-nubbee. |
| Ma-ha-cha. | Nok-any-ta-ya. |
| Ma-ho-nah. | Nin-ta-ho-ma. |
| M-ah-sho-nocka. | Nock-ubba. |
| Moon-tubbee. | Nock-ne-mi-yubbee. |
| Me-o-tubbee. | Mol-a-tubbee. |
| Mah-le-ah-tah. | Nok-ne-a-tubbe. |
| Min-te-hubbee. | Nah-na-e-mah. |
| Ma-an-too-nah. | Nah-sa. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|------------------------------------|------------------------------|
| Nock-a-way-chubbee. | Nok-ish-ti-ubbe. |
| Nock-a-la-ho-te-mah. | Nok-ho-tubbe. |
| No-se-ho-nah. | Noon-chubbe. |
| Ne-hi-ah-to-nah. | Ne-tuk-ah-che. |
| No-ah-ho-tubbee. | Nok-ne-la. |
| Nock-a-che-tubbee. | Nok-e-ne-tubbe. |
| Nock-a-na-ho-nubbee. | Nok-a-ne-la. |
| No-la. | Nok-nam-be. |
| No-ah-to-nubbee. | No-wa-hubbe. |
| Ne-la. | Nok-a-shubbe. |
| Nock-a-na-chubbee. | Nok-a-chubbe. |
| Nock-a-nubbee. | Nok-ish-tah-shah. |
| Nock-e-a-chubbee (or Chub-bee). | Ne-nok-kinm-bee. |
| Na-chubbe (or Nock ne-chubbee). | Nulth-la (or E-la-bo-ti-ah). |
| Nokis-tah-ahah. | Nok-ish-te-ubbe. |
| Nan-to-wah-yo. | Nok-neen-tubbee. |
| Nook-a. | Nok-e-ne-fe-nah. |
| No-ke-mo-nubbe. | Ne-tuk-ah-chick-e-ma. |
| No-wah-ho-ka. | No-wah-tam-be. |
| Nok-e-ne-ti-yah. | Nuk-sho-pubbe. |
| Nock-un-am-be. | Nok-ne-ti-yah. |
| Nock-e-mah-shubbe. | Ne-ash-e-nubbe. |
| Nok-is-ni-ubbe. | Nok-ish-tam-be. |
| Nok-se-ka-tubbe. | Nok-a-man-che-ka-bee. |
| Nok-ish-to-nah. | Nah-ho-lo-mustubbe. |
| Nok-e-ne-ubbe. | Nok-ish-tubbee. |
| Nok-ko-ah-ho-mah. | Nook-wa-tubbe. |
| Ne-tock-oosh-tah. | Na-ho-sa. |
| Nok-ish-tah-ok-la-tubbee. | Nok-me-hat-tubbee. |
| Nancy, or Un-an-che. | Nok-ho-ma-hajo. |
| Nok-ne-ho-tubbe. | Nok-ish-to-nah. |
| Na-po-le. | Nok-ne-o-ka-tubbee. |
| Ne-le. | Nok-nin-che. |
| Nok-e-na-tambe. | Nok-ni-ta-hubbe. |
| Nok-e-mo-nubbe. | Nok-wan-be. |
| Nok-ne-to-lubbe. | No-wah. |
| Nok-ah-pe-sah. | Nok-o-un-cha-hubbe. |
| No-la. | Nok-chu-nubbe. |
| Nook-fa-lah (alias Ah-nook-pa-la). | No-wah-ho-nah. |
| No-wah-ho-cubbe. | Nok-ne-tubbe. |
| Na-tubbe. | No-la. |
| Nock-i-o-tubbe. | Nah-sho-lah-ho-nah. |
| Nok-in-tambe. | No-sa-kah. |
| Nok-ne-hah-tah-e. | Nush-ko-ho-to-ko-lo. |
| Nuk-ok-ah-ho-mah. | Nock-e-ne-tubbe. |
| No-ah-ho-nah. | No-wah. |
| Nok-e-chubbe. | Nock-e-na-lah-nubbee. |
| Nok-ne-ha-tubbe. | Nock-ne-a-che. |
| Nok-ish-ti-yah. | Nok-ish-ti-yah. |
| Nok-i-ne-lah. | Ne-tah-che-to. |
| No-wah-te-mah. | Nock-fil-e-hi-yah. |
| Ne-tock-am-be. | Nuk-she-pa-ubbe. |
| Nok-is-tubba. | Ne-tak-e-mah. |
| Nok-ish-to-nubbe. | No-sa-kah. |
| Nu-wa-ho-ka. | Nok-ne-eeen-tubbe. |
| Nook-tah-lubbe. | Nu-wa-tom-bee. |
| Nok-ho-mah. | No-sa-kah. |
| Nok-na-thub-be. | No-ah-tubbe. |
| Na-wabbe. | No-ah-hubbe. |
| Ne-tah-cubbe. | Nah-min-ah-ho-ka. |
| Ne-tuk-o-ka. | No-h-ne-man-to-nah. |
| Na-o-ka. | Nock-a-ne-lah. |
| Nok-we-tah. | Nah-ho-te-mah. |
| Nok-e-wa-tubbe. | Nock-ish-to-nubbee. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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| Nan-no-ha-ho-nah. | Oon-nah-tom-tubbee. |
| No-le-ham-be. | Ogle-ho-lah. |
| Nok-ne-tubbe. | O-glah-non-nah. |
| Noke-e-ne-ene-hubbe. | O-na-chubbee. |
| No-ko-she. | Oo-nah-tubbee. |
| Nok-is-tom-be. | Oke-la-we-tubbee (or Ohe-lin-tubbee). |
| Ne-tuk-e-lubbe. | O-tim-po-nubbee. |
| No-a-ham-ba. | O-nah-te-ah. |
| No-kan-yo-ka-tu-na. | O-nah-tubbee. |
| Na-ne-ma. | Oon-nah-ho-ka. |
| Nan-cha. | Oon-a-tem-bee. |
| No-cum-mah-ho-ka. | Ogle-mi-o-nah. |
| No-ka-tah. | O-glah-no-wah-cha. |
| No-wa-yah. | O-nah-hubbee. |
| No-wah-ta-kah. | Oon-na-ho-kee. |
| Nock-ho-mah-hah-cho. | O-nubbee. |
| No-wa-ho-nah. | Oon-nah. |
| Nan-ne-ubbe. | Ow-wah-te-ah. |
| No-sa-cubbe. | O-gla-ham-bee. |
| No-quo-ah-tubbe. | Oon-ta-ho-yo. |
| Nock-a-chook-ma. | O-quun-tah. |
| Nock-pe-la-sa. | Oon-ta-mah-chubbee. |
| No-e-em-yea. | O-gla-ubbee. |
| Nok-a-ha-la-jee. | Ow-we-cha. |
| No-la. | O-lubbee-to-nah. |
| No-a-ho-na. | Oppa-sah-he-mah. |
| Nok-e-fil-la-ho-na. | O-gla-ho-te-nah. |
| No-la-ho-na. | Oon-tah-zubbee. |
| Nok-pa-la. | O-thulck-a-ho-yo. |
| No-wah-he-mah. | Oon-ta-kah. |
| No-sho-bah. | Ok-lish-ti-ah. |
| Nock-chin-tubbe. | Oas-te-nubbe. |
| Na-wa-ho-ka. | Oon-ah-tubbee. |
| Nok-ne-o-ka-tubbee. | Ok-chubbee. |
| Nok-an-e-tubbee. | Ona-hin-lubbe. |
| Nim-nok-ha-cubbe. | O-mol-le-tubbe. |
| No-wah-ho-ka. | Oon-cha-la. |
| Nok-ish-te-mah-yubbe. | Oon-ah-chubbe. |
| Nook-fille (or Fil-le). | Oon-ha ^h -tubbe. |
| Ona-tubbe. | Ok-la-ho-tubbee. |
| Oak-la-te-a. | Ok-che-tim-ah. |
| Oon-ta-che-a. | Ok-lah-o-mah. |
| Oon-te-a-tubbe. | Oon-te-ah-tubbee. |
| Ona-chee. | Ok-la-me-ash-ah. |
| Ona-ho-ka. | Oon-ah-he-tubbe. |
| Ok-pe-a-hubbee. | Ok-lah-tubbe. |
| Ok-le-me-i-a. | Oth-la-ho-nah. |
| Ogle-as-te-ma. | Oon-ag-chubbe. |
| Oke-cha-te-ma. | Oon-an-che-ah-tubbe. |
| Ona-tubbee. | Ok-cha (or Ela-ok-chubbe). |
| On-wa-ka. | Oc-chock-ah-tubbe. |
| Ona-te-na. | Ok-in-to-la-ho-nah. |
| On-a-to-hoyo. | Oon-ta-tubbe. |
| Og-lam-is-tubbee. | Ok-lah-ho-tubbe. |
| O-na-ho-ka. | Oon-ubbe. |
| O-on-ta-cha. | Ok-ah-in-chuk-mah. |
| O-nok-fil-la-tubbee (alias Fillatubbee). | Ok-ish-te-mah. |
| O-gla-hubbee. | Ok-la-ha-mah. |
| Oke-me-i-a. | Ok-ah-che-ah. |
| Ok-a-ish-ba-la-la. | Ok-lee-han-tubbe. |
| O-gle-a-te-ma. | Oon-te-ka-ah. |
| Ooon-ka-hubbee. | Onah-te-mah. |
| O-glah-ho-nubbee. | Ok-lah-le. |
| Ooon-tim-to-ka. | Ok-ish-tah-na. |
| O-nah-he-chubbee. | Ok-ah-fah-ma-ho-nah. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|-------------------------------|-------------------------------------|
| O-na-te-ah. | Ok-la-no-wah. |
| Ok-lah-oka. | Ok-la-he-yubbee. |
| Ok-le-mi-ubbe. | Oon-ti-e-mah. |
| Ok-lah-chubbe. | Ok-lak-in-tubbe. |
| Ok-hah-che-tah. | Ok-lun-gee-hubbe. |
| Ok-i-yo-me-ho-nah. | Ono-che-hubbe. |
| Oon-ah-hubbe. | Ok-li-ho-ka. |
| O-nah-hubbe. | Ochee. |
| Ok-lah-tim-ah. | Ohe-nah. |
| Ok-po-ches-he-mah. | Ok-cha-tubbe. |
| O-ma-tubbe. | Ochee. |
| Oon-ah-he-mah. | O-nah-che-ho-yo. |
| Ok-la-o-nah. | Osh-ta-hah-ba. |
| On-wak-uhbe. | Ok-la-hubbee. |
| Oon-ah-hook-ta. | O-thah. |
| Oon-wah-tubbe. | O-nah-tah. |
| Ok-ish-ta-mah-ho-mah. | Oath-la-che. |
| Ok-le-an-ne. | O-ka-ish-te-e-mah. |
| Ok-lam-ba. | O-nah-be-mah. |
| Ok-ish-ti-yah (or Ish-ti-ah). | Ok-la-ho-nubbe (alias Muk-o-nubbe). |
| Okis-tha-chock-ma-haka. | Ok-cha-tubbe. |
| Ok-a-hubbe. | Ok-la-she-ho-nah. |
| Ok-a-la-an-cha-hubbe. | Oon-ubbe. |
| Ok-cha-tubbe. | Ok-lah-he-mah. |
| Ok-li-yah. | O-nah-tubbe. |
| Ok-ti-e-che-mah. | Ok-li-ah. |
| On-te-ma-ho-zo. | Oka-ish-te-mah. |
| Ok-le-mi-yah. | Oon-ah-ho-chubbe. |
| Okah-no-wah. | O-ka-in-chuck-nah. |
| Oon-te-mah. | Oon-an-cha-hubbee. |
| Oon-ti-o-mah. | Oon-ah-he-mah. |
| Oon-te-ah-tubbe. | Ona-hook-ta. |
| Ok-lu-hubbe. | Onan-che-hubbe. |
| Ok-ah-che-ah-honah. | Ok-cha-tubbe. |
| Ok-la-to-mah. | Ok-la-hubbe. |
| O-kis-ti-yah. | Ok-le-mo-mah. |
| Ok-la-che-ho-ka. | Ok-lo-hah. |
| Ok-a-to-la-he-nah. | Ok-a-yo-mah. |
| Oon-ubbe. | Oo-naw-mah-e-tubbe. |
| Ope-ah-kubbe. | O-mau-too-nah. |
| Ok-la-ho-nah. | Oun-tam-be. |
| Okah-ta-ho-nah. | Oun-ah-han-tubbee. |
| Okis-tah-la-ho-nah. | Oun-ah-ho-yo. |
| Ok-che-ha-to-nah. | On-ta-cubbee. |
| O-chee. | Ok-la-kin-ah. |
| Onem-chehubbe. | Oon-ah-hook-tah. |
| Ok-le-muttah. | Ok-cha-tu-nah. |
| Ok-lah-yah-ho-nah. | Oon-te-ah-tubbe. |
| Ok-le-mah-che-ah-ho-nah. | Oon-ah-ho-nah. |
| O-na-che-hubbe. | O-kish-ti-me. |
| On-ti-o-mah. | Ok-ah-sta-mah. |
| O-na-ha-tubbe. | Ok-lah-che-ho-yo. |
| Ok-la-bee. | Ok-is-tan-tah. |
| O-fa-ho-mah. | Oo-tub-ha. |
| O-nah-ho-kah. | O-ne-mi-yah. |
| O-na-he-mah. | Oo-hah-tubbe. |
| Oha-nubbe. | Owa-tubbe. |
| On-tah-e-mah. | O-nah-chubbee. |
| O-nan-che-tim-ah. | Oon-tha-hah-yo-tubbee. |
| On-te-l-tubbe. | Og-li-mi-a. |
| On-te-kah. | Oun-nubbee. |
| Ota-kubbe. | O-nah-cha-tubbee. |
| O-te-ah-tubbe. | O-kah-che-ah. |
| Oke-la-he-mah. | Oon-take-ubbee (alias Take-ubbe). |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|--------------------------------------|----------------------------------|
| O-lah-tin-tubbee. | Oon-ah-tubbe (or Un-chu-tubbee). |
| O-gle-o-nah. | O-na-tubbee. |
| Ok-is-te-mo-nah. | O-gle-ash-ubbe. |
| Ok-la-ho-nah. | Ok-la-ka-tubbee. |
| Ok-ish-tal-o-hah-ho-ka. | Ooclury, Pallas. |
| Onah-che-ham-be. | Ooclury, George. |
| Outh-la-hubbe. | Ooclury, Cyrus. |
| On-to-bah-nah. | O-glish-ti-yah. |
| Oke-lish-ti-yah. | Oon-te-mah. |
| Oon-a-ham-bee. | Ok-ain-to-la. |
| Oon-hik-ah. | Pan-a-cha. |
| Ok-lan-hoo-nah. | Po-sho-a-tubbe. |
| O-ta-she-mak. | Pis-ubbe. |
| Ok-labba (or Tap-pe-na-ho-ma). | Phillis. |
| O-na-ho-ka. | Pis-ha-lo-ti-ma. |
| O-na-ham-bee. | Pis-am-ok-an-tubbee. |
| O-na-he-ma. | Pis-ak-a-chook-e-ma. |
| Ok-la-ha-la. | Pis-a-tubbe. |
| O-nah-tick-ah. | Pis-ah-o-te-ma. |
| O-nah-ha-mah. | Pa-lam-a-ho-ka. |
| Oon-shu-ah-ho-ka. | Pa-shuth-lo-ke. |
| O-nubbe. | Pa-le-sa-ho-ka. |
| O-lah-hahn-cha. | Paush-o-nubbee. |
| O-kah-ho-te-mah. | Pom-fillah. |
| O-nah. | Pis-ah-ke-a-tubbee. |
| O-glock-ka-yo. | Pah-nah. |
| O-glah-mah-ka. | Palla-machubbee. |
| Oon-nock-a-mah. | Pah-hah-cho. |
| Oon-tock-ah-ne-ubbe. | Pis-sah-hoke-ta. |
| Oak-is-ta-cha. | Phil-le-ti-ah. |
| O-nook-cha (or Onook-chubbe). | Pick-but-tah. |
| Ok-i-a-cha (alias Tah-nap-pe-ho-ja). | Pal-la. |
| O-mah-sha. | Pusley. |
| Ow-wa-cha-ho-nah. | Pusk-co-chubbee. |
| O-gle-a-tubbee. | Phil-le-kah-ja. |
| Ok-a-ha-chubbee. | Pis-sah-ha-mah. |
| Oon-tan-tubbee. | Po-sha-to-nubbee. |
| Oth-la. | Peggy. |
| O-gla-o-ha-tubbe. | Palla. |
| O-gla-ha-ma. | Phil-le-mah. |
| O-lut-le-to-na. | Peter. |
| O-pe-ah-tubbe. | Pal-wah-chubbee. |
| Ok-la-ho-tubbee. | Pis-tick-e-ah. |
| O-ka-lan-che-hubbee. | Pah-lam-mah. |
| Oh-la-lah. | Pis-subbee. |
| Ok-is-tah-lo-la. | Po-tah. |
| Ok-la-him-ah. | Po-nubbee. |
| Ok-la-he-lubbe. | Pah-sho-nah. |
| Ok-chil-e-heka. | Pish-tan-ta-tubbee. |
| Oth-la-chubbe. | Pah-sha-ho-te-mah. |
| On-ah-ta-kah. | Pickens, Rachel. |
| Og-lah-ham-lee. | Pe-lubba. |
| Ona-tubbe. | Pa-tubbe. |
| Ok-li-yok-ubbe. | Pe-lubbe. |
| Oli-o-ka. | Pis-ah-to-ke-mah. |
| Ok-lah-ho-nah. | Pis-ah-ho-ka-tubbe. |
| Ohul-in-tubbe. | Pis-ah-le-ho-ka. |
| Ok-lo-hah. | Pis-ah-ho-ka-tubba. |
| Ok-a-la-che (or Ish-to-pah-nubbe). | Pah-nah. |
| Ok-lah-o-nah. | Pis-ah-tik-cubbe. |
| Oh-ne-ho-te-ma. | Pis-ah-le-ho-ka. |
| Ok-ish-tal-la-wah-ho-nah. | Pis-ah-ho-ka-tubba. |
| Oh-to-gah-lan-tubbe. | Pah-nah. |
| O-gli-o. | Pis-ah-tik-cubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provision of the act of Congress of Aug. 23, 1842—Continued.

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|--------------------------------------|------------------------|
| Pok-o-chubbe. | Puk-an-ho-ka. |
| Pe-sa-che-ho-nah. | Pi-yah-hooc-ta. |
| Pis-ah-tim-lah. | Phil-e-ah-ho-yo. |
| Pis-ah-hom-be. | Phil-e-mon-te-kah. |
| Pa-sa-chubbe. | Pis-ah-cha-hubbe. |
| Pis-a-ho-kah-tim-ah. | Pis-sah-te-mah. |
| Pis-tek-e-ubbe. | Pul-le-ho-nah. |
| Po-tubbe. | Po-la-tubbe. |
| Pock-om-e-chubbe. | Pis-sa-che-ho-yo. |
| Pock-ah-ma. | Pis-sa-ho-ka. |
| Pe-le-ham-be. | Po-ka. |
| Pel-le-sah-ho-nah. | Pah-lah-hubbe. |
| Pis-ah-che-tubbe. | Pah-ta-tubbe. |
| Pe-ah-hubbe. | Pis-sah-ho-nubbe. |
| Pith-le-le. | Pis-sa-ham-bee. |
| Po-te-le-chubbe. | Pis-sah-e-kah. |
| Pis-te-ah-tubbe. | Pis-sah-ho-nah. |
| Pun-ah. | Pis-to-pun-ne. |
| Pis-ah-tu-nah. | Pis-sah-te-kah. |
| Phe-lin-tah. | Po-tah. |
| Pis-ah-tim-ah. | Pis-e-ho-temah. |
| Faunch-tunah. | Pis-sah-lah-he-mah. |
| Pis-ah-cha-tubbe. | Pun-ubbe. |
| Pis-ah-ho-chubbe. | Paush-ok-chi-ah. |
| Po-nok-to-Chubbe. | Pis-ah-to-nah. |
| Po-shon-she-hubbe. | Po-ta-mah. |
| Pul-ke-tubbe. | Poush-is-nah-ho-mah. |
| Pis-ah-tam-be. | Pis-ah-on-te-mah. |
| Pis-ah-tish-ubbe. | Pis-took-cha. |
| Phe-la-cha-ho-ka. | Pa-nubbe. |
| Pis-ah-tim-o-nah. | Pis-ah-to-she-mah. |
| Pis-ah-chim-ah. | Paush-ok-chea. |
| Pa-la-chubbe. | Poo-tah. |
| Pah-lubbe. | Poush-is-to-nubbe. |
| Pe-tam-o-tubbe. | Pis-sah-che-te-mah. |
| Pis-ah-ho-tu-na. | Poush-is-te-nubbe. |
| Pis-ah-ho-ka-tim-ah. | Pa-sa-tubbe. |
| Pis-is-tubbe. | Pe-ha-tubbe. |
| Pah-lah. | Po-tah. |
| Po-lah. | Phil-e-ma-hubbe. |
| Pis-subbe. | Phil-e-moon-tubbe. |
| Pis-ah-cho-ho-nah. | Phil-e-ho-nubbe. |
| Pis-took-chubbe. | Pa-sa-tom-ba. |
| Pah-sah-che-mah. | Posh-e-mah. |
| Pah-yah. | Pis-a-cha-tubbe. |
| Pul-ka-tubbe. | Posh-an-o-wabbee. |
| Pis-ah-ho-kah-tim-ah. | Pas-cum-me. |
| Pis-ah-mok-in-tubbe. | Paush-ik-ish-o. |
| Pis-ah-ho-tim-ah. | Pul-ka. |
| Pe-he-le-tubbe. | Pis-sah-ka-to-nah. |
| Pah-sah-ho-nah. | Pis-ah-ta-cubbe. |
| Pon-these-tubbe. | Pis-te-ah. |
| Pa-la-sa-ho-mah. | Pash-i-o-nah. |
| Pis-ah-che-ho-yo. | Phil-e-moon-tubbe. |
| Pash-ah-ho-mah. | Pash-ish-te-ubbe. |
| Pa-sha-ho-nah. | Pis-i-to-kubbee. |
| Pis-ah-ho-nah. | Pis-took-chah. |
| Pis-ah-tubbe (alias Ah-pa-sa-tambe). | Po-sis-ti-yah. |
| Phil-e-mo-yah. | Pis-sah-te-mah. |
| Pis-a-ham-bee. | Pul-lah. |
| Pa-sah-te-mah. | Pis-sah-mock-an-tubbe. |
| Pe-yah-ho-ka. | Po-shah-tubbe. |
| Pis-ah-man-tubbe. | Pa-sah-ho-nah. |
| Pash-ah-ho-yo. | Peg-ga. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|-----------------------------------|-----------------------------------|
| Po-tho-tah. | Pone-lah. |
| Pa-sam-bee. | Pis-took-chah. |
| Phil-le-ah. | Poush-ish-to-nah. |
| Pus-sah-kah. | Pis-ah-she-te-mah. |
| Pis-sah-koke-ah-ta-mah. | Pa-sah-ho-nah. |
| Pis-ah-kah. | Pis-ah-han-bee. |
| Po-shut-tah. | Pis-sah-ho-to-mah. |
| Pis-am-be. | Pis-sah-ham-be. |
| Pe-le-chubbe. | Po-to-tubbe. |
| Pis-ah-tim-ah. | Pis-at-am-te-mah. |
| Posh-a-ma-ta-ka. | Phil-e-men-tu-nah. |
| Pis-ah-ti-ah. | Pis-sah-che-hubbee. |
| Pis-ah-o-gla. | Pil-ah-tubbe. |
| Po-tubbe. | Poon-tah. |
| Pa-sah-ho-nah. | Peas-tubbe. |
| Po-nah. | Pis-ah-ha-lubbe. |
| Pis-ah-ish-no-wah. | Pa-chubbe (or La-pa-chubbee). |
| Pis-ah-ho-min-ah. | Pis-ah-tubbee. |
| Pes-ta-ge. | Po-she-mah. |
| Pah-na. | Pen-mis-sah. |
| Pe-no-la-Perry. | Polly. |
| Pis-a-tubbee. | Quah-na. |
| Po-to-tubbe. | Quish-tut-tah. |
| Pe-ah-shubbee. | Row-le. |
| Pis-sah-hah-tubbe. | Raybarn. |
| Pah-sho-nah. | Sah-o-yo. |
| Pis-sah-nah-to-nah. | Syla. |
| Po-shah-loke-ta (or Po-shock-ta). | Smith. |
| Pockin-am-bee. | Shi-mi-ah. |
| Pis-hubbee. | Sukey. |
| Pash-ho-mah. | Sophy. |
| Pocka-na-yah. | Sampson. |
| Pe-tah. | Susa. |
| Pis-sah-tubbee. | Shok-ta. |
| Pan-shisk-tu-na. | Socka. |
| Pi-al-e-ho-ka. | Span-a-min-go. |
| Pis-a-to-nubbee. | Stela. |
| Pa-shub-ba-tubbee. | Stay matubbee. |
| Po-cham-ba. | Stan-ti-ma. |
| Pa-sa-chubbee. | Si-e-na. |
| Pis-a-be-tubbee. | Syop-a-tubbee. |
| Posh-a-mus-tubbee. | Shuk-a-tubbee. |
| Pi-sa-te-a. | Sta-ta-he-ma. |
| Pis-aho-ka-tubbee. | Ste-a-ho-te-ma. |
| Peter. | So-kin-nah. |
| Puck-chubbee. | Stam-mah-han-to-mah. |
| Puth-kin-tubbee. | Shock-ko-yea. |
| Pan-she-o-ha. | Shin-e-ah. |
| Pa-subbee. | Sina. |
| Pah-ha-mah. | Stim-ah-ha-tubbee. |
| Peel-ah-tubbee. | Stah-tubbee. |
| Pis-ah-to-cubbee. | Silis. |
| Po-tubbee. | Sta-ah-nubbee. |
| Pis-tah-ho-nah. | Stil-la-chubbee. |
| Pis-ah-ho-nah. | Sha-ho-ka. |
| Pis-ah-ho-ka-to-nah. | Sho-na-ho-ke-ta (or Cush-ho-nah). |
| Pok-ah-la-ho-nah. | Sam. |
| Pis-ah-te-mah. | Sarah. |
| Po-she-mah. | Sho-mi-yah. |
| Pa-sha-ho-to-na. | Suckey. |
| Pis-ah-jah. | Sully-ho-yo. |
| Poc-ah-loop-ka. | Sto-nah-chubbee. |
| Pis-at-i-ah. | Sutte. |
| Pis-ah-che-ho-nah. | Stah-na. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|--------------------------------|--|
| Shum-to-nah. | So-ma-ka. |
| Sah-ho-nah. | Sock-ki-a. |
| Shah-lah-tah. | Si-a-na. |
| Sofa. | Sah-chah-ho-nah. |
| Sho-mo-lahka. | Sal-la. |
| Sah-la. | She-me-ho-ka. |
| Sha-mah-ho-yo. | She-co-pah-lo-mah. |
| Sill-la-ho-nah. | Shim-to-nah. |
| Sak-e-tim-ah. | Sa-ho-yo. |
| She-mah-la-to-nah. | Shi-ka-jo-na-wa. |
| Sha-ka-pa-ho-nah. | Ste-ma-ho-yo. |
| Sho-tubbe. | Solomon. |
| Sal-la. | Shah-pa-ja. |
| Suck-a. | Shi-yah. |
| Sham-pa-no-ka. | Sham-pi-o-nah. |
| Sam-me. | Sal-la. |
| Sho-nah. | Smith. |
| Sah-un-me-ho-ka. | Shah-pah-ho-mah. |
| Sho-tim-ah. | Shah-mah. |
| She-ko-pah-ho-mah. | Sah-mi-o-ka. |
| Sah-tubbe (or Pish-tubbe). | Sho-nak. |
| She-ne-po-tubbe. | Se-a-no-la. |
| Sho-te-mah. | Sta-fa-na. |
| Shum-pa-la (or Chumk-ul-a-ka). | Ste-a-tubbee. |
| Shan-io-tubbe. | Si-e-la. |
| Sham-pi-e. | Sta-lubbe. |
| Stah-nubbe. | Sally. |
| Sho-nah. | Sho-wa. |
| Sile. | Ste-ma-ho-yo-ho-na. |
| Sha-ne-ka. | Stan-cha (alias Ste-ma-ya, alias Kon-che). |
| She-se. | Sham-pi-a. |
| Sham-ta-ho-ka. | Sti-ma-la. |
| Sho-moon-tah. | Sa-ba-la. |
| Sho-mah-la-tubbe. | Sinah. |
| Ste-mok-ka-yo. | Si-na. |
| She-mah-ho-yo. | Shah-nah. |
| Sha-ka-ho-mah. | Sham-tah-o-ka. |
| She-mah. | Sah-ho-ba. |
| Stah-ho-nah. | Ste-ah-ho-ka. |
| Shon-wa-no. | Sho-tubbee. |
| Stuk-a-tubbe. | Si-la. |
| Shu-wak-ki-yah. | Tan-a-bon-tubbe. |
| She-mi-yah. | Tan-e-cha. |
| Stoo-nok-a. | Tan-a-chee. |
| Ste-ma-lah. | Tho-po-nubbe. |
| Stu-na. | Tom-pe-i-a. |
| Sal-lie. | Tem-mepa-pona. |
| Stea-le. | Tik-conubbee. |
| She-ma. | Tis-ho-chi-le-ta. |
| Sho-tubbe. | Tahubbee. |
| So-kutchi. | To-ta-ho-yo. |
| She-co-pam-be. | Ta-ho-na. |
| Shi-ah-kah. | Te-i-ya. |
| Sal-le-ok-ka. | Tik-pa-tubbee. |
| Sok-ka-ti-ah. | Tus-cubbee-ha. |
| Shah-ni-o-tubbe. | Tus-ka-em-itta. |
| Sally. | Tam-a-ho-ta-na (alias Stam-a-ho-to-na). |
| Sal-lie. | Tik-lo-nubbee. |
| Sho-mah-ho-ka. | Tis-pa-ham-ba (alias Tis-ho-ham-ba). |
| Sham-bee. | Tik-beia. |
| Sak-ka-tubbe. | Tem-a-ka. |
| Sho-tubbee. | Tam-a-ho-na. |
| Sum-e-hah-chubbe. | Tal-a-ho-na. |
| She-co-pan-she-hubbe. | Tam-a-tubbee. |
| Sha-nook-a. | Tuk-a-la-ma-ho-na. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|---------------------------------------|------------------------------|
| To-ta-ho-ma. | Tin-lah. |
| Tillo-watubbee. | Tam-bee (alias Pis-tam-bee.) |
| To-lin-cha. | Tah-ho-nah. |
| To-ah-e-min-tubbee. | To-ni-ya. |
| Ti-yah. | Tub-be-cc. |
| Tish-o-ham-bee. | Tack-ah-lam-be. |
| Thock-o-fa-tubbee (or Thock-o-tubee). | Te-lan-ah-che. |
| To-che-ah. | Tah-ho-yah-ho-nah. |
| Tah-hock-a-ma-tubbee. | Tick-ba-ho-nah. |
| To-mah-la-chah. | Tush-ho-nah-tah. |
| Ta-cubbee. | Tah-he-kah. |
| To-ma. | Te-me-ak-ke. |
| Ta-hu-te-mah. | Ta-to-bah. |
| To-ko-tah. | To-no-ho-ka. |
| Tish-o-pam-bee. | Tik-e-tim-ah. |
| Tal-wah-ham-bee. | Tah-lah-ba. |
| Tus-ki-ah-leek-ah. | Tah-bc-kah. |
| Tick-a-lin-tubbee. | To-sho-yo-ho-nah. |
| Tick-but-tah. | Tan-ne-too-nah. |
| Tith-la-ho-nah. | To-hubbe. |
| Tim-am-ho-tubbee. | Tan-tubbe. |
| Tennepee. | To-chubbe. |
| Thompson. | Tith-le-le. |
| To-no-wah. | Too-lah-tubbe. |
| To-nah. | Ta-cubbee. |
| Ti-ee-nah. | To-ho-nah-te-mah. |
| Tah-ho-yo. | Te-ho-bah-tubbee. |
| To-cha. | Tith-li-ah-ho-nah. |
| Tock-ah-la-to-nah. | Tah-lo-wah. |
| Ta-cubbee. | To-nah. |
| Tock-ki-ah-chah-ho-nah. | Tah-pe-nah. |
| Tah-ho-nah. | Tim-o-nah. |
| Ta-mah. | Tith-lo-o-mte-ah. |
| Te-mi-yah-tubbee. | Tim-ma-la-ha-cha. |
| To-mah-ho-yo. | Tah-pah-lah. |
| Tim-min-ta-hubbee. | Te-he-kah. |
| Tah-ho-ka. | Te-ah-ho-nah. |
| Tush-a-min-tubbee. | Tith-le-le-ho-ka. |
| Tah-ho-la-tubbee. | Tish-o-pi-ah. |
| To-ki-ah-Carnes. | Te-mah-lah-chee. |
| Tish-ah-ho-nubbee. | Tah-nah-ho-nah. |
| Tick-lam-bee. | Te-mah-lah. |
| Tak-ho-ka. | Thlo-pulla. |
| To-pah. | Tish-o-no-wah-tubbe. |
| To-mah-ho-nubbee. | Tik-ba-ho-tubbe. |
| To-no-te-mah. | Ta-nam-po-tubbe. |
| Ta-ba-cha. | Tone-ubbe. |
| Tille-mah. | Tak-al-ah-tim-ah. |
| Tah-no-wah. | Ta-shu-tubbe. |
| To-me-hattah. | Tik-ba-ho-tubbe. |
| Tick-be-too-lah. | Tah-ho-ye. |
| To-tubbe. | Tusko-lotto. |
| Took-la-he-mah. | To-nah. |
| Tith-ho-tubbee. | Tack-cubbe. |
| To-ma. | Te-mi-ah-ho-yo. |
| Ton-ubbee. | Tan-pe-na-hubbe. |
| Tah-pe-chubbe. | To-la-ho-nah. |
| Tosho-ah-ho-nah. | To-ba. |
| Tak-a-lam-be. | Tish-u-no-wa-tubbe. |
| Tha-o-hubbee. | Tom-e-hi-yo. |
| Thlo-po-tubbe. | Tim-ah-no-la. |
| Tah-ish-cam-be. | Tik-bah-ho-nah. |
| Te-aske-ho-mah. | Tan-oon-i-o-cubbe. |
| Tim-ah-ha-tubbe. | Took-a-chubbe. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|---------------------|----------------------|
| Tick-e-bah. | Te-mi-yea. |
| Tick-lah-oo-nah. | To-pa-ho-mah. |
| Tan-up-pi-yah. | Ti-yea. |
| Tah-ho-nah. | Te-nah. |
| Tah-Hubbe. | Tal-o-wah-ho-nah. |
| Took-a-loon-tubbe. | Tal-ne-ho-yo. |
| To-te-mus-tubbe. | Te-mah. |
| Tik-li-yah. | Toon-la-ho-nah. |
| Tal-lo-wah-ho-nah. | To-ho-lah. |
| Took-la-ho-na. | Tah-ho-nah. |
| To-bah-tam-ya. | Te-mah. |
| Tah-neen-cha. | To-lah-hubbe. |
| Tok-ka-la-too-nah. | Ta-she-co. |
| Tah-ho-nah. | Te-ok-ho-mah. |
| Te-mah-he-mah. | To-hee-le. |
| Tah-ka-la-to-nah. | Tah-the-ho-nah. |
| Tah-hubbe. | Tash-pah-tubbe. |
| Tal-wah. | Te-meen-tah-ho-nah. |
| Ta-hubbe. | Tebbe-ho-mah. |
| To-ah. | Tus-co-chi-am-be. |
| To-ni-a. | To-kah. |
| Te-bah-noo-kubbe. | Too-nah. |
| Tah-nin-to-nah. | Tin-to-tubbe. |
| Tik-e-lah. | Tik-lah-tubbe. |
| Tah-ho-nah. | Tam-mo. |
| Tah-nap-ha-cubbe. | Te-mam-ba. |
| Te-mah-tam-be. | Ta-bo-kah. |
| Tah-ne-ho-nah. | Ta-ho-nah. |
| Tus-ka-a-to-kah. | Te-ho-yo. |
| Take-ho-yo. | Tush-pah-tubbe. |
| Tah-hubbe. | Tah-nubbe. |
| To-bul-la. | Tibbe-ho-nah. |
| To-te-pi-ya. | Tith-i-o-tubbe. |
| Tah-no-wah. | To-lah-ho-nah. |
| Tah-we-wah-ho-nah. | To-ne. |
| Tik-lo-nubbe. | Took-ah-lam-be. |
| To-noon-cha. | To-wah-noo-hah. |
| Te-me-ah-ho-nah. | Ta-wamp-ha-cubbe. |
| To-pe-lah. | To-sho-yo-tubbe. |
| Toon-lah-ho-nah. | Tan-e-tubbee. |
| Tah-mah-hoke-chiah. | Tim-ah-no-la-ho-nah. |
| Tan-ke-yo. | Te-ah-ho-yo. |
| Tah-mah-ha-lubbe. | Tath-le-yo. |
| To-te-ho-yo. | Take-un-i-ye. |
| Tah-e-min-tubbe. | Tan-u-wa-ho-nah. |
| Tah-mah-le-lubbe. | Ti-o-nah. |
| Te-lubba. | Tus-ka-ha-kah. |
| Tellis. | Te-lo-way. |
| Tik-bone-te-mah. | Te-the-ubbe. |
| Tik-bah-he-mah. | Tush-kam-ba. |
| To-me-hubbe. | Tah-pe-nam-be. |
| Tib-bah-ubbe. | Tish-o-mus-tubbe. |
| Took-la-ho-na. | Ta-nam-pis-te-ubbe. |
| Te-mo-nah. | Te-lah-ho-nah. |
| Tish-ok-chia. | Thla-ko-fa-che. |
| Tok-o-la-tubbe. | To-tam-bee. |
| Tash-pa-ho-ka. | Tush-pa-o-ka. |
| Te-mah. | Ti-am-ba. |
| To-kal-la-tubbe. | Tah-no-le. |
| To-lah-tubbe. | Tah-ho-ye. |
| To-kah-ho-nah. | Tan-uth-la-che. |
| Te-ho-yo. | Ta-nam-pa-ha-ka. |
| Tike-be-ubbe. | Tith-lah-ho-nah. |
| Tim-e-tubbe. | Tonk-le. |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|---------------------------------|--|
| Tal-wah-ho-nah. | Ta-mo-a-ho-na. |
| To-pah-ho-nah. | Tap-pa-non-che-a. |
| Te-ho-mus-tubbee. | Tus-ca-no-la. |
| Tan-o-wa-tubbe. | Tal-la-wa-ho-na. |
| Tik-lo-nubbee. | Tish-o-emitta. |
| Tah-fa-mah. | Tish-o-chi-le-ta. |
| To-nam-pish-ubbe. | Tuk-a-la-nubbee. |
| Tah-nin-tubbe. | Tom. |
| To-nubbee. | Tal-wah-ho-ke-ta. |
| Te-cumseh. | Te-mah. |
| Taylor, Peggy. | Un-me-hah-to-nah. |
| To-nah. | Un-ah. |
| Ti-ock-he-im-lubbee. | Un-tah-she-mah. |
| To-ke-o-to-nah. | Un-nah-che-he-mah. |
| Taylor, Pirena. | Un-ta-ho-te-mah. |
| Taylor, Hester A. | Un-tah-tubbe. |
| Taylor, David F. | Ul-la-che-mah. |
| Tal-wah-to-nah. | Un-ah-to-lubbe. |
| Te-mah-lah. | Un-te-ah-tubbe. |
| Te-a-he (or Is-te-an). | U-lan-le-tubbe. |
| Ta-ka. | Un-te-cum-e-ubbe. |
| Tick-bone-tah-yubbe (or hubbe). | U-we-te-mah. |
| Tik-ah-lut-tah. | Un-ah-to-lubbe. |
| To-tubbe. | Un-ah-le-ho-ka. |
| Te-me-ho-ka. | Un-te-ah. |
| Ta-pe-ne-hubbe. | Un-tah-tubbe. |
| Tish-o-tubbe. | Un-te-chubbe. |
| Tus-kam-bee. | Un-che-le. |
| Ta-nam-pa-cha. | Ulth-la-ho-nah. |
| Te-ah-ho-yo. | Un-te-mah-ho-nah. |
| Tah-hubbe. | Ush-wah-ho-nah. |
| Tah-me-ne-lubbe. | Ut-tut-te-mah. |
| Te-ma-yo-la. | Us-tah-hi-ah. |
| Tap-pe-na-ho-ma. | Ulth-lo-tah. |
| Thomas. | Un-ah-timah. |
| Tan-ti-ma. | Ut-tut-e-mah. |
| To-kubbee. | Ul-ah-we-lah (or Ah-bo-we-la). |
| Tuk-a-lubbee. | Utul-bee (or His-tubbee, alias Mr. Shoot). |
| Tock-o-la-tubbe. | Ush-we-tubbee. |
| Tus-ka-chuck-ah-mah. | Up-pa-hubbee. |
| Tah-la-ho-lubbe. | Un-ah-tubbee. |
| Tush-cubbe (or Tus-cuppa). | Wak-a-tubee. |
| Tah-na-hin-po. | Was-kin. |
| To-nubbe. | Wa-ta-ho-yo. |
| Tus-ka-ho-ma. | Washington. |
| To-hah. | Wesley. |
| Ta-hol-ba-tubbe. | Wa-to-ho-yo. |
| Tish-o-ham-bee. | Winna. |
| Te-ah-pahn-tah. | Wausa. |
| Tah-li-yah. | Wallace. |
| Took-lah-bee. | Wale. |
| Tus-sah-hah. | Ward, Nicholas. |
| Tah-nap-pe-ho-ja. | Wah-ha-chah. |
| Tith-le-tam-be. | Wilson, Tom. |
| Tho-po-tubbee. | Wi-o-ka. |
| Tus-sa-ha. | Wah-ki-o-nubbee. |
| Tan-na-pish-wa. | William. |
| Ta-mo-la-ho-na. | Wilson. |
| Tal-la-hubbee. | Wah-ah-o-tubbe. |
| Tith-lo-ya. | We-ah-ish-to-nah. |
| To-ta. | Wak-ah-che-ho-yo. |
| Ta-hom-ba. | Wak-ah-tubbe. |
| Tith-a-la. | Wah-kah-tubbe. |
| Tish-a-ko-nubbee. | |

List of Mississippi Choctaw Indians in whose behalf scrip was issued under the provisions of the act of Congress of Aug. 23, 1842—Continued.

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|------------------------------|-----------------------|
| Wak-ah-ho-nah. | Yo-kah, or Tiyah. |
| Wa-tubbe (or Oan-wah-tubbe). | Yow-wah-to-nah. |
| Wah-kah-a-te-mah. | Yun-ma. |
| Wash-ko-mah. | Yon-ah-ti-kah. |
| Wa-li. | Ye-min-tah-ho-nah. |
| Wah-li (or Billy). | Yok-o-tim-ah. |
| Wal-lee. | Yem-e-ti-ah. |
| Wak-a-tu-nah. | Yim-ish-lah-nah. |
| Wa-te-mah. | Yok-o-tubbee. |
| Wak-i-chubbee. | Yok-ko. |
| Wak-i-e-to-nah. | Yok-o-me-too-nah. |
| Wak-i-o-tubbe. | Yok-o-me-cha-ho-nah. |
| Win-ne. | Yem-e-ti-ah. |
| Wizy. | Yo-bah-tubbee. |
| Wah-tubbe. | Yim-mo-nubbee. |
| Wak-a-to-nah. | Yok-o-me-tim-ah. |
| Wak-io-nubbe. | Yok-io-tim-ah. |
| Way-tubbe. | Yum-ah-to-nah. |
| Way-ta-ho-nah. | Yem-ah-ho-ka. |
| Way-te-mah. | Yok-ah-ho-nah. |
| Wah-ki-ah. | Yo-ba. |
| Wa-la-ho-nah. | Yew-o-nubbe. |
| William. | Yok-ah-ham-be. |
| Wah-kin. | Yo-hubbe. |
| Willis. | Yon-ah. |
| Wah-tubbe. | Yon-ah-tab. |
| Wak-is-tubbee. | Yon-wah. |
| We-tuck-eeu-lubbee. | Yun-e-chubbe. |
| Wak-ka-te-i-a. | Yok-a-tubbe. |
| Wak-i-ah-te-ah. | Yan-ish-lak-nah. |
| Walis. | Yok-ah-to-nah. |
| Wak-kin. | Yok-o-te-mah. |
| William. | Yo-pal-lah. |
| Washington. | Yok-me-tam-be. |
| Win-na. | Yol-nubbe. |
| Wak-a-tubbee. | Yok-no-la. |
| Wa-ka-i-on-ubbee. | Yem-ak-ah-tubbe. |
| Wacka-ya. | Yem-e-tubbe. |
| Wa-a-ho-na. | Yok-ah-tubbee. |
| Wa-chah. | Ye-me-tubbe. |
| Wah-ka-ho-ke-tab. | Yab-mak-in-tubbe. |
| Wah-ki-o-tubbe. | Yam-moon-tubbee. |
| We-ah-ho-nah. | Ye-ah-tam-bee. |
| Wa-te-mah. | Yazoo-ho-pi-a. |
| Way-tubbe. | Yok-me-tubbee. |
| Yalla-ma. | Yah-kubbee. |
| Yim-me-tubbee. | Yem-e-tubbe. |
| Yaco-ona. | Yok-a-tam-be. |
| Yo-k-odee-tubbee. | Yok-mi-ti-ah. |
| Yacomma. | Yock-ma-chubbee. |
| Ya-co-to-na. | Yim-min-tubbee. |
| Yak-on-tubbee. | Yim-mah-ho-wah. |
| Yo-ca-ta. | Yok-ko-me-ah. |
| Yimma-ho-ka. | Yock-ah. |
| Yimma-tubbee. | Yok-a-tam-bee. |
| Yac-o-tam-ba. | Yo-ka. |
| Yak-a-hajo. | Yahk. |
| Ya-ka-pa. | Yo-pul-lah-ho-nah. |
| Yim-ma. | Yok-o-ta-hah-chubbee. |
| Yim-min-tah. | Ya-ta. |
| Yock-a-tubbee. | Yo-ca-chubbee. |
| Yock-a-ma-tubbee. | Yah-ho-ka-te-nah. |
| Yock-a-ma-tubbee. | Yock-a-te-nah. |
| Yocko-tab-nubbee. | |

Mr. MURRAY. There is a public document giving them, too.

Mr. FERRIS. Yes, there is a public document, but I got these from the Indian Office.

Mr. DILL. When was the act of Congress passed?

Mr. FERRIS. I think it was in 1837.

Mr. HARRISON. The scrip proposition was in 1842.

Mr. FERRIS. What actually happened was this: The Indians that remained first had a series of years when they could take land if they wanted it, and in large areas, and there were 10,000,000 acres remaining there to give it to them, but only 143 families would exercise that right. Then Congress came along in 1842 and said, "if you won't take the actual land we will give it to you anyhow by scrip." This Congress did, and they received it and there is and can be no doubt about it.

Mr. MURRAY. They left them 10,000,000 acres to take from. They only got a total of 11,000,000.

Mr. FERRIS. That is true.

Mr. HARRISON. The scrip was issued with the understanding that half of it should be issued in Mississippi and the other half in Oklahoma.

Mr. FERRIS. That is true. The other 3,400 out of the approximately 4,000 went over and got the rest of its money at \$1.25 an acre. And their names are here. Nearly all of them emigrated to Oklahoma after they had received land in Mississippi and became full beneficiaries in Oklahoma also.

Now, gentlemen, here is the attitude of these people—these treaty relations with these people happened almost 100 years ago—96 years ago—these Indians, a good many of them, had been over to Oklahoma at one time and another and received not only their pro rata in Mississippi but likewise received certain lands and payments in Oklahoma. Then some of them journeyed back to Mississippi where they desired to live. Their descendants live there now. Of course the treaty Indians are long since dead. One hundred years have elapsed since then, but their scattering and remnant descendants, mixed blood, intermarried with every people on earth, are still there.

Dropping back now to the fourteenth article, which is the only claim that they have ever claimed or had—it is all that Senator John Sharp Williams, or that Mr. Harrison makes, and if they have any rights at all it is under that. Now my colleagues and I from Oklahoma might tell you one thing, and the Members from Mississippi would tell you still another thing. Now let us see what the courts will tell us, and let us see what the Secretaries of the Interior tell us, what the Dawes Commission tells us, all dealing with this precise section 14. Members of the committee who have not given great attention to this might well go astray following me; they might perchance go astray following the Mississippi delegation, but certainly they can not go astray if they follow the courts empowered to pass upon this thing when it does pass upon it.

I hold in my hand an exact copy of the Jack Amos decision, which is the decision of a Federal court passing on this precise section 14 of the treaty of 1837. This case arose in the regular way. Jack Amos, a full-blood Mississippi Choctaw in 1896, with 97 full-blood Choctaw Indians came before the Dawes Commission in Oklahoma and said, "We are unwilling to remove to Oklahoma, but under the

fourteenth article we are entitled to stay in Mississippi and enjoy the full rights of citizenship. They said by their petitions and by their argument then precisely what Mr. Harrison says now.

JACK AMOS ET AL. AGAINST THE CHOCTAW NATION.

In this case the proof shows that the claimants are Choctaw Indians by blood now living in the State of Mississippi; that neither they nor their ancestors have ever removed into the present Choctaw Nation.

The claimants base their right to be enrolled as Choctaw citizens upon the term of the second and fourteenth articles of the treaty negotiated at Dancing Rabbit Creek on September 27, 1830, and of the conditions of the patent to the lands of the Choctaw Nation executed by President Tyler in the year 1842. (Durant Ed. Choctaw Laws, p. 81.)

Articles 2 and 14 of the treaty of 1830 are as follows:

"ART. 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning, the boundary of the same to be agreeable to the treaty made and concluded at Washington City in the year 1825. The grant to be executed so soon as the present treaty shall be ratified.

"ART. 14. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

The conditions of article 2 of the treaty, that the land should be conveyed "to the Choctaw Nation in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it," are carried into the patent, and are the only portions of that instrument which shed any light on the question now being considered, and therefore article 2 and the conditions of the patent may be considered together.

The whole object of the treaty of 1830 was to procure the removal, as far as practicable, of the Choctaw people to the lands west of the Mississippi which they now occupy. The Supreme Court of the United States, in the case of the Choctaw Nation *v.* United States (119 U. S., 36), after reviewing the treaties of 1820 and 1825, says:

"In the meantime, however, under the pressure of the demand for settlement of the unoccupied lands of the State of Mississippi by emigrants from other States, the policy of the United States in respect to the Indian tribes still dwelling within its borders underwent a change, and it became desirable, by a new treaty, to effect, as far as practicable, the removal of the whole body of the Choctaw Nation, as a tribe, from the limits of the State to the lands which had been ceded to them west of the Mississippi River. To carry out that policy the treaty of 1830 was negotiated."

Again in the case, page 27, the court says:

"It is notorious as a historical fact, as it abundantly appears from the records of this case, that great pressure had to be brought to bear upon the Indians to effect their removal, and the whole treaty was evidently and purposely executed not so much to secure to the Indians the rights for which they had stipulated as to effectuate the policy of the United States in regard to their removal."

Article 3 of the treaty of 1830 stipulates that the Choctaws agree to remove all of their people during the years 1831, 1832, and 1833 to those lands. (7 Stat. L., 333.)

Article 14 of the treaty, however, provides for certain privileges and rights for those who might choose to remain in Mississippi with a view to becoming citizens of that State. They and their descendants were to receive certain lands and, after living on

them for five years, intending to become citizens of the State, those lands were to be granted to them in fee simple. Then follows this very peculiar clause:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The difficulty in construing this clause of the treaty is to ascertain the meaning of the word "remove." To what does it relate and how shall we give it meaning? It certainly does not purpose to impose a penalty on the Choctaw who may choose to remove for removing, and for that reason forfeit his right to the annuity, because, so long as he remained in Mississippi he was not entitled to any annuity, and, therefore, by removing he could not forfeit that which he did not have. If he removed, he was to have no annuity, and if he remained he was to have no annuity. It is evident, therefore, that the word was not used for the purpose of forfeiting the annuity in case of removal. Then, what are its uses? The very object of the treaty was to procure a removal of these people.

The whole of the Choctaw Nation, with all of its sovereignty, its powers, and its duties, was to be transferred beyond the Mississippi. It was to exercise its powers, confer its privileges, and maintain the citizenship of its people in another place. Those who were left behind were to retain not this Choctaw citizenship but only the "privileges of a Choctaw citizen." That is, that when they put themselves into a position that these privileges could be conferred upon them they were to have them, and under the conditions and purposes of this treaty how would it be possible for them to put themselves in such a position without first removing within the territorial jurisdiction of the Choctaw Nation and within the sphere of its powers? What privilege would it be possible for the Choctaw Nation to confer, or a Mississippi Choctaw to receive, so long as he remained in Mississippi and out of the limits of the Choctaw Nation? By the very terms of the treaty they were to become citizens of another State, owing allegiance to and receiving protection from another sovereignty. If one Mississippi Choctaw were to commit a wrong against the person or property of another, the right would be enforced and the wrong redressed under the laws of Mississippi. The Choctaw Nation would be powerless to act in such a case. The Choctaws in that State can not vote, sit as jurors, or hold office as a Choctaw citizen or receive any other benefit or privilege as such. They can not participate in the rents and profits of the lands of the Choctaw Nation, because by the very terms of the grant the Choctaw people and their descendants must live upon them. If they do not, it is an act of forfeiture, made so by the provisions of article 2 of the treaty of 1830, and also of those of the patent to their lands afterwards executed.

The title of the Choctaw people to their lands is a conditional one, and one of the conditions of the grant, expressed in both the second article of the treaty of 1830 and the patent, is that the grantee shall live upon them. And who are the grantees? Who are these people who are to live upon the land? Unquestionably the Choctaw people and their descendants; for, while the grant is to the Choctaw Nation, the people seem to be included, both as grantees and beneficiaries. The language of the treaty is, and it is carried into the patent:

"The President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it."

The Choctaw Nation is not "them" and can not have "descendants." And while it may exercise its sovereignty and its national powers within certain defined territorial limits, it can not "live on land." Those provisions of the grant which are expressed in the plural and attach to "descendants" and which require as a condition that the land shall be lived on beyond doubt refer to the Choctaw people and their descendants. Whatever effect upon the title the limitation upon the rights of alienation expressed in the patent, so that the lands can not be sold except to the grantor or by its consent, may have, there can be no question but that the second article of the treaty of 1830, negotiated 12 years before the execution of the patent, and in which no limitation on the right of alienation is expressed, was intended to convey a fee-simple title, burdened by two conditions subsequent, the one that the grantees should continue the corporate existence of their nation, and the other that the people of that nation and their descendants should forever live upon the land. A failure of either would work a forfeiture of the title to the grantor.

Now, why was it that this fee-simple title was to be burdened by the condition that the grantee must live on the land? In the light of the knowledge of the conditions that then existed the answer is plain. The policy of the Federal Government at that time relating to the Indian tribes, was to move them upon a reservation and keep them there; and if the Indians, either singly or in numbers, should stray off, soldiers with guns and bayonets were used to drive them back. This very treaty was negotiated

with the Choctaws for that very purpose. Hence the condition in the grant that they should live on the land or it should be subject to forfeiture to the United States. This condition was inserted for two reasons: First, to compel the grantees to remove upon the lands; and, second, to compel them to remain on them after removal. It was not intended that some should go and locate on the lands and hold the title for themselves and also for the others who should choose to remain. This would defeat the very object of the conditions. These lands were conveyed to the Choctaw people to be held by them as tenants in common. This intention of the second article of the treaty of 1830 is expressed by the use of the words "them and their descendants" and of the clause that they were to "live on the land." Both of these clauses are expressed in the plural, and evidently do not relate to the nation as a corporate body. That a tenancy in common was intended is made clear by a consideration of section 3 of an act of Congress entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi River," approved May 28, 1830 (4 U. S. Stat. L., 412). The section reads as follows:

"And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States if the Indians become extinct or abandon the same."

At the time the treaty of 1830 was negotiated (Sept. 29, 1830) this act had been on the statute books of the United States for four months, and as a matter of course the commissioners to negotiate the treaty were familiar with it. But the language used in this act to limit the estate is "to them, their heirs, or successors." The language used in the treaty to limit the estate therein granted is "in fee simple to them and their descendants," and then conditions are attached not named in the statute. Why the word "successors" was left out of the treaty is plain, but why the word "heirs" was changed to the word "descendants," unless it was that a word should be used within the comprehension of those untutored Indians, who knew nothing of the technical phrasing of the common law used in the conveyance of real estate, is not easy to determine. The word "successors" was omitted from the treaty because by its terms the Choctaw Nation was to have no successors. They were to live on the land forever or it should be forfeited to the grantor. When the technical words "successors" and "heirs" were dropped and the common word "descendants" was used, these Indians could understand it. They knew that they and their offspring were. It was to them—the people and their children—that the land was sold; and when the condition was added that the grant was to be made to them and their descendants only in the event that they should live upon the lands, they could not but understand that this implied a removal to and a continual residence upon them.

As a further evidence that the parties understood that by this transaction the land was to be held in common by the people, the treaty of 1833, article 1, provides, after describing the lands, as follows:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: Provided, however, No part thereof shall ever be sold without the consent of both tribes and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same." (4 U. S. Stat. L., 276.)

If this be true there is no holding in trust by the corporate body of the Choctaw Nation for the benefit of the people, but the people themselves have the title and hold in common.

"A tenancy in common is a joint estate in which there is unity of possession but separate and distinct title. The tenants have separate and independent freeholds or leaseholds in their respective share, which they manage and dispose of as freely as if the estate was one in severalty. * * * The interest of one tenant in common is so independent of that of his cotenant that in a joint conveyance of the estate it would be treated as a grant to each of his own share of the estate." (Tiedeman on Real Property, 235.)

And therefore any condition of the grant would be as binding on each of the tenants in common as if the estate was in severalty and vested in the individual tenant. And therefore the condition named in the second article of the treaty of 1830 and in the

patent, that "they shall live on the land," is binding individually upon each and upon all of the grantees.

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecution of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes and thereafter exercise with them in their own country the privileges of citizenship they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they should live upon them or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly acquired nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give every word a meaning, and, in doing so, it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"Resolved by the General Council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation." etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will

remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

As a further evidence of the fact that all of the parties to the treaty, the United States, the Choctaw Nation, and the Mississippi Indians themselves, have always understood that the Mississippi Choctaws were entitled to none of the rights of a Choctaw citizen so long as they remained in that State, attention is called to the fact that the lands in Mississippi which were ceded to the United States by the Choctaw Nation by virtue of the treaty of 1830 were, under the laws of the United States, sold. The Choctaw Nation claimed that they had never been paid any consideration for them, and that the United States justly owed them the net proceeds arising out of the sale. For many years this contention was carried on before the departments of the Government, commissions, and other tribunals. Finally, by treaty, it was submitted to the Senate of the United States for decision. That body found in favor of the Choctaw Nation. The case then went to the Court of Claims, and from there to the United States Supreme Court, in which court judgment was finally rendered for nearly \$3,000,000.

This judgment was rendered in November, 1886. The money was turned over to the Choctaws by the United States, and by them, with the knowledge and consent of the United States, divided among their own people who lived in the nation. Not one farthing of it was ever paid to an absent Mississippi Choctaw, and no portion of it was ever claimed by them. During this whole litigation, running through many years, no effort was made to make themselves parties to the suit. And when the money was finally paid to the Choctaw authorities to be divided among the people they made no claim for any part of it, and entered no protest to its being paid to the resident Choctaws, nor have they brought suit for their share since. The other party to the treaty, the United States Government, the guardian of these Indians, paid the money without ever making any provisions for the Mississippi Choctaws to get their share or intimating that anything was due them. When it is remembered that this money was the proceeds of the sale of the lands in Mississippi belonging to the united Choctaw people while they lived in that State, and that the great bulk of the Mississippi Choctaws had never received one farthing for their share in the lands. If they, living in Mississippi, are entitled there to the rights of a Choctaw citizen it is remarkable that they did not assert their rights.

Again, a few years ago, the interest of the Choctaws to lands lying west of their present boundaries was sold by them to the United States for a considerable sum of money. This, like the other, was promptly divided among the resident Choctaws with the knowledge and consent of the United States, and without protest or claim of the Mississippi Choctaws. If they are entitled to the privilege of Choctaw citizens without removing into the boundaries of the nation they are and were entitled to their pro rata share of this money. If they do not understand that they have no claim to the rights of citizenship without moving into the country why have they, for the past 65 years, silently stood by and permitted these kinds of transactions to be had without claim, protests, or suit?

The Eastern Band of Cherokees, now residing in North Carolina, sustained a relationship to the Cherokee Nation almost identical to that sustained by the Mississippi Choctaws to the Choctaw Nation. Like the Mississippi Choctaws, there were some among them who were averse to moving to their new country, west of the Mississippi River. Provisions were made for them by the treaty of New Echota—the treaty of 1835—between the Cherokee Nation and the United States similar to those with the Choctaws by the treaty of 1830. When the Cherokee people moved to the present home of the Cherokees, these remained behind in North Carolina, where they have ever since resided. Like the Choctaw treaty of 1830, the treaty of New Echota provided that their lands should be ceded to them and their descendants, and so forth. The Cherokee Nation, by virtue of a treaty with the United States, afterwards sold some of these lands.

The Eastern Band of Cherokees, in North Carolina, unlike their Mississippi Choctaw brethren, promptly demanded their pro rata of the proceeds of this sale, and upon being denied at once sought and obtained permission of the United States to sue the Cherokee Nation in the Court of Claims for this money, and also, in the same suit, to sue for another fund which was created by the treaty of New Echota, consisting of certain annuities in the sum of \$214,000, of which the Eastern Band of Cherokees claimed a pro rata share. The suit was brought, and the Court of Claims, in a very elaborate and learned decision, decided against the right of the Eastern Band of Cherokees to recover, upon the ground that those Cherokees, by the act of remaining in North Carolina, had alienated themselves from the Cherokee Nation to such an extent that they could not claim any rights of a Cherokee citizen without moving into the Cherokee Nation and there being readmitted in accordance with the constitution

and laws of that nation. The case was appealed to the Supreme Court of the United States, and there the decision of the Court of Claims was affirmed. (*Eastern Band of Cherokees v. U. S.*, 117 U. S., 288.) In that case the Supreme Court, after reviewing all of the treaties and statutes relating to the matter, concluded by saying:

"If Indians in that State (North Carolina) or any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. These funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation, and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitioners can rest in either of the funds held by the United States in trust for the Cherokee Nation."

It seems to me that this decision of the Supreme Court, founded on a case so nearly similar to the one at hearing, conclusively settles the contention in favor of the Choctaw Nation. Indeed, in that case the Supreme Court expresses a very strong intimation that those provisions of the treaty of New Echota relating to and providing for those Cherokees who should refuse to move West were confined in their operation to that class of Cherokees then in esse, and the rights conferred by those provisions of the treaty did not descend to their offspring; that the descendants of those Cherokees did not succeed to the rights of their ancestors under the treaty. The language of the Supreme Court is:

"Nor is the band (Eastern Band of Cherokees), organized as it now is, the successor of any organization recognized by any treaty or law of the United States. Individual Indians who refused to remove West and preferred to remain and become citizens of the States in which they resided were promised certain moneys, but there is no evidence that the petitioners have succeeded to any of these rights. The original claimants have probably all died, for 50 years have elapsed since the treaty of 1835 was made, and no transfer from them to their legal representatives is shown." (*Ib.*, 310.)

The court proceeds, however, to decide this case, as heretofore shown, on the ground that the Indians composing the Eastern Band of Cherokees had not removed into the Cherokee Nation and reassumed their citizenship under the constitution and laws of that nation.

I am disposed to the opinion, however, and will so hold, that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past 2 or 3 years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

The counsel for the claimants lay considerable stress on the effect of the provisions of article 13 of the treaty of 1866 between the United States and the Choctaw Nation. (14 Stat., —.)

By the eleventh and twelfth articles of that treaty a scheme was devised by which the lands of the Choctaw and Chickasaw Nations were to be surveyed and divided and allotted to the individual Indians, provided the councils of the respective nations should agree to it, which, however, they have refused to do. A land office was to be established at Boggy Depot in the Choctaw Nation. When all of the surveys were completed, maps thereof were to be filed in the said land office, subject to the inspection of all parties interested, and immediately thereafter notice of such filing was to be given for 90 days, calling upon all parties interested to examine said maps, to the end that errors in the location of occupancies, which were to be noted on the map, might be corrected.

Then followed article 13 of the treaty, which is as follows:

"ART. 13. The notice required in the above article shall be given not only in the Choctaw and Chickasaw Nations, but by publication in the newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw

and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself or other, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled and the land shall thereafter be discharged from all claim on account thereof."

From an examination of this article of the treaty it will be seen that the Choctaws and Chickasaws recognized the right of absent members of their nations to participate in the allotment and subsequent ownership of their lands to the same extent as they themselves enjoyed, but on conditions, however: First, that they should satisfy the register of the land office of their intention to become bona fide residents in the said nation within five years from the time of said selection; and, second, that within the said five years they should actually remove into the said nation (there is a statute of limitation); and, third, that within the said five years they should occupy and commence an improvement upon the selected lands.

It will be observed that this latter clause imposes a condition on absent Indians nowhere required of the resident ones by any clause of the treaty. They were required to move into the country and show their good faith and their intention to remain bona fide citizens of the nation by actual occupancy of the land and an expenditure of money in its improvement. The notice was to be given them in order that they might have an opportunity of removing into the nation and there residing and resuming their rights as citizens; but care was to be taken, and safeguards provided by which their removal was to be actually had, and that was to be done in good faith. First, the register of the land office was to be convinced by such proof as might satisfy him of the intention of the absent Indian to become a bona fide resident of the nation before he was allowed to make a selection; and, second, that was to be followed by an actual occupancy and improvement of the land; and if he failed in this, it worked a forfeiture of his rights. Nowhere within the whole treaty is any right recognized or conferred on an absent Indian except consummated or enjoyed until after actual removal. No treaty or act of the Choctaw Council or of any officer of the Choctaw Nation since the treaty of 1830 can be cited, or at least I have not found them, whereby any right or privilege has been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he shall remain away from his people, but there are an infinitude of such acts and conduct granting and recognizing such rights and privileges to him after he shall have moved away.

The provisions of the treaty of 1866, so far from being an authority in favor of the contention of claimants, seems to me to be strongly against him.

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate it to their own use would be unjust and inequitable.

It is, therefore, the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

The action of the Dawes Commission is therefore affirmed, and a decree will be entered for the Choctaw Nation.

Mr. NORTON. That is the gist of Mr. Harrison's case.

Mr. FERRIS. Exactly his contention now. Now let us see what the Federal court says: This is not a case out of point, but is simply a decision of the exact issue now before this committee where the facts are identical.

Mr. HASTINGS. You want to make that clear, that that exact question was raised in the Jack Amos case.

Mr. FERRIS. Yes; Jack Amos and 97 full-blood Choctaws, then residing in Mississippi, were carried over by some attorneys to Oklahoma and came before the Dawes Commission and said:

Under the fourteenth article of the treaty we are entitled to be enrolled; we are entitled to share in this land; we are entitled to share in this money and still keep our residence in Mississippi.

This is the winding up clause of Judge Clayton's decision.

The CHAIRMAN. What is the date of that decision?

Mr. FERRIS. 1896, I think—no, 1897. They came before the Dawes Commission in 1896 and were turned down flat. This was on appeal to Federal court from the Dawes Commission, who had already held they could not be enrolled under Article XIV of the treaty.

But listen to what the court says. The whole case will be settled in your mind once and for all.

Mr. THOMPSON. This was on appeal from the Dawes Commission?

Mr. FERRIS. Yes; it was first tried before the Dawes Commission, and they turned it down flat. It was preposterous to assume that those people could live in Mississippi and retain the allegiance of their people nearly 100 years, and then decide to go to Oklahoma and get their land and still remain in Mississippi. To do that would let them profit by the refusal to do what Congress intended them to do; yes, to profit by refusing to do the things they agreed to do.

Congress called upon the Dawes Commission in 1897 for a report on this very subject. The commission's report is a Senate document which I am inserting herewith. It is as follows:

[House Document No. 274, Fifty-fifth Congress, second session.]

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Letter from the Secretary of the Interior, transmitting a report of the Commission to the Five Civilized Tribes relative to the Mississippi Choctaws.]

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1898.

SIR: I have the honor to transmit herewith a copy of a report of the Commission to the Five Civilized Tribes, relative to the Mississippi Choctaws, made in pursuance of the following provision contained in the Indian appropriation act of June 7, 1897: "That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship, except an interest in the Choctaw annuities."

Very respectfully,

C. N. BLISS, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES UPON THE QUESTION "WHETHER THE MISSISSIPPI CHOCTAWS UNDER THEIR TREATIES ARE NOT ENTITLED TO ALL THE RIGHTS OF CHOCTAW CITIZENSHIP, EXCEPT AN INTEREST IN THE CHOCTAW ANNUITIES," REQUIRED BY ACT OF CONGRESS, APPROVED JUNE 7, 1897.

To the Congress of the United States:

The Commission to the Five Civilized Tribes were required by act approved June 7, 1897, to "Examine and report to Congress whether the Mississippi Choctaws under their treaties are not entitled to all the rights of Choctaw citizenship, except an interest in the Choctaw annuities."

The commission has attended to that duty, and make the following report:

The Mississippi Choctaws are the descendants of those Choctaw Indians who declined to remove to the Indian Territory with the tribe under the provisions of the treaty made with the United States September 27, 1830, under which the Choctaws obtained their present reservation in the Indian Territory. There has never been a census taken of them, but they are estimated to number at the present time about twelve hundred. These are represented to be a poor and feeble band, somewhat scattered in different parts of the State of Mississippi, but located mostly in the counties of Neshoba, Newton, Leake, Scott, and Winston. They claim the right to continue their residence and political status in Mississippi as they and those from whom they descended have done for 65 years, and still are entitled to enjoy all the rights of

Choctaw citizenship except to share in the Choctaw annuities. This claim is based on the fourteenth article of said treaty, which is in these words:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

What their political status is in the State of Mississippi is defined in this fourteenth article of the treaty. Their ancestors each was to signify within six months after the ratification of the treaty his desire to remain and become a citizen of the States, which would entitle them to 640 acres of land and a less amount to each member of his family, and after a residence on the same of five years, with intent to become a citizen, are then entitled to a patent in fee, and are thereby made citizens of the States. Their ancestors having done this, they claim, under the concluding clause of said article, that their ancestors could and they now can continue such citizenship and residence in Mississippi and be still entitled to all the rights of a Choctaw citizen in the tribal property of said nation in the Indian Territory, except their annuities. This clause upon which the claim rests is in these words:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

But this construction is in direct conflict with the very purpose for which the treaty was made, and with the nature of the title to the lands in the territory secured to the Choctaws by it, and to the whole structure and administration of their government ever since under it.

No fact is better established than this, that the leading motive, if not the only one, on the part of the United States, was to get the Choctaws out of Mississippi and into what is now the Indian Territory. They accordingly provided in the second article of the treaty, among other things, that the Choctaws should *live on the land* ceded to them by it in the Indian Territory. That article is in these words:

"ARTICLE 2. The United States under a grant specially to be made by the President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it (here follows a description of the land). The grant to be executed as soon as the present treaty shall be ratified."

And the Choctaws agree in the third article to remove all their people to this territory during the years 1831, 1832, and 1833.

Now, to construe the concluding clause of the fourteenth article to mean an offer to those who refuse to go with their brethren to the new territory an equal share in the new lands with those who go and the additional fee simple of 640 acres of land in Mississippi and citizenship if they do not go is to offer a bounty to those who refuse to go, and would defeat the very purpose of the treaty. Not one would have gone when offered so much better terms for staying. It is well known that the Choctaws were very reluctant to enter into this treaty at all, because a portion of them—the ancestors of these claimants—refused to leave with the main body, and the treaty was not executed till the provisions of the fourteenth article were made for those unwilling to leave with their brethren. But the United States did not cease its original purpose to secure the removal of them all to the new country, even those provided for in the fourteenth article. They, therefore, inserted the concluding clause to that article to the effect of a continuing offer and pledge, that if they did ever "remove"—that is, if they ever changed their minds and concluded to remove—the fact that they had been freeholders and citizens of Mississippi should not bar them out of Choctaw citizenship, but that they should share like all the rest in everything but the annuities. Thus construed the clause is a standing inducement to those Indians to remove in accordance with the purpose of the treaty instead of a standing bounty to remain and thus thwart that purpose.

In addition to the condition which entered into the title that the grantees must "live on it" or lose it, the nature of the title was such that these claimants could derive no benefit from it without living on it, and by remaining in Mississippi it would be worthless to them. It is a territory in common, and has been held as such from that day, 1830, till now. Now, no tenant in common, who voluntarily leaves the common property to the occupancy of his cotenants, can ever claim of them any of the fruits of its use. So that these Mississippi Choctaws, if they are cotenants with the resident Choctaws in these lands in the Indian Territory, must first go there and occupy them with their cotenants or forego any use of them.

Another condition of this title is that the grantees shall not only "live upon it," but if the Choctaw Nation ceases to exist the title is lost. If all the Choctaws should follow the example of these Mississippi Choctaws and remain residents and citizens of Mississippi, it would *ipso facto* cease to exist as a nation and the title be lost. It is impossible to conceive that the Choctaw Nation itself, as well as the United States, entered into this fourteenth article with any intention of enabling them so to do.

As further evidence that both parties to this treaty understood that they had created a title to be held in common by the members of the tribe alone, in which no one not a member could have any interest, the United States and the Choctaws entered into a treaty in 1855 in respect to the title to those lands (U. S. Stats., 11, p. 612), the first article of which is in these words:

"ARTICLE 1. And pursuant to an act of Congress approved May 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said lands shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

Although it is true that any vested right of the Mississippi Choctaws in this land could not be affected by any treaty to which they were not a party, attention is called to this article for the double purpose of showing that both the United States and the Choctaw Nation have from the beginning held that the title has always been in the members of the tribe alone, and is now so fixed that no one else but members can share in it. The treaty uses the same language in the outset as is used in the treaty of 1830, containing the fourteenth article, on which the present claim rests. It says like that treaty, that it is entered into "pursuant to an act of Congress approved May 28, 1830," and then declares that "the United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw Tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole: *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

There can be no longer doubt that the present title is in the members of the tribes alone, and that the United States has pledged itself to so maintain it, and that it so does in the belief of both parties to the treaty that such was the title from the beginning. No man can, therefore, as the title now stands, have any interest in these lands unless he is a member in one of these tribes.

Now, it has been a law of the Choctaw Nation from the beginning of its existence, recognized by the Supreme Court and by Congress, that no man can be a citizen of that nation who does not reside in it and assume the obligations of such citizenship before he can enjoy its privileges. To "enjoy the privileges of a Choctaw citizen" one must be a Choctaw citizen.

If this land should be ultimately allotted, any allotment to other than a citizen would come in direct conflict not only with the terms of the treaty title but to the whole system of the Choctaw government from the beginning. By the treaty, the allottee must be a member of either the Choctaw or Chickasaw tribes. He can, being a stranger, neither occupy nor sell his allotment, for by the treaty all strangers are to be kept out of the territory, and the land is to be sold to no one except with the consent of both tribes.

This historical review of the acquisition of this Territory by the Choctaw Nation, and its subsequent legal relations to it, makes it clear, in the opinion of this commission, that the Mississippi Choctaws are not, under their treaties, entitled to "all the rights of Choctaw citizenship except an interest in the Choctaw annuities," and still continue their residence and citizenship in the State of Mississippi.

What, then, are "the privileges of a Choctaw citizen" secured to them by the fourteenth article of the treaty of 1830? That article, after having secured to those

unwilling to remove with their brethren to the Indian Territory 640 acres of land and enrollment and citizenship in the State of Mississippi, added this further clause:

"Persons who claim under this article shall not lose the privileges of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The commission are of the opinion that this clause was intended to offer a further inducement to those Indians to follow at some future time their brethren and join them in their new home, and that the true construction of it is that the door of admission shall be kept open to them, and if they ever remove this stay and citizenship in Mississippi shall not bar them out, but that, notwithstanding it, they shall be admitted to all the privileges of Choctaw citizenship equally with all others, save only a share in their annuity. This construction finds further corroboration in the treaty of 1866 (14th Statutes at Large) between the United States and the Choctaws and Chickasaws concerning the title to this same territory. In this treaty, for the first time, the possibility of an allotment of these lands in severalty to the members of the tribes at some time in the future was recognized. It was, therefore, provided in this treaty that whenever the tribes desired it such allotment among their members should take place, and at great detail the manner in which it was to be done was set forth. The treaty then provided that before it did take place notice should be given "not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for him or herself, or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom the selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation, and occupy and commence an improvement on the land selected within the time aforesaid, the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof."

There can be no doubt that this provision was inserted for the special benefit of those claiming to enjoy the rights of a Choctaw citizen under this fourteenth article of the treaty of 1830, many of those Choctaws having wandered away from Mississippi into the other States mentioned. It was a notice to them that these lands were about to be allotted to *members* of the tribes, and if they desired to avail themselves of a share in the allotment they must make themselves such members by coming from "outside" and join their brethren in the common citizenship of the nation.

The terms upon which each applicant can avail himself of this opportunity are clear and unequivocal. He must satisfy the register of his intention to become a bona fide resident in the Territory within five years of the date of his application before he can select his allotment, and a failure to remove into said nation and to occupy and commence improvement on the land so occupied within the time specified forfeits altogether the selection.

This proviso needs no explanation. The United States and the Choctaws have affixed it to the title, and those claiming the benefit of the 14th article must conform to it or lose their rights.

It follows, therefore, from this reasoning, as well as from the historical review already cited, and the nature of the title itself, as well as all stipulations concerning it in the treaties between the United States and the Choctaw Nation, that to avail himself of the "privileges of a Choctaw citizen" any person claiming to be a descendant of those Choctaws who were provided for in the fourteenth article of the treaty of 1830 must first show the fact that he is such descendant and has, in good faith, joined his brethren in the Territory with the intent to become one of the citizens of the nation. Having done so, such person has a right to be enrolled as a Choctaw citizen and to claim all the privileges of such a citizen, except to a share in the annuities, and that otherwise he can not claim as a right the "privilege of a Choctaw citizen."

To the claim as thus defined the Choctaw Nation has always acceded and has manifested in many ways its willingness to take into its citizenship any one or all of the Mississippi Choctaws who would leave their residence and citizenship in that State and join in good faith their brethren in the Territory, with participation in all the privileges of such citizenship, save only a share in their annuities, for which an equivalent has been given in the grant of land and citizenship in Mississippi.

The national council, in view of the poverty and inability of these Choctaws to remove at their own expense to the Territory, memorialized Congress on December

9, 1889, to make provision for their removal, by the adoption of the following resolution:

Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to all the rights and privileges of citizenship in the Choctaw Nation; and

Whereas they are denied all rights of citizenship in said States; and

Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore,

"Be it resolved by the General Council of the Choctaw Nation assembled, That the United States Government is hereby requested to make provision for the emigration of said Choctaws from said States to the Choctaw Nation, etc."

It is a significant fact that this claim on the part of the Mississippi Choctaws to all the privileges of a citizen in the Choctaw Nation, and still retain their residence and citizenship in the State of Mississippi, is a very recent one. There is no evidence known to the commission that the early Mississippi Choctaws ever made such a claim. In later years the Choctaws and Chickasaws have sold at different times large portions of their territory to the United States, and the proceeds, amounting in the aggregate to several millions of dollars, have been distributed *per capita* among the Choctaw and Chickasaw citizens. If this claim as now presented is the correct one, these Mississippi Choctaws were entitled to their *per capita* share in all the money equally with all other citizens of the nation, yet not a dollar of it was ever paid to them or claimed by them.

This claim to participate in the privileges of a Choctaw citizen and still retain a residence and citizenship in Mississippi has recently come before the United States court, in the third district in the Indian Territory, in the case of Jack Amos et al. *v.* The Choctaw Nation, No. 158 on the docket of that court. The case was an appeal of Mississippi Choctaws from a refusal of this commission to place them on the rolls of Choctaw citizenship. The court, Judge Wm. H. H. Clayton, overruled the appeal and confirmed the judgment of this commission, denying such enrollment, in a very elaborate and exhaustive opinion.

If, in accordance with this conclusion of the commission, these Mississippi Choctaws have the right at any time to remove to the Indian Territory and, joining their brethren there, claim participation in all the privileges of a Choctaw citizen, save participation in their annuities, still, if any person presents himself claiming this right, he must be required by some tribunal to prove the fact that he is a descendant of some one of those Indians who originally availed themselves of and conformed to the requirements of the fourteenth article of the treaty of 1830. The time for making application to this commission to be enrolled as a Choctaw citizen has expired. It would be necessary, therefore, to extend by law the time for persons claiming this right to make application and be heard by this commission or to create a new tribunal for that purpose.

In conclusion, it seems to the commission that the importance of a correct decision of this question, both to the Mississippi Choctaws and the Choctaw Nation, justifies a provision for a judicial decision in a case provided for that purpose. They therefore suggest that, in proper form, jurisdiction may be given the Court of Claims to pass judicially upon this question in a suit brought for that purpose by either of the interested parties.

Respectfully submitted.

HENRY L. DAWES,
TAMS BIXBY,
FRANK C. ARMSTRONG,
A. S. MCKENNON,
Commissioners.

WASHINGTON, D. C., *January 28, 1898.*

Now, I wish you gentlemen would take time to read this opinion. It is an opinion by three great lawyers appointed by the President pursuant to an act of Congress specifically empowering them to deal with this and similar cases. They did deal with them. The facts are identical with the present contention. It decides once and for all this proposition. It goes on and says how unreasonable it is in the face of the treaty, in the face of the acts of Congress, in the face of relations had between them and the Federal Government, that they would be permitted to remain in Mississippi and still share in the Oklahoma estate. They had had their lands; they had had their

money; they had had their land scrip, their opportunity, and their patrimony, and now, almost 100 years later, after all the old Indians who entered into the treaty have died, the attorneys marshal these men forward and again they seek to lay claim to property in Oklahoma belonging to the Oklahoma Indians, and endeavor to carry it back to Mississippi. To do that, Mr. Chairman, would be to attack a man who has had a deed to his land for a hundred years by some one who had refused to go West and take his homestead, who should say at this late day, "I come on now and claim my share of this property, even though I have not shared in the burdens of its acquirement. To allow those descendants who are perchance but a strain of Indian blood to now reach their hand into the Oklahoma tribal funds would do violence to justice, to law, and every decision on the subject.

These people have patents to their lands. We do not have to stand alone on the Federal court decisions. We do not have to rely on the decision of the Dawes Commission. We can rely on a solemn patent issued by this Government to the Oklahoma Choctaws. It was issued under President Tyler March 3, 1842. Listen to what it says:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple to them and their descendants, to inure to them, while they shall exist as a nation and live on it" liable to no transfer or alienations except to the United States or with their consent.

You see, gentlemen of the committee, Congress patents it to them, but they say they must live on it. The very initial instrument of the conveyance, the patent itself, says they must live on it. They must remain on it. And here my genial friend from Mississippi, Mr. Harrison, even in the face of that, even in the face of the decision of the Federal court, even in the face of four or five acts of Congress, even in the face of three or four treaties, even in the face of the decisions of four Secretaries of the Interior and four Indian Commissioners, would have this committee now do things that no one now recommends, that no department stands behind or for, that no one has ever stood for or ever recommended favorably.

Mr. HARRISON. Do you contend that under the treaty of 1820 the Choctaw Nation did not acquire those lands in Oklahoma?

Mr. FERRIS. Undoubtedly they did.

Mr. HARRISON. That was issued in 1840?

Mr. FERRIS. No; only the patent was issued to them under President Tyler in 1842. I am right about that. The gentleman will have a chance to reply.

Mr. CARTER. Did not the treaty provide the same thing?

Mr. FERRIS. Undoubtedly. In the strongest terms. Every treaty, every decision, every act in connection with this matter has borne out the idea that they must live on it.

Mr. NORTON. Will you permit Mr. Harrison to state right there, briefly, what he contends are the decisions that hold that the Mississippi Choctaws are entitled to this property, just so we can get it all together—that entitles the Mississippi Choctaws in Mississippi to remain there and have a right to this tribal property in Oklahoma?

Mr. HARRISON. I think the ex parte opinion of Judge Townsend is one. That was 1896. I think the Cherokee trust fund case, (202 U. S. Reports), would substantiate our reasoning; and I think that after the Clayton decision that Ferris calls attention to and the Dawes Commission opinion in 1896, after they had decided what he contends they decided—and which I admit—that the Congress of the United States thought it was a just opinion or they never would have written those acts after that, sending McKinnon down there to make those rolls. There are 1,100 on those rolls now who are not on the tribal rolls.

Mr. NORTON. Are there any other decisions?

Mr. HARRISON. No; those are the two decisions that I rely on, and I think the Clayton decision is not of a respectable authority for a great question like this to be determined by.

Mr. NORTON. You admit that Congress passed an act in 1896 requesting the Dawes Commission to investigate this particular question, and that the Dawes Commission under that act of Congress reported adversely?

Mr. HARRISON. No, I do not admit that. I think that under the act giving the Dawes Commission authority, they were to go to Oklahoma and make up the rolls of the Choctaws in Oklahoma, and then when these applications from Jack Amos and these others were presented to the Dawes Commission they held they had no authority under the act of Congress to enroll Mississippi Choctaws; and in their opinion their reasoning was stated by Mr. Ferris.

Mr. NORTON. In their opinion those Choctaws had no rights?

Mr. HARRISON. Yes; and afterwards in their report of 1897 or 1898 they stated to the Congress of the United States that "in our opinion this matter is such a complicated one that a court of competent jurisdiction ought to decide the merits of it."

Mr. FERRIS. Mr. Chairman, of course it is a well-known fact that Judge Townsend's so-called decision was a thing that he hastily overruled himself in, and I presume all of you know that. Also, he was a judge for a foreign people to the Choctaws, under another tribe entirely. But anyway, he did not stick by his decision. It was for another tribe and not an analogous case at all. Also in the Cherokee case that was for another tribe, and the fourteenth-article claimants were not in issue at all. The cases are not in point anyway and do not bear out the contention of Mr. Harrison.

Now, one word as to whether or not Judge Clayton was a reputable judge. Judge Clayton was a regularly appointed Federal judge. He was appointed by the President of the United States, just the same as any other judge. Judge Clayton was so reputable that Congress conferred upon him in addition to his general jurisdiction as a Federal judge the right to pass finally upon these enrollment cases.

Now, they sought to appeal after Judge Clayton held against them. They appealed to the Supreme Court of the United States, and the Supreme Court of the United States on motion of the appellants dismissed their own case, and the attorneys to the Mississippi Choctaws came into the Supreme Court of the United States and dismissed their own case, deciding evidently to abide by the decision of Judge Clayton. (Sec. 190 U. S. Reports, at p. 190.)

Mr. DILL. Is this Judge Clayton the same Clayton that was a Congressman here?

Mr. FERRIS. No; that is another Federal judge.

Mr. CARTER. He is a brother.

Mr. TILLMAN. No; he is no relation at all. He is a brother to Powell Clayton of our State.

Mr. FERRIS. I repeat, the contention of these claimants was first overthrown by the decision of the Dawes Commission, second by the decision of the Federal court, and then by the Congress of the United States, when by the act of April 26, 1906, they formally closed the rolls, and then by four Secretaries of the Interior and four Indian Commissioners of both political parties, and three Presidents of the United States. Every one of whom refused to reopen these cases or to in any way agree with their contention. They have been passed on again and again and it seems the peaceful Choctaws who never raised a tomahawk against this Government will never have his peace, as long as he has a penny left.

Now let us get at the matter why this commotion keeps up, without any disrespect to my friends from Mississippi—I know they are moving in an honest cause as they see it, but I am so sure they are woefully mistaken. I am so sure the results would not be pleasing even to Mississippi to see transpire what would transpire if they were ever enrolled.

I hold in my hand photographs of four convicts, all negroes, who are the star witnesses in this enrollment propaganda, and I will tell you a number of things they have done. They are all convicts but one [exhibiting photographs to members of the committee].

The CHAIRMAN. Why are they numbered, Mr. Ferris?

Mr. FERRIS. That is the number in the penitentiary. These men this summer appeared as witnesses, and they appeared for the same attorneys who had been continually advocating this enrollment legislation, the principal promoter of whom is Webster Ballinger, an attorney of this city. Webster Ballinger formed a partnership this summer with two attorneys by the name of Lindly and Rodkey, the firm name being Ballinger, Lindley & Rodkey, and set up shop and opened offices in a building where the Commissioners to the Five Civilized Tribes held their offices in Muskogee, Okla. They served 44 petitions to come and cross-examine on enrollment cases that they claimed were entitled to be on the roll. In 33 out of the 44 cases he has, Alec Nail, one of these parties that I showed you the picture of, appeared as a witness. This man, a full-blood negro, 72 years old, can neither read nor write, and who in each case completely impeached himself. In 20 of the 44 cases Webster Burton, who is in the penitentiary, appeared, and W. M. James—his name and record number are all near. His penitentiary number is 6087, Oklahoma State penitentiary. He appeared four times out of 44. And I hope that I can have time to go over this with some of you to show you how the Oklahoma Indians have been harassed for years by these attorneys. I know we have to come before Congress often on Oklahoma matters. We have almost half of the Indians in the United States in Oklahoma, and no doubt the Oklahoma delegation appears burdensome to this committee and to Congress, but somewhere, some time, this committee of Congress shall know what is going on behind the scenes and why it is they in one form or another are trying to put these men on the rolls. These

unprofessional attorneys go down to Oklahoma and Mississippi and they find stock witnesses, ignorant negroes, four convicts who have been used 33 times out of 44 cases as a witness to identify men who they claim should go on the rolls.

Mr. NORTON. I ask that that be put in the record.

Mr. FERRIS. I will do that with a great deal of pleasure.

Mr. NORTON. Now, you say those men were used as witnesses?

Mr. FERRIS. Yes; this summer.

Mr. NORTON. In Mississippi?

Mr. FERRIS. In Oklahoma; right in Muskogee. But they are working the same thing in Mississippi and on a much broader scale. Their activities down there are the subject of a Government report also. I will also put that in the record.

It is as follows:

CONFIDENTIAL REPORT.

[Subject: Operations of Ballinger, Lindly & Rodkey in preparation of enrollment cases.]

DECEMBER 27, 1915.

HON. GABE E. PARKER,

Superintendent for the Five Civilized Tribes, Muskogee, Okla.

DEAR MR. PARKER: In August last, in accordance with instructions from you to assist the Choctaw national attorney, Hon. P. J. Hurley, I entered into an investigation, under his direction, of a number of petitions for the enrollment of certain persons as citizens of the Choctaw Nation, these petitions having been presented by Mr. Webster Ballinger, an attorney of Washington, D. C., to the department and transmitted to Mr. Hurley for investigation. Since that time, however, I have been unable to devote more than six or eight weeks' time altogether upon this work on account of other official duties in connection with your office.

My information is that the department accepted copies of these petitions as memoranda of an advisory nature. Mr. Ballinger having indicated that he intends to present such petitions to Congress for the purpose of securing the enactment of legislation placing the names of such petitioners upon the rolls of the respective tribes in which they claim the right of citizenship, the tribal attorneys have been furnished, by the department, with copies of the petition filed by Mr. Ballinger for the purpose of enabling them to make such inquiry into these cases prior to the convening of Congress as would bring out the facts determining the applicants' equitable title to enrollment.

Several hundred of the petitions filed by Mr. Ballinger have during the last several months past been forwarded to this office by the department, with instructions to advise the department whether applications for enrollment had been filed by these petitioners within the period allowed by law during which such applications could be received. The majority of these petitions were filed by persons seeking enrollment as citizens by blood and as freedmen of the Creek Nation. Many of the petitioners seek enrollment as citizens by blood and freedmen of the Cherokee Nation.

Altogether, I am advised that perhaps 400 separate petitions have been filed by Mr. Ballinger and transmitted by the department to this office. It is estimated that these petitions involve the rights of perhaps 1,500 individuals. This indicates the broad scope of the operations of Mr. Ballinger and his assistants, who began work in Oklahoma preparing these particular cases just a little more than one year ago. The value of the property involved in the claims of these petitioners, making a rough estimate thereof, easily reaches \$2,000,000, and in all probability a close study of same will show that as much as \$3,000,000 in property rights are involved. All the petitions sent this office by the department have been returned, and as no file was kept of them here, I am compelled to make my estimate of the number from the persons who handled them in this office.

I have endeavored to list the petitions transmitted to Mr. Hurley by the department, and I have found 40 cases involving the rights of 240 persons, all seeking enrollment as Choctaw citizens. Taking the generally accepted estimate of the property value of an individual interest in the Choctaw Nation, viz, \$5,000, as a basis upon which to form an estimate of the amount of property involved in these 40 cases just named, and multiplying \$5,000 by 240, we have the startling total of \$1,200,000.

I give these figures to show the importance of these matters to the tribes interested.

I have had but little time to assist Mr. Hurley in the investigation of these enrollment cases, as I am the only person connected with this office who is assigned to general inspecting work, and I have merely spent what time I could from my regular work in assisting him. A work of such vast importance, to be done thoroughly, should have constant attention of a number of experienced investigators for some months. I have not been instructed and have made no attempt to investigate any of the petitions filed by Mr. Ballinger other than those of persons seeking enrollment as citizens of the Choctaw Nation with the exception of one case that I have investigated for the Chickasaw national attorney, Hon. Reford Bond. However, incidentally, I have taken a few affidavits and depositions in connection with petitions filed for enrollment as citizens of other tribes wherein criminal practices were indicated.

My purpose in this report, of course, is not to go into the merits of the individual cases investigated by me, as I leave that for Mr. Hurley to do. I desire merely to bring your attention, in a general way, to the facts uncovered by my investigation which show reprehensible and criminal practices on the part of the individuals employed by Webster Ballinger in connection with the preparation of these cases, that you may be informed concerning what is going on in connection therewith within the limits of the Five Tribes, and especially the nature of the business conducted by these persons under the same roof with your office.

On October 15, 1914, Mr. Webster Ballinger came to Muskogee and engaged, in person, three office rooms located on the second floor back of the Metropolitan Building, the building occupied, as you know, by your offices, together with the offices of other United States officials. It is my understanding that Mr. Ballinger did not remain here long, establishing in these offices Mr. Mat M. Lindly, an attorney of McAlester, Okla., and Mr. Perry Rodkey, an attorney of Okemah, Okla. Printed on the outside doors of these offices appear the names of Webster Ballinger, M. M. Lindly, and Perry Rodkey. I attach sample of the letterheads used by these attorneys. (See Exhibit A.) Upon this letterhead appears the name of Webster Ballinger, attorney at law, rooms 245-247 Metropolitan Building, Muskogee, Okla., which occupies the center of the paper, with the names of M. M. Lindly and Perry Rodkey in the upper left-hand corner.

The manager of the Metropolitan Building, Mr. J. L. Wagner, advises me that Mr. Ballinger assumed the responsibility for the payment of the rent for the offices named, and has paid it since by his personal check. (It might be noted just here, however, that Mr. Wagner stated to me that a number of Mr. Ballinger's checks had been returned unpaid by the bank in Washington upon which they were drawn.)

From the time these offices were occupied, Mr. Lindly has been on duty practically daily, apparently in charge of the work. Mr. Rodkey has spent some time here, but it is my understanding that he has operated out of Okemah, Okla., his home town. I am prepared to establish the fact that Mr. Lindly has been paid a salary by Webster Ballinger, of Washington, D. C., at least a part of the time, since entering into these cases, besides his office expenses being paid by Mr. Ballinger. There is in existence, I understand, a contract between Mr. Ballinger and the other two attorneys named, which probably provides that these attorneys are to share with Mr. Ballinger in any fees that may be hereafter allowed in these cases. I have made but little inquiry concerning the history of Mr. Rodkey, or concerning his reputation at this time. As he has maintained headquarters at Okemah and I have been investigating the Choctaw cases out of Muskogee, I have not had occasion to devote any time to an investigation of his operations. Mr. H. B. Seddicum, Government farmer at Okemah, Okla., uses the following language in a letter addressed to me referring to Mr. Rodkey:

"Mr. Rodkey has nothing here only his home, and that is heavily incumbered, and in fact, until he went to work for Webster Ballinger, he was in a very bad way financially, but I understand he is getting his expenses paid while doing this work, and will get a good bonus when Ballinger gets his commission. * * * He has no office here, but is working sometimes in the office of Charles E. Guthrie and Z. J. Thompson."

I quote further from his letter as follows:

"I have never heard Mr. Rodkey represent that they were connected with or were Government officers or employees, but said they were being greatly assisted by Mr. Allen's office, the national attorney, as they were close together at Muskogee, and when the parties came over there part of them were taken care of in his office, and they were also being assisted by the office of the Five Civilized Tribes, and the department knew and approved of what they were doing. (See Exhibit B.)

It should be needless for me to comment that Mr. Rodkey's alleged representations to Mr. Seddicum concerning the assistance rendered by Judge Allen's office and the office of the superintendent for the Five Civilized Tribes is an absolute misrepresentation. Judge Allen denies that he rendered any assistance whatever to these persons, and I know that the office of the Five Civilized Tribes has not given them any aid.

Mr. Rodkey's alleged statement that the department knew and approved of their work is without doubt also a misrepresentation. Such statements, however, are mild indeed when compared with the misrepresentations made by Mr. Lindly and his associates, which will be hereafter commented upon.

Mat M. Lindly, who has practically been in charge of the Muskogee office of Mr. Ballinger since he opened the same, is a resident of McAlester, Okla. He was, several years ago, Chief Deputy United States marshal at McAlester, but, I am reliably informed, lost his position on account of excessive use of intoxicants. He was admitted to the bar at McAlester, and since has been employed in the preparation of enrollment cases in which Mr. Ballinger has been interested, together with a limited amount of probate practice. I attach a letter from Supervising Field Clerk S. G. Brink (see Exhibit C), who has been acquainted with Mr. Lindly for several years, having been formerly stationed at McAlester, from which I quote as follows:

"He (Mr. Lindly) has not been entirely sober or out from under the influence of liquor for several years, at least that is my impression, because I do not think I ever got near him that the smell of liquor was not around him."

I attach also a letter addressed me by Field Clerk R. L. Allen, of McAlester (see Exhibit D), in which he uses the following language with reference to Mr. Lindly:

"I have interviewed three business men of this city relative to the standing of Mat M. Lindly, and in each their reply was practically the same: 'His standing in the city of McAlester is very low.' I am not personally acquainted with Mr. Lindly, but from what I have been able to learn about him he is a man addicted to the excessive use of intoxicants, and will stoop pretty low for a dollar, and has been engaged to some extent in grafting among the Indians."

I find upon investigation that Mr. Lindly's chief lieutenant in this work has been Nelson Durant, an intelligent, fairly well educated negro, who poses as a lawyer and preacher. He has the reputation in police circles of being a resourceful crook who has made a livelihood for years by practicing deception and fraud, principally upon the members of his own race. He has been in jail several times in Muskogee and Wagoner Counties, charged with obtaining money under false pretense, and has served one term in the Oklahoma State Penitentiary at McAlester, Okla., having been sentenced there from Muskogee County in March, 1909, for a term of three years, having been convicted upon the charge of obtaining money under false pretense. He was discharged on expiration pardon August 27, 1911. I attach his photograph, which I obtained from the warden of the penitentiary, which gives his prison number as 803. (See Exhibit E.)

Durant has been one of the chief organizers. Perhaps 20 or 30 other negroes have been employed as field workers, and in this way the applicants were assembled and herded into Muskogee. It is a fact well known to most of the occupants of this building that thousands of negroes have visited the offices of Ballinger, Lindly & Rodkey during the past year. They have simply gone up to these offices in droves, filling the halls and making themselves generally obnoxious to the occupants of the other offices on the second floor.

Mr. Janeway, formerly chief of field division, advised me recently that Mr. Lindly had told him that Mr. Julius Golden, the notary public who took the acknowledgments to the petitions and affidavits prepared in the Muskogee office of these attorneys, had made perhaps as much as \$1,500 during the last year in fees (Lindly remarking incidentally that he was complaining because one or two owed him small fees). This large amount of money indicates the extent of the business done by these attorneys.

I believe a close investigation will bear me out in the statement that out of the several thousand persons who have visited the offices of these attorneys since they were opened that 99 per cent have been persons of negro blood.

Through the efforts of the large number of negroes associated with Mr. Lindly and Durant, it was advertised throughout most sections of the Five Civilized Tribes that the rolls of these tribes had been reopened, and that Government men from Washington, D. C., had established themselves in the Indian agency building at Muskogee for the purpose of taking applications.

Mr. Lindly has posed as the Government representative. There is no doubt in my mind that he has led these gullible negroes to believe that he was representing the United States Government in the work being done by him. I will hereafter refer to testimony of various persons who have sworn that Mr. Lindly so represented himself to them. Every circumstance—the renting of these offices in what was practically a Government building, the employment of criminal negroes in the organizations, and the uniform system of misrepresentations practiced by them—all establish, in my mind, the fact that a well-laid scheme was concocted by the originators of this business. It is the evident purpose of Ballinger, Lindly & Rodkey to so operate their business that the responsibility for the violation of law will rest upon the negro

tools who have been employed by them. I shall first attempt a detailed statement of facts shown by my investigation of the Choctaw enrollment cases investigated.

Durant occupied office No. 245 of the suite rented by Mr. Ballinger, which served, to some extent, as a waiting room. Mr. Lindly occupied office No. 247, which connects with the former through an alcove. A very small room about the size of a large closet, but with an outside entrance, is sandwiched between these two offices and is numbered 246, I believe, but is connected with only the one office No. 247.

The evidence shows that Durant examined the prospective applicants first; that he had copies of the printed roll of the Five Tribes, which he consulted in connection with his interviews with these persons; that he made pencil memoranda which he worked out and submitted to Mr. Lindly, who himself prepared the petitions on a typewriter for the signature of the applicants. The data from which the affidavits were prepared in support of the petitions was made out in like manner by Durant and written out in proper form by Mr. Lindly, in person, on a typewriter.

The little office referred to seems to have been used by Durant as a private consultation room where he extorted money from the applicants.

Mr. Hurley and I obtained exhaustive depositions from a dozen or more persons who have filed petitions through the attorneys named for enrollment as citizens by blood of the Choctaw Nation. All of these applicants are negroes of the illiterate, unreliable type. In their examinations they were nervous and evasive, demonstrating fully both by their conduct on the witness stand and by their answers that their claims are in fact fraudulent. Their petitions as drawn by Mr. Lindly, supported by affidavits, establish prima facie cases. In each case examined the petitioner alleges blood relationship with persons connected with prominent full-blood Choctaw families, who are identified in such petitions by roll number. Cross-examination of these negro claimants develops the fact that they have no knowledge whatever of any relationship to the persons whose identity is so positively asserted in petitions signed by them. If these claimants signed these petitions, knowing the contents thereof, they committed perjury in so doing. The person who supplied the data upon which these petitions were based must have necessarily known that these allegations were false, and any claim based thereupon fraudulent. They are therefore, in fact, guilty of subornation of perjury. Attention is invited to the fact that Durant furnished the data and Mr. Lindly wrote the petitions.

A dozen or more professional witnesses were constantly on hand at the Muskogee offices of these attorneys. Among those I name the following persons who seem to have acted as principal witnesses:

Webster Burton, Alec Nail, William James, Will Moore, Ben Grayson, William McCombs, Dollie Stedham, D. L. (Tobe) Berryhill, William Thompson, and Wiley McIntosh, jr. Most of these men acted as field workers also, together with Nelson Durant, Manna Bruner, Willie Vann, Charles Guthrie, Charles Gould, and Nelson Grubbs.

All these witnesses and field workers are negroes, with the exception of William McCombs, Charles Gould, Charles Guthrie, Ben Grayson, and D. L. Berryhill; the first three named being white persons, and the last two named Creek Indians. Nelson Durant, Ben Grayson, William James, Wiley McIntosh, jr., Will Moore, and Manna Bruner have served terms in the penitentiary. I attach photographs of all of them furnished me by the penitentiary officials, with the exception of the last two named.

Dozens of the petitions filed by these attorneys in Creek cases have attached thereto the affidavits of William James (negro), and Ben Grayson (Creek Indian). In many of these cases an attempt is made to establish the case with their affidavits alone. Both of these men are of the most unreliable type. Either one of them would perjure himself in any matter for a small amount of money. I have not gone into any of the Creek cases presented by Mr. Ballinger, but as we found the affidavit of William James attached to a number of the Choctaw cases filed by this attorney, we know positively that every affidavit made by him in these cases is absolutely false. Further reference will be made to his testimony later. I am attaching hereto a complete copy thereof. He is now in the Oklahoma State Penitentiary, as shown by his photograph attached. (See Exhibit G.) Ben Grayson, as indicated by the data attached to his photograph (see Exhibit F), served a term at Leavenworth some years ago, but I am advised he is now wanted in Okmulgee County for passing bad checks.

William Thompson (negro), now convict No. 6069 in the Oklahoma State Penitentiary (see photograph, Exhibit H), acted as a professional witness principally in Creek cases. He is now serving a term for perjury committed by him recently in Tulsa County.

Wiley McIntosh (negro), also acted as a professional witness in Creek cases. He is now serving a term in the State Penitentiary for having aided William James in perpetrating a fraud upon this office some few months ago in the matter of a Creek equalization payment.

Will Moore (negro), who is said to have served a term at Leavenworth, acted as a witness for Mr. Ballinger in Creek cases. He is now wanted by the Muskogee County authorities, and is a fugitive from justice.

Manna Bruner (negro), acted principally as a field worker, and is reported to have obtained money from various persons representing that he would enroll them. He has undoubtedly represented himself as a Government officer. I will hereafter refer to certain testimony concerning representations made by him.

Willie Vann and Nelson Grubbe (negroes), have acted as principal field workers, and have, unquestionably, represented themselves as Government officers and have, under cover of such personation, obtained money from various persons. Extended reference will be made hereafter to the testimony taken referring to their operations.

Dollie Stedham is an old Creek Freedman (an ex-slave), who has acted as a principal witness in Creek cases. J. E. Bentley, field clerk at Okmulgee, Okla., makes the following comment in a letter to me referring to this woman:

"I believe I am safe in saying that she is a person who would make most any kind of an affidavit in order to get hold of a little money."

D. L. Berryhill, an old Creek Indian who can scarcely write his name, has been used as a witness in almost every Creek case filed by Mr. Ballinger. He seems to maintain a fairly good reputation, and I am inclined to believe that he has been imposed upon by the persons associated with Mr. Ballinger. Alec Nail, in an exhaustive statement made before me, testified as follows with reference to Berryhill:

"Q. An old man named Berryhill acted as a witness. Did he drink?—A. Yes, sir; they were drunk nearly all the time.

"Q. Did Mr. Lindly drink?—A. I have smelt it on his breath, and he acted like it."

This may explain why Berryhill signed so many false affidavits.

William McCombs, a full-blood Creek Indian, served as a witness in many Creek cases. He has acted for a number of years, as an interpreter around this country, working most of the time for grafters. I regard him as entirely unreliable. He is drunk most of the time. He is referred to in Alec Nail's testimony as follows:

"They (referring to Ben Grayson and William James and others) were nearly drunk all the time, and old man McCombs was drunk also."

Charles Gould (white), of Bristow or Dewey, Okla., has served as a field worker in Creek and Choctaw Nations. He represented himself to be in the Government service and offered to enroll persons for \$50 each. See reference hereafter made concerning testimony gathered covering some of his operations. I have not investigated his personal history, and I know little about him.

Charles Guthrie (white) has operated out of Okemah, Okla., under Mr. Perry Rodkey. I know little about his history or present standing in the community and have not investigated his operations to any extent. However, I was in Tulsa recently and found that he had been there operating among the negroes. He had, through a negro notary public, G. W. Wilson, and another irresponsible negro named Charley Willard, gathered together a large number of Tulsa negroes who filed application for enrollment. I investigated six or eight cases filed by these negroes wherein they applied for enrollment as Choctaw Indians by blood and find in every case that the claimant is a negro who, in all probability, has no semblance of title to enrollment as a citizen of any tribe whatever. It was, in fact, with difficulty that I induced some of them to come to Mr. Hurley's office, and, in fact, failed in an attempt to see several, as they had become alarmed and did not care to face the fraudulent claims made by them. Ida Lewis, who (together with her husband, John Lewis) had applied for enrollment as a Choctaw by blood, told me over the telephone, when I requested her to call to see me, that she wanted to drop the matter and did not want to have any more to do with it.

I find that the affidavits filed in support of practically all of these Choctaw cases were made by the professional negro witnesses, Webster Burton, Alec Nail, and William James. These negroes followed no other occupation for months, and were in constant attendance in the Muskogee office of Mr. Ballinger, prepared at all times to make their thumb marks upon and swear to every affidavit prepared and put before them by Mr. Ballinger's associates in this office. These witnesses were paid from 50 cents to \$2.50 each by every applicant for whom they made an affidavit, and exacted a promise of additional consideration from many. I obtained exhaustive statements from each of these negro witnesses, and I attach complete copies of such testimony.

The affidavits of these witnesses, as they appear attached to the applications filed by Mr. Ballinger are relied upon to prove that the applicant is of Choctaw blood, purporting to show clearly the ancestry from which this blood was derived, identifying, by roll number, many alleged blood relatives who were enrolled as Choctaws by blood, and going into detail as to why such applicant had failed of enrollment by the Dawes Commission. With not one exception, every affidavit filed by Mr. Ballinger

in support of the petitions of these so-called Choctaws by blood, purporting to have been executed by these witnesses, is false in its entirety. These negroes testify, in the first place, that they had not known one of the applicants before they met such applicant in Mr. Ballinger's office at the time they made the affidavits.

Alec Nail is an old negro of the ante bellum type. (See his photograph attached as Exhibit K.) He is a Choctaw freedman, and has resided all of his life in the Choctaw Nation. He seems proud of the fact that he has had quite an extensive acquaintance among the Choctaws. In his egotism he almost goes to the extent of claiming that he knows every person who has lived in the Choctaw Nation since his boyhood. I imagine that he was in his glory seated in Mr. Ballinger's Muskogee office as his principal witness in Choctaw enrollment cases where he could boast, to his heart's content, before the hundreds of negroes who visited these offices. He at once became, in his own mind, a very important person. The money that was paid to him by these negro applicants for enrollment as citizens by blood doubtless caused his imagination to run riot, and led him to believe, for the moment perhaps, that certain persons, prominent Choctaws whom he had heard of all of his life, who were found upon the roll books by Durant, were in some way related to these applicants. Nevertheless, he swears before me that he never met one applicant for whom he made an affidavit before he met such applicant in Mr. Ballinger's office. He admits that they all had the appearance of being of negro blood; admits that he does not believe that there is any relationship existing between these applicants and the persons with whom they claim relationship in their several petitions. When confronted with his various affidavits, he states that he told Lindly time and time again that he knew nothing about their ancestry, and that he was testifying in these affidavits only that he knew the persons referred to therein, not intending to identify them as ancestors of the applicants. It is evident that Durant and Lindly have both been guilty of subornation of perjury in the preparation of all of these petitions and affidavits.

I am setting out below excerpts from the testimony of Alec Nail, given before me on July 31, 1915, with reference to certain features touched upon by me:

"Q. What is your occupation?—A. Ain't able to do nothing now.

"Q. What have you been doing since you have been in Muskogee?—A. I not done anything. I liked to have died last summer and if it had not been for Mrs. Hester, Senator Owen's mother-in-law * * *.

"Q. Well, have you made any money at all since you reached Muskogee?—A. None to amount to anything.

"Q. Have you made any?—A. Sometimes when I witness for people down here they give me a dollar and sometimes \$1.50.

"Q. What people do you refer to that paid you this money?—A. Those that claimed. * * * Those that make application for enrollment as citizenship.

"Q. Where is that office located?—A. Metropolitan Building.

"Q. Do you know the number of the room?—A. No, sir; I would not know it if I was looking at it. Rodkey, Lindly, and Ballinger is printed on the door of the office.

"Q. The Metropolitan Building is the building that the Indian agency is in?—A. Yes, sir.

* * * * *

"Q. Do you know any of the persons that you signed affidavits for?—A. No, sir.

"Q. Were you personally acquainted with them?—A. No, sir; I don't believe I was.

"Q. You merely accepted their statements as true, what they told you concerning their parentage?—A. I did not consider their statements; they would say they were kin to Willie Johnson.

"Q. Did you believe what they told you or not?—A. I have just thought about that.

"Q. You had no other reason, except their own statements, to believe they were children of Choctaws?—A. No, sir.

"Q. Do you know Mr. Ballinger?—A. I have never seen him.

"Q. Who keeps the office down there?—A. Nelson Durant and Judge Lindly. He type wrote whatever is down.

"Q. Any other person?—A. Mr. Golden; he swears the people in.

"Q. What did Mr. Lindly do, exactly?—A. He type wrote and would go in the room where the colored lawyer was.

"Q. Would Durant write it down with a pencil?—A. I guess so.

"Q. And would hand it over to Lindly and Lindly would write it out himself on the typewriter?—A. Yes, sir.

"Q. Were these affidavits read over to these persons before they signed them?—A. Well, the majority of times they were, at least mine were.

"Q. Your affidavits were read over to you?—A. I supposed they were. I can't read.

"Q. They pretended to?—A. They had me thinking so.

* * * * *

"Q. Did not all of these applicants or claimants think they [referring to Ballinger Lindly & Rodkey] were in the Government service?—A. I am not positive about that, but it is likely to believe that they were in the Government service, for he would not take any pay for what he did—Mr. Lindly.

"Q. You think he was in the Government service? A. Yes, sir; I hear him say that you could not pay him a thousand dollars, and if the Government didn't have him, some one did."

There is filed with the application for enrollment of Annie Abernathy, of Muskogee, Okla., who applied for enrollment as a Choctaw citizen by blood, an affidavit purporting execution by Alec Nail before Julius Golden, a notary public, on May 6, 1915, in which Nail, among other things, testifies as follows:

"That he is well and personally acquainted with the applicant and that he has known her since she was a small girl; that he was also well and personally acquainted with both her father and mother. Her mother was Caroline Tyson, née Frazier. He was a three-quarter Choctaw Indian by blood; that her father was Sam Tyson, who was a full-blood Chickasaw Indian who lived in the Choctaw Nation, near old Fort Towson. * * * That the said mother had quite a number of brothers and sisters. [Here names several]. That her said father had brothers that I also knew. [Here names them.] * * * That he had known the applicant at the different places that she has lived near Bokchito, Caddo, and in that part of the country until she came to Muskogee, some three or four years ago."

I quote below from Alec Nail's testimony given before me on July 31, 1915, which is a part of the testimony referring to the affidavit from which I have just quoted:

"Q. Did you make this affidavit?—A. Not all that that is stated there.

"Q. Did you sign a statement relative to these facts?—A. No, sir. They took the roll book out and pointed to a number and asked if I knew so and so, but they could get that without me.

"Q. Did you swear that you knew all these applicants of your own personal knowledge?—A. No, sir. What did they call that woman, Annie Abernathy?

"Q. Her name as it appears here is Annie Abernathy, née Frazier.—A. She is just a yellow woman. She is not a Choctaw at all. She is just a nigger around Muskogee. That is all there is to it.

"Q. You said just now you were not acquainted with this woman until she was introduced to you?—A. Yes, sir; they took out the roll book and asked me if I knew a Frazier, and I said yes.

"Q. You know nothing about this woman's parentage or any of her relatives?—A. No, sir. She had negro blood in her. I did not think she was related to them Fraziers, as they were Indians and this woman was negro.

"Q. You say that Mr. Lindly wrote this affidavit?—A. He typewrote them and would give them to the colored lawyer.

"Q. Was this colored lawyer in there all the time you made these affidavits?—A. Yes, sir.

"Q. You were required to raise your right hand and swear to this affidavit to which you attached your thumb mark?—A. Yes, sir."

In an affidavit purporting execution by Nail, filed by Mr. Ballinger, with petition of Mary Reeves, née Hampton, for enrollment as a citizen by blood of the Choctaw Nation, Nail is made to testify, among other things, that he is well and personally acquainted with the grandfather of the applicant, and that his name was Isaac Hampton. He is then made to go into the history of the Hampton family, pretending to identify the applicant as the little girl whom he knew, that had lived with her grandfather just named. With reference to this affidavit Nail testified before me, in part, as follows:

"Q. Did you sign an affidavit as a witness for a woman named Hampton?—A. I think so.

"Q. You had not seen nor known this woman previous to the time she came here?—A. Never seen her until that day.

"Q. Was she a colored woman?—A. Yes, sir; she was a yellow woman.

"Q. Do you remember who she claimed were her parents?—A. I think she claimed that she was kin to the Hamptons down there, to the Choctaw Hamptons down there. She claimed to be related to them.

* * * * *

"Q. You mean that you would take what was said about their parents and swear to what they told you?—A. No, sir; I would only swear to what I knew about the Indians."

I quote further from the testimony of Alec Nail:

"Q. Do you remember what this woman [referring to Alice Cole, an applicant for enrollment as a Choctaw by blood] paid you for making this affidavit?—A. She promised to give me \$2.50, but I only got a dollar.

"Q. What did Durant get from this applicant?—A. That is the secret part of it.

"Q. Did you ever see the applicants give him any money?—A. No, sir; you could not see them.

"Q. Why?—A. Because they went in that cutoff so you could not see them, little room there.

"Q. Who went in there with him?—A. Durant and the claimants.

"Q. Were they alone?—A. Yes, sir.

"Q. He seemed to do all of the talking?—A. Yes, sir.

"Q. Who paid Mr. Golden, the notary public?—A. Those people who made the affidavits that would be \$2 as they said the law required them to have two witnesses and would charge \$2.

"Q. What was that for?—A. Notary fees they called it.

"Q. Do you know a person named Jane Driver?—A. I don't remember.

"Q. Did you sign an affidavit identifying such a person in Mr. Ballinger's office?—A. No, sir; I never identified a soul in that office. They had not a man in that office that I knew.

* * * * *

"Q. Was Judge Lindly in the room when these applicants were examined?—A. Yes, sir; they were examined by him.

"Q. All of them?—A. Yes, sir; the witnesses were examined by him.

"Q. Who examined them first?—A. Well, it was written down by Nelson Durant in a little room.

"Q. How many rooms have they?—A. Two outside the little room.

"Q. How large is the little room you speak of?—A. A very little room.

"Q. Which room is Nelson Durant in?—A. Next to where the white ladies work.

"Q. Which office did he have, the one the applicants waited in?—A. He staid in the room where the applicants first went.

"Q. And Lindly was in the other room?—A. Yes, sir.

"Q. Would they first be examined by Nelson Durant?—A. I don't know whether you would call it that.

"Q. Would he ask them questions first?—A. Yes, sir; he was guided by the roll book, got their roll number and age from the roll book.

"Q. And after he examined them would he take them in to Mr. Lindly?—A. Yes, sir; a great part of the time; he would hold what he was reading.

"Q. He read it off to Lindly?—A. Yes, sir; the applicants did not have much to say when they came in there. It was already written off.

"Q. Did he question you as to what you knew about the applicants?—A. Yes, sir; about every one of them.

"Q. Mr. Lindly did?—A. Yes, sir.

"Q. I thought you said he took what Nelson Durant would tell him.—A. It is this way, Nelson Durant would write up what the applicant had to say and hand it to Mr. Lindly and then Mr. Lindly would question me about what I knew about the applicants and write it out on the typewriter.

"Q. Would Nelson Durant question you first as to what you knew about the applicants?—A. Yes, sir; he would ask me if I knew these people. A woman or man would claim to be a Choctaw; take the Hunter family: Do you know Thomas Hunter, that he has a grandson, do you know that, and I would say yes, sir.

"Q. You know nothing about the ancestry of this woman who calls herself Jane Driver?—A. No, sir.

"Q. Do you know whether she is a Choctaw by blood?—A. No, sir; I don't believe there is a bit in her.

"Q. This woman who calls herself Jane Driver, was she a negro?—A. Looks just about like I do.

"Q. Just about your color?—A. Yes, sir; about my color. [Dark-brown skin.]

"Q. In this affidavit which you made in support of the petition of Jane Driver for enrollment as a citizen of the Choctaw Nation by blood you are made to state that you knew this applicant when she was a small child; that you remember that she could not talk to amount to anything; that she was mentally all right but did not have the faculty of speech. Did you state this in Mr. Ballinger's office?—A. No, sir; there was no need of it.

"Q. Did you know this woman when she was a small child?—A. No, sir."

In an affidavit made before Julius Golden, a notary public, on June 22, 1915, filed by Mr. Ballinger in support of the petition of Josie L. Arnold, née Lewis, for enroll-

ment as a citizen by blood of the Chickasaw Nation, Alec Nail is made to testify in part as follows:

"That he knows the applicant, Josie L. Arnold; that he also knew her mother, Sofia Lewis, née Kemp, and all the Kemp family; that the father of her mother, Sofia Lewis, née Kemp, was Jackson Kemp. * * * The applicant was raised by old Aunt Caldonia Green, a colored woman, who was formerly the slave of her grandfather, Jackson Kemp."

In his examination by me on July 31, 1915, relative to this petitioner, Josie L. Arnold, Alec Nail testified in part as follows:

"Q. Did you make this affidavit?—A. I know the name of some of those Kemps; they would ask me about people named Kemp that I knew, and I would state whar I knew. This woman was looked up on the roll and they would ask me if I knew the Kemps, and say go to work and name how many you know, and I would go and name as many as I knew.

"Q. You can not say that you know this applicant?—A. No, sir; I know I don't know her.

"Q. You did not know any of the people that you met in that office?—A. No, sir.

* * * * *

"Q. Did you know a Sofia Lewis, who was a Kemp before she was married?—A. I don't know; I can't remember.

"Q. Did you ever know a Jackson Kemp?—A. Why, sure; yes, sir.

"Q. What relation was Jackson Kemp to Sofia Kemp?—A. I couldn't say.

"Q. You were made to swear in this affidavit that I read you that this woman who appeared in the office downstairs is a daughter of Sofia Lewis, who has been a Kemp; and that Jackson Kemp was the father of Sofia Kemp. What do you know about that?—A. I don't know nothing about that. I don't know who Sofia Lewis was; she may have been the mother of the one making application.

Q. You do not remember Sofia Lewis?—A. No, sir; I don't.

* * * * *

"Q. What blood was Jackson Kemp?—A. He was a full-blood. He looked to be.

"Q. Full-blood what?—A. Chickasaw.

"Q. Did you make an affidavit down there for any person who was not a negro?—A. Not to my knowledge, except Jackson Barrett, and another white man I forget; let's see, Mr. Eubanks.

* * * * *

"Q. Were all the women for whom you made affidavits down-stairs negroes?—A. Yes, sir; all negroes, I believe.

* * * * *

"Q. Can you read?—A. A little in the Bible. Can't read to do no good.

"Q. Can you sign your name?—A. Oh, no. Can't write a line.

* * * * *

"Q. Mr. Lindly knew that you did not know this woman?—A. Yes, sir; I told him so.

* * * * *

"Q. So Mr. Lindly wrote on the typewriter the affidavit that you made?—A. Yes, sir.

"Q. And you say you told Mr. Lindly that you did not know any of the applicants, and did not intend to identify them?—A. Yes, sir.

"Q. Well, what were you doing down there?—A. I would prove that I knew the Choctaws. Advise them.

* * * * *

"Q. It was your understanding that you were merely to testify that such a Choctaw family lived at one time, and you would testify as to remembering that family; you did not testify that the claimants were related to any of the members of the families you have mentioned?—A. No, sir; I couldn't."

As a matter of fact, investigation tends to show that this claimant for enrollment, Josie L. Arnold, was probably born and reared in Louisiana, not having removed to this country until some few years ago, although she swore before me that she was born and raised in the Chickasaw Nation at Wiley. Her claim is absolutely fraudulent, and she committed perjury in her testimony before me.

I quote further from Alec Nail's testimony as follows:

"Q. Do you recall a woman who claimed to be a descendant of the Wright family of Choctaws?—A. I recall a woman that claimed to be a daughter of old Leonard Wright.

"Q. Had you ever seen this woman before you met her in Mr. Ballinger's office?—
A. Never did.

* * * * *
"Q. Was Leonard Wright a brother of old Gov. Wright?—A. Yes, sir; Allen Wright's
father at McAlester.

"Q. Were they full-bloods?—A. Yes, sir; old Gov. Wright was a full-blood.

* * * * *
"Q. Was this woman who claimed to be a daughter of Leonard Wright a negro?—A.
Yes, sir; she was yellow.

"Q. She was yellow?—A. Yes, sir; I told them to send that [indicating papers in
this case filed by Ballinger] to McAlester, but they would not do it. Three Texas
witnesses were there to that.

"Q. You say they had three Texas witnesses to witness that?—A. They had two;
I will say that. Bill McCombs brought them up here.

* * * * *
"Q. Do you know James Goings?—A. Yes, sir; I know a Jim Goings since I have
been here.

"Q. Did you first meet him in Mr. Ballinger's office?—A. Yes, sir; the first time
in my life.

(This man is an applicant for enrollment as a Choctaw citizen by blood. W. L. B.)

"Q. Do you know the father and mother of this applicant, Jim Goings?—A. No, sir.

"Q. Do you know whether the father's name was Henry and the mother's name
was Frances?—A. No, sir.

"Q. Did you ever know a Henry and Frances Goings?—A. Yes, sir; I have heard
of that family; but that thing [indicating affidavit] was made a long time before I
saw it.

"Q. What do you mean?—A. They took his application in a long time before
they knew I was here. I was sick, but they referred him to me, and when I got up
his application was made out already, and I was just asked about the Goings family,
and I said I knew them.

* * * * *
"Q. There is an affidavit attached to this application filed by Mr. Webster Bal-
linger, acknowledged by you before Julius Golden, a notary public, on March 23,
1915, in which you are made to state that you first met this applicant more than 30
years ago at Doaksville.—A. No, sir.

"Q. And that you were well and personally acquainted with the father and mother
of this applicant, Henry and Frances Goings, and that you knew the brothers of
Henry Goings, and that their names were George, James, and Alfred?—A. I do not
know that at all; they are all on the rolls, them I gave.

"Q. And that their oldest one died before the war. Did you make this statement
to any person in Mr. Ballinger's office?—A. Not like you are reading it.

* * * * *
"Q. You did not know any of the people that you met in that office?—A. No, sir.

"Q. What office do you mean when you refer to that office?—A. Well, it says
Ballinger, Rodkey & Lindly. They say it is their names on that door.

* * * * *
"Q. Do you know how much you got for making this affidavit?—A. No, sir; some-
times I got a dollar, sometimes \$1.50, and sometimes \$2.

"Q. Who gave you this money?—A. The applicants; the one making the applica-
tion. They paid me the money I got.

"Q. Did you ask for the money?—A. They said if you do not pay the witnesses and
notary fees the papers do not go out of the office. They said that they was to get
two old members of the tribe, and I was in the Dawes Commission one day and they
employed me to see about it. I did not have any confidence in it.

"Q. You told me, did you not, that most persons who applied for enrollment down
there in their office as Indians by blood were negroes?—A. Every one of them.

"Q. And they tried to get on the blood roll?—A. Yes, sir; and I would say, why
don't you get on the rolls with me; but they said they would get on the blood roll."

I have quoted rather fully from the testimony of Alec Nail, for the reason that it
shows clearly the character of the work done by Mr. Ballinger and his assistants in
Oklahoma. A review of the twenty-five or more enrollment cases filed by Mr. Web-
ster Ballinger, which have the affidavits of this chief witness, Alec Nail, attached,
shows that all of them were prepared under the same circumstances, being, in fact,
manufactured cases from the beginning.

Webster Burton, another chief professional witness in Choctaw enrollment cases filed by Mr. Ballinger, is a negro of the illiterate class, entirely unreliable; in fact, of the indolent petty-thief type. He is a Chickasaw freedman, and his sole occupation for months was loafing around the offices of Ballinger, Lindly & Rodkey, getting what money he could from the negro aspirants for enrollment as citizens by blood of the Choctaw Nation for making affidavits for them.

Dozens of these worthless, perjured affidavits signed by thumb print accompany petitions of various persons applying for enrollment as Choctaws by blood filed by Mr. Webster Ballinger. Although in these affidavits Burton is made to testify to family histories of these applicants in detail, he testified before me as follows:

"Q. You made quite a number of affidavits down there?—A. Well, I signed some.

"Q. In Mr. Ballinger's office?—A. Yes, sir.

"Q. How many affidavits do you suppose you made?—A. I have no idea.

"Q. Were you personally acquainted with all the persons for whom you made affidavits?—A. Was I acquainted with them?

"Q. Were you personally acquainted with them?—A. No, sir; I was not.

"Q. Were you acquainted with any of them?—A. No one. I told them that.

"Q. You had never seen one of the persons?—A. No, sir; never seen them."

Continuing, he testifies how these affidavits were prepared:

"Q. Who prepared the affidavits that you signed? Who wrote them?—A. Lindly type wrote them out.

"Q. Did you tell him what to write in these affidavits?—A. No, sir; I told him of the Indian people I knew.

"Q. Did Mr. Durant have anything to do with the preparation of these affidavits?—A. Well, I am going to speak that the best I know how. Durant would fill them out.

"Q. He would write them out with a typewriter?—A. Yes, sir; whatever tribe these people were, he would write that out and if I knew that tribe, he would write that out. I gave them all to understand that I didn't know them.

"Q. Did Durant question you himself as to your knowledge?—A. No, sir.

"Q. Did Mr. Lindly question you as to the extent of your knowledge?—A. No, sir; he didn't.

"Q. Did he simply write out these affidavits without asking you?—A. He wrote these affidavits from the questions wrote out from the roll book, for the Indians on the roll.

"Q. Who would find them on the roll?—A. Durant or those Indians would take the roll book and find them.

"Q. After these affidavits were written up on the typewriter by Mr. Lindly were the affidavits read to you?—A. Yes, sir.

"Q. By whom?—A. Golden.

"Q. By Golden?—A. Yes, sir.

"Q. He was a notary?—A. Yes, sir.

"Q. Can you write your name?—A. Can't write at all, or read.

"Q. You signed these affidavits by thumb mark?—A. Yes, sir."

Burton acknowledges that he was paid from 50 cents to \$2.50 each for making these affidavits, and that he had been promised as much as \$100 additional by several applicants, if they were successful in securing enrollment.

I quote from a letter dated August 9, 1915, addressed to me by Mr. M. L. Garrett, United States probate attorney at Tishomingo, referring to Webster Burton:

"I have talked to several who knew him while he lived in the vicinity of Milburn, Okla., and the most of them say that his reputation was pretty bad, that they never knew of his being prosecuted for any crime except the one mentioned above (fornication)."

I quote further from the testimony of Webster Burton given before me:

"Q. Have you been in the penitentiary?—A. No, sir.

"Q. Have you been in jail?—A. Yes, sir.

"Q. How many times have you been in jail?—A. I can't tell you.

"Q. A number of times?—A. Several times.

"Q. What were you charged with?—A. Whisky and fighting.

"Q. Whisky selling?—A. No, sir.

"Q. Introducing?—A. Yes, sir.

* * * * *

"Q. What counties were you in jail?—A. I have been in jail in Fort Smith and Tishomingo."

I am attaching hereto a copy of Burton's testimony before me. I could go into detail and show the different false affidavits that were made by him, referred to in this

testimony, but I believe all that it is necessary for me to state here is that it would be practically a repetition of the testimony of Alec Nail, as set out above. Every affidavit purporting to have been made by this man and filed by Mr. Webster Ballinger is false practically in its entirety.

Another negro professional witness of Ballinger, Lindly & Rodkey is William James, heretofore referred to, now serving as convict No. 6087 in the Oklahoma State Penitentiary. His affidavit is submitted by Mr. Ballinger in support of a dozen or more Choctaw petitions for enrollment, and perhaps as many as 50 Creek petitions for enrollment. He is of the criminal type, and would perjure himself in any matter for a small sum of money. He has never resided in the Choctaw Nation, yet we find his affidavit, as stated, attached to a dozen or more petitions filed by Mr. Ballinger on behalf of persons seeking enrollment as choctaw citizens by blood, which are intended to prove the Choctaw blood of such applicants and trace the blood relationship of the applicants to certain Choctaw ancestors. It is needless to make the comment that these affidavits are entirely false. James, in his testimony before me, frankly admits that he had no knowledge of the facts testified to by him in these various affidavits. I quote briefly from his statement made before me as follows:

"Q. Were you paid anything for making these affidavits?—A. No, sir; I wasn't paid anything; not until they got it through outside of a little expense money.

"Q. If the men got these cases through, what were you to receive?—A. I was to get \$25 a head.

"Q. You were to get \$25 a head?—A. Yes, sir.

"Q. Who promised you that?—A. The ones that were making the applications.

"Q. Did Mr. Lindly or Durant, or anyone else, sanction that?—A. No, sir. They didn't sanction that at all; the applicants that were making the applications if they got through were to pay the witness fee.

"Q. How did the applicants come to promise you \$25?—A. For making a witness for them.

"Q. Did you ask the witnesses to agree to pay you \$25 for acting as a witness for them?—A. I asked them what they would allow me for making it; for helping them through.

"Q. You exacted that?—A. Yes, sir.

"Q. You said just now, James, that you were to have your expenses paid. Who agreed to pay your expenses?—A. The ones who were making applications gave me 50 cents."

Julius Golden, a notary public of Muskogee, Okla., has taken the acknowledgments to all of the petitions and affidavits made in support thereof prepared in the Muskogee office of Ballinger, Lindly & Rodkey, as heretofore shown. Testimony of these applicants and witnesses shows that the applicants paid Golden, as notary fees, from 75 cents to \$2. In most instances they were charged \$2, whereas the petitions presented by Mr. Ballinger do not contain more than three or four jurats. The State law prescribes 25 cents as a maximum fee allowed a notary public for signing and placing his seal upon a jurat. It is shown that Golden did not do any clerical work in connection with the preparation of these affidavits. Mr. Lindly has been accredited with the statement that Golden has made, during the last year, as much as \$1,500 in notary fees from the applicants who appeared at the Muskogee offices of Ballinger, Lindly & Rodkey. However, Mr. Golden states to me that all jurats were signed and sealed by him in triplicate, and that he in no case charged more than the legal fee. It is reasonable to suppose that he has divided his fees with Lindly and Rodkey, but this is denied. Golden is a real estate dealer, and has resided in Muskogee for seven or eight years. He appeals to me as a cautious Jew, not very conscientious, but he would take precautions to avoid violating any law. I do not believe he would hesitate to enter any scheme to defraud, if he thought that he could not be reached by the law for his connection therewith. So in this case. When I brought to his attention the fact that it had been established that practically all of the affidavits made before him by the applicants and witnesses in these enrollment cases were false, he inquired if I thought there was any danger in his continuing to take acknowledgments in such cases. Of course, I advised him that he would have to exercise his own judgment in the matter, but personally I certainly would not care to have my jurat attached to perjured affidavits. I understand that he continued to act as notary for the attorneys named after his conversation with me just referred to.

As stated previously by me herein, precaution has evidently been taken by the principals connected with this enrollment work to avoid criminal prosecution for the outrageous fraud perpetrated by them and their agents upon many ignorant citizens of this State, and for the assistance given through unscrupulous, designing persons, mostly Negroes, in an attempt to perpetrate fraud upon the Five Civilized Tribes by the presentation of scores of false claims for enrollment.

I understand that the petitions presented by Mr. Ballinger were not accepted by the department as applications for enrollment. Therefore no United States statute could be resorted to under which to prosecute any of the persons shown to be guilty of preparing or making the false and perjured affidavits referred to. On the other hand, I do not believe that any State law covers the case. False swearing before a notary public in such a matter does not appear to be defined as perjury by the statutes of this State.

I shall now refer to other criminal features brought out in connection with my investigation of these enrollment cases.

In the first place, there has evidently been a conspiracy formed to lead as many ignorant persons as possible to believe that the rolls of the Five Tribes have been reopened, and that Mr. Ballinger and his associates were Government agents sent out for the purpose of enrolling all those persons who were entitled to enrollment who failed in securing their rights before the Dawes Commission. Two intelligent, shrewd, unscrupulous, designing negroes, Nelson Durant and William H. Vann, have proved the most active chief lieutenants.

As stated previously herein, Durant is an exconvict. He poses as a lawyer and preacher, but I am advised that he has never been admitted to the bar, and I take it for granted that if he preaches at all among the negroes it is for the purpose of furthering his fraudulent schemes. He is without doubt a crook of the first water. He sustains this reputation among those who know him, and the fact that he was employed by Ballinger, Lindly & Rodkey as one of their chief organizers and operators proves to me the character of the work contemplated by them.

My understanding is that William H. Vann has been admitted to practice before the courts of the State as an attorney, and has resided around Nowata and Sapulpa, Okla., for some years. He is regarded as a shrewd, scheming negro.

Nelson Grubbs, another negro, whose post-office address is probably Nowata, Okla., has operated more or less in connection with Vann.

In every locality in which I have made any inquiry touching the operations of Ballinger, Lindly & Rodkey I have found that one or more scheming negroes have been employed to herd the applicants for the evident purpose of sending them into Muskogee to be fleeced by Durant and Vann. The evidence gathered by me tends to show that both Durant and Vann have collected various sums of money from the persons seeking enrollment, the indications being that they have obtained all the money that it was possible for them to induce the various persons to part with.

A number of persons have sworn that Mr. Lindly and Mr. Rodkey both represented themselves as Government officials, and practically every person interviewed by me who has had any dealing with these individuals states that Durant, Vann, Grubbs, and others associated with them, openly represented themselves to be in the Government service, stating in that connection that the rolls of the Five Tribes have been opened.

I here quote from the statements of several Ballinger claimants and some of their witnesses, made before me, whose complete testimony I do not believe it is necessary to attach, for the purpose of this report. I first quote from the statement of Jennie Wilson, a negro, of Tulsa, Okla., made before me November 18, 1915, who applies for enrollment, through Mr. Ballinger, as a Choctaw citizen by blood, as follows:

"Q. Before whom did you make this application for enrollment?—A. Perry Rodkey.

"Q. Where does Perry Rodkey live?—A. His office at that time at Okmulgee (Okemah?).

"Q. Do you know whether Perry Rodkey is employed by Webster Ballinger, an attorney of Washington, D. C.?—A. Yes, sir; I suppose so—from Washington. I don't know who he was under.

"Q. Webster Ballinger—is that the name Mr. Rodkey gave you as the name of the person by whom he was employed?—A. He didn't give me any name. He said he was working for the Government; heard him speaking—

"Q. Is that what Mr. Rodkey told you?—A. I heard him say that.

"Q. Did he tell you that?—A. I don't know that he was talking to me. I heard him talking to some other person.

"At Okemah?—A. Yes, sir.

"Q. You went to see him at Okemah?—A. Yes, sir.

"Q. What did he state to these other persons, using the exact language that he used concerning his being employed by the Government?—A. Well, I couldn't state it and be correct about it. He was just talking about enrolling Indian blood rights * * * working for the Government.

"Q. Did he tell you he was in the employ of any particular department of the Government?—A. No, sir.

"Q. Any particular bureau of the Government?—A. No, sir.

"Q. The Department of the Interior, Indian Office?—A. No, sir; I didn't hear him say that.

"Q. Led you to believe that he was working for the Government.—A. Yes, sir.

"Q. You believed that when you made this application?—A. That was my understanding.

"Q. Did you have to pay him any money?—A. No, sir; not a cent.

"Q. Did he demand any money?—A. No, sir.

"Q. Did you deal with him direct?—A. Yes, sir.

"Q. Deal with any other person?—A. No, sir; took my statement himself.

"Q. Did he write it himself on the typewriter?—A. No, sir; had some one.

"Q. Man or woman?—A. Man.

"Q. Do you know the name of the man?—A. Mr. Guthrie.

"Q. Your petition for enrollment filed by Webster Ballinger appears to have been sworn to before Chas. E. Guthrie on March 12, 1915. This is the application that you refer to?—A. Yes; that's it.

"Q. Did you pay Mr. Guthrie?—A. No; only the notary fee.

"Q. How much?—A. \$3.

"Q. What was this \$3 for?—A. Notary seal on my application and my children's.

* * * * *

"Q. Did you sign any kind of a contract to pay them anything?—A. No, sir.

"Q. Did you give them any power of attorney?—A. I don't know how papers were fixed up. I didn't sign any papers to pay.

"Q. You understand that the rolls are closed?—A. Closed?

"Q. Yes.—A. Years ago.

"Q. Do you understand that they have been reopened?—A. Well, yes; open to enroll Indian blood rights.

"Q. Who gave you to understand that the rolls have been reopened? Who has given you that understanding?—A. Where I was trying to be enrolled."

I quote now from the testimony of Graham W. Wilson, a negro notary public of Tulsa, Okla., the husband of Jennie Wilson, from whose testimony I have just quoted:

"Q. Who approached you in the matter of the enrollment of your wife's children and herself? How much did you pay for the work done in her behalf?—A. Mr. Rodkey came here to Tulsa first. A crowd of us went then to Muskogee where we understood that Mr. Rodkey was located. I took my wife along. After we got there we found that Mr. Rodkey was sick, so we couldn't see him. We went to the office where we understood he was located and found Mr. Lindly. Mr. Lindly told us to state our case to a colored man named Durant—Nelson Durant. Nelson Durant told me that he would have to have \$35. That for \$35 he would put my wife and children on the rolls. I told him that I had a letter from Mr. Rodkey in which he stated that there would be no charge. I told him we would wait and see Mr. Rodkey, and, if necessary, go to Okemah to see him; later we went to Okemah. We did not pay Mr. Rodkey anything, but paid the notary public a few dollars, I have forgotten the exact amount we paid for the notary's work and typewriting."

I quote now from the statement of Mary Ross, a negro citizen of Haskell, Okla. (made before P. J. Hurley, Choctaw national attorney, Nov. 23, 1915), in the matter of her application for enrollment as a citizen by blood of the Choctaw Nation.

"Q. When you came over here to Muskogee whom did you see in Muskogee?—A. I came to that office.

"Q. In this building?—A. I suppose so.

"Q. Were you led to believe they were enrolling people?—A. I asked and they said they were.

"Q. That they were enrolling people?—A. Yes, sir; I asked for Ballinger and Lee and Lee was gone and Ballinger was in Washington, D. C., and they were hired by the Interior but this man that was doing this writing, he told me he was hired and was getting a salary to enroll people, and this colored man—

"Q. Did this man tell you he was hired by the Secretary of the Interior?—A. Yes, sir; his duty was to enroll the applicants.

"Q. Did he tell you whether or not he could take any fees for his services?—A. He would'nt take a penny; was being paid by the Government.

"Q. Who was the colored man?—A. Nelson Durant. That is the man I gave the money to.

"Q. What money?—A. The \$5.

"Q. How much did he ask for?—A. \$25.

"Q. What was the reason?—A. He was charging. I asked him how come him to charge, and he said these witnesses. I wouldn't pay him a cent, so I says. I went back and stalled him.

* * * * *

"Q. You did pay Nelson Durant \$5?—A. Yes, sir; and I paid \$1.75 to a little bitty fellow.

"Q. What is he, a notary public?—A. Yes, sir.

* * * * *
 "Q. What did Nelson Durant say that you should pay this money for?—A. He said do you think I am up here for my health, and takes a book and hunts your relatives, and he writes who I am and who my people are, and he carries this thing in on a piece of paper.

"Q. Whose office?—A. Stout man's.

* * * * *
 "Q. Will you send me those letters you claim to have received from Ballinger?—A. Yes, sir; I will hunt them all up, lots of them are postal cards. He told me the roll was open.

"Q. How long ago has it been?—A. Not very long.

"Q. Has it been six months since he wrote you?—A. Said he would let me know and for me to keep up and see when the roll, the Choctaw rolls were open.

"Q. When was that?—A. A good while ago.

"Q. These men that took your application, what office of the Interior Department did they say they represented, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of the Five Civilized Tribes?—A. The Secretary of the Interior. They told me Choctaws and Creeks and Chickasaws and there was a Creek and a Chickasaw Indian there, Susan Harrison enrolled her child the same day I was enrolled and another woman from the Cherokee Nation the same day and there was four of us, there was six enrolled there that day.

"Q. Did those people claim they were authorized by the Government to enroll those people?—A. This white man told me he was getting a salary from the Government to enroll the people, he wouldn't take any money from them. I never offered him any. He sat in front of the table. The old man, both of them talked so plain, I was getting the value of the land in money. I told them I didn't care for the land I would take anything. I will set up the cigars and he says Mrs. Rose I wouldn't take a penny from you or anybody I ever saw to do this work because the Government has me hired. I am getting my salary from Washington, D. C. I said if I was to get any money I wouldn't mind setting them up.

"Q. That was in Ballinger's office?—A. Yes, sir.

"Q. The colored man was Nelson Durant?—A. Yes, sir.

"Q. Who was the white man doing the speaking?—A. He didn't say what his name was. He was a big fat man, not as tall but heavier than you are. I think it was Judge Lindly; he told me he was raised in the Choctaw Nation.

"Q. Did he say that he was from McAlester?—A. Yes, sir; South McAlester.

* * * * *
 "A. I did not think it was fraudulent by them coming out so public but if it had been in a private place I wouldn't have wanted to see about it, but I was told by lots of people that these was in this office. A public place, a fine place before a crowd of people. I never thought about it being a fraud. If I am prosecuted for anything I can hold this man and this colored man who carried me into this office and this white man copied off of this piece paper and puts it on two piece of paper. He keeps one, they keep one. This colored man writes in this room out of a book, then he carries it in there. He claims he finds your relatives on the roll and all I swore to is that my mother said that the Folsoms was my people and the Flaxes were her people. I was born after my father died.

"Q. You would not have gone before these people if you had not thought them officers of the United States?—A. Sure, I wouldn't have paid the colored man \$5. I wouldn't have paid them the \$15 but my mind did not feel right. After I had consoled him and told him I would send in \$15, I talked to several lawyers and they said he was a grand rascal, had been to the pen, and that Lee had run off for some cause."

Doss Buffington, a negro citizen of Muskogee, Okla., who made application through Mr. Ballinger for the enrollment of himself as a citizen by blood of the Choctaw Nation, testified before me on August 5, 1915, in part, as follows:

"Q. Tell me what connection you had with the persons operating in an office on the second floor of this building, Doss.—A. You mean those commissioners down there?

"Q. Do you call them commissioners?—A. Yes, sir; that is what they said.

"Q. From what source did you learn that this was a commission?—A. I learned it from William Thompson and Will Moore. Old man William Thompson wanted to be one of my witnesses, but I had two other fellows and I did not take him.

"Q. I have conversed with you about your connection with these persons down here and you have told me, as I understand it, that you were approached on the street by

William Thompson, a colored man, who told you that some persons located in this building were enrolling persons who had been left off of the rolls; that they were Government men sent here for that purpose, and that you accompanied William Thompson to that office, which is located in the Metropolitan Building in which the Indian agency is located, and, as I understand you, you found Nelson Durant. You know him?—A. Yes, sir.

“Q. He is a colored man?—A. Yes, sir.

“Q. Nelson Durant told you that you would have to get some money before he could talk to you?—A. Yes, sir.

“Q. How much?—A. \$15.

“Q. Was this before you stated your case to him?—A. Yes, sir. I had to do that before they would hear me at all.

“Q. Before you stated your case?—A. Yes, sir.

“Q. You went off then to get the money?—A. Yes, sir.

“Q. Did Nelson tell you he was in the Government service?—A. That he was working for them.

“Q. That he was working for white men?—A. Yes, sir.

“Q. And that they were in the Government service?—A. Yes, sir.

“Q. Did he tell you their names?—A. Rodkey and Lindly.

“Q. Do you know the given name of Rodkey or Lindly?—A. No, sir.

“Q. You say you went off and got the \$15?—A. Yes, sir.

“Q. And you came back that night?—A. Yes, sir.

“Q. Who with?—A. Will Thompson.

“Q. Did he say he was working for these people too?—A. Yes, sir.

“Q. You came back to the office of these persons that night about 8 o'clock and you found Will Thompson, Nelson Durant, and Will Moore there?—A. Yes, sir.

“Q. Will Moore a colored man?—A. Yes, sir.

“Q. William Thompson?—A. Yes, sir.

“Q. What occurred there?—A. After I went in Nelson wanted to know if I had the money and I said yes, I was ready, and he said we would get to work and do business, and he called me in another dark room back there and I gave him the \$15.

“Q. And you went in alone?—A. Yes, sir.

“Q. And the room was dark?—A. Yes, sir; there was no light in that room.

“Q. You paid him the \$15 in that little room?—A. Yes, sir.

“Q. What else occurred?—A. They then took up my case. They questioned me then.

“Q. Who questioned you?—A. Mr. Lindly.

“Q. Did Nelson Durant take you in Lindly's office?—A. Yes, sir.

“Q. Had you met Mr. Lindly before?—A. Yes, sir; I met him that day.

“Q. What did Mr. Lindly tell you that day?—A. He didn't talk to me any that day much; he told me they were sent there by the Government, something like that, to look after people who were left off of the roll.

“Q. Mr. Lindly told you that?—A. Yes, sir; he says you will have to pay your witnesses and notary fees. He told me I would have to do that before anything else took place.

“Q. You are positive that he told you he was sent there by the Government?—A. Well, Mr. Lindly he told me that. He says to me, I don't want a penny of your money; I am getting paid for taking up these petitions.

“Q. After you went in Lindly's office with Nelson Durant what occurred?—A. They went to writing my affidavit up.

“Q. Who questioned you?—A. Mr. Lindly.

“Q. Did Nelson Durant question you?—A. No, sir.

“Q. Well, did Mr. Lindly write your answers down?—A. Yes, sir; he had a notary.

“Q. Well, who was writing?—A. Mr. Lindly.

* * * * *

“Q. You are of negro blood?—A. Yes, sir.

* * * * *

“Q. Where is Will Moore now?—A. I don't know where he is; he is dodging around.

“Q. What is he dodging?—A. He got into some trouble. I don't know what he got into.

“Q. Are the officers after him?—A. Yes, sir; something about some mortgage.

“Q. Have you talked to others on the outside about the work that is being done down stairs here?—A. Yes, sir; I have talked to several folks and they all seem to think it wasn't much good.

“Q. I think you told me not long ago that these people thought it was the Government that was doing this?—A. Well, they did think so.

"Q. You talked to persons on the outside who thought it was the Government?—
A. Yes, sir.

"Q. A number of persons?—A. Yes, sir."

Mary Reeves, a negro resident of Vian, Okla., who is an applicant for enrollment through Mr. Ballinger, as a citizen by blood of the Choctaw Nation, testified before me on August 6, 1915, in part, as follows:

"Q. Whom did you go to see about making this application for enrollment?—A. Mr. Lindly; that is who I make application to.

"Q. Where is Mr. Lindly located?—A. On the second floor of this building.

* * * * *

"Q. Is Mr. Lindly in the Government service?—A. Yes, sir; I reckon so.

"Q. Do you know what position he occupies?—A. All I know is that he made out my application.

"Q. What makes you believe he is in the Government service?—A. I 'lowed by that, I didn't think he would make out my papers if he wasn't."

John Harrison, a negro resident of Keefeton, Okla., who has applied for enrollment through Mr. Webster Ballinger, as a citizen by blood of the Choctaw Nation, testified before me on August 10, 1915, in part, as follows:

"Q. How did you happen to go to Mr. Lindly's office to make application for enrollment?—A. I just heard of him being here for that purpose from other people, so I just went.

"Q. What was told you, exactly, about his business?—A. Well, I don't know, sir; I can't tell you.

"Q. Were you told that he was in the Government service?—A. I don't know whether he was in the Government service or not.

"Q. What was your belief about it when you went to him? Did you go to him under the impression that he was a Government man?—A. Yes, sir; I think that is what I understood.

"Q. You understood that before you went to him?—A. Yes, sir.

"Q. Did he give you to understand that he was in the Government service?—A. I never asked him."

Elizabeth Sexton, a negro, of Tulsa, Okla., who has applied for enrollment as a citizen by blood of the Choctaw Nation, through Mr. Ballinger, testified before me on November 19, 1915, in part, as follows:

"Q. Before whom did you file your application for enrollment?—A. Before whom did I—

"Q. Yes.—A. You mean the notary?

"Q. Yes, and the person with whom you filed your application.—A. The man that was working for him—I could call his name if I heard it. For Mr. Rodkey—

"Q. Mr. Rodkey?—A. Mr. Perry Rodkey.

"Q. Lives in Okemah?—A. I don't know where he lives.

"Q. His office is at Okemah?—A. Yes.

"Q. Where did you see him?—A. Here in Tulsa, and one of his mer—

"Q. Did Mr. Rodkey represent to you that he was in the employ of the Government.—A. I guess so.

"Q. Did Mr. Rodkey state to you himself that he was in the employ of the Government?—A. Yes, sir.

"Q. He told you himself?—A. There was another man working for him—

"Q. Did Mr. Rodney tell you himself that he was in the Government service?—A. Yes, sir.

"Q. What language did he use in telling you that he was in the Government service?—A. He said he was—the Government had him seeing after the Indians and their claims—that was his business.

"Q. You say that he had some one working for him?—A. Another man. I would know his name, but can't call it.

"Q. Guthrie?—A. Yes, sir.

"Q. Charles E. Guthrie?—A. Yes, sir; white man, tall and slender.

"Q. You swore to this application before Mr. Guthrie?—A. No, sir; Wilson was there to, the notary.

* * * * *

"Q. Did you have any conversation with Mr. Guthrie concerning whether he was in the Government service?—A. I heard that there was a man here. I went on the train to see Mr. Rodkey.

"Q. Did you have any conversation with Mr. Guthrie?—A. No more than what I asked him. I asked him if he was in the Government service.

"Q. He did not say that he represented the Government, or Interior Department, or any bureau of the Government, did he?—A. No, sir, he said he was working for Mr. Rodkey; that he was one of the men that Mr. Rodkey put out to help him.

"Q. Did he say that Mr. Rodkey was in the Government service?—A. Yes, sir.

"Q. Did Mr. Rodkey himself told you that he was in the Government service?—A. Yes, sir.

"Q. Did he say what department or bureau he was working under?—A. No, sir.

"Q. He said that he was in the Indian service?—A. Yes, sir; I went to Muskogee to see him. So many people there I couldn't see him long. Don't talk to him but a little bit. Wanted me to meet him in Okemah. I couldn't never go down there.

"Q. You understand that the rolls were closed in 1907?—A. Yes, sir.

"Q. Has it been represented to you that the rolls have been reopened?—A. Heard they were reopened and I commenced trying.

"Q. Who told you?—A. I couldn't specify the person. Heard it from different ones—different ones talking about it.

"Q. Did a good many colored people here in Tulsa go before those persons at Muskogee and Okemah?—A. I don't know sir. Just know one woman that went to Okemah. There ain't two dozen here that I know.

"Q. Your understanding was that these persons that were taking these applications were in the Government service?—A. Yes, sir."

Charley Willard, a negro of Tulsa, Okla., made an affidavit in the enrollment case of the claimant whose testimony has just been quoted from, and I secured his statement, from which I quote below. (I understand that this man acted, to some extent, as an agent for those persons in Tulsa, working with G. W. Wilson, a negro notary public):

"Q. You applied for enrollment before these people who were getting up these applications?—A. Yes, sir.

"Q. Whom did you apply for enrollment before?—A. I went to Muskogee to see these people.

"Q. When you went down to Muskogee to see these people I suppose you had an interview with them. Where were these people located, these people you went to see about your application?—A. Up in a big building, where the Dawes Commission is. On the second floor.

"Q. You found many others there?—A. Office crowded.

"Q. Mostly colored?—A. Yes; colored and Indian mixed, white and half-breeds.

"Q. Who did you talk to down there?—A. I applied—I talked to Mr. Perry Rodkey and Mr. Lindly. Asked was it sure enough true. Was the roll open for these people. I went down one day to see about it, then I went about two weeks later. Asked his price. Nelson wanted \$5 himself.

"Q. Nelson Durant the man you refer to?—A. Yes, sir. He got up all the statements. Mr. Lindly did the typewriting. I told these people I didn't want to pay—I told these people I heard the rolls were open, but I didn't want to pay—

"Q. How much did Nelson want?—A. \$10, and he said that was for notary fees—

"Q. You understand Nelson Durant is a lawyer?—A. Yes, sir.

"Q. What did you understand about Mr. Rodkey and Mr. Lindly's positions?—A. Why, Mr. Rodkey said he was working for the United States. Mr. Lindly he was not charging anything.

"Q. Did Mr. Lindly say that?—A. Said Government paying him in these citizen cases.

"Q. Was that the general understanding?—A. Yes, sir.

"Q. With those with whom you talked?—A. Yes, sir.

"Q. You did not pay them anything yourself?—A. No, sir.

"Q. Did you pay Nelson Durant anything?—A. \$2 and paid the notary \$1.75.

"Q. They wanted \$10?—A. I didn't have it and I wouldn't pay it.

"Q. How much did you pay Nelson?—A. \$2 and notary \$1.75; \$3.75. They asked me for the rest of the money.

"Q. You applied for the enrollment of yourself as a Creek by blood?—A. Yes, sir; and my children. Some of them are on, one dead child not on.

"Q. You are trying to get on the blood roll?—A. Yes, sir. I got the deeds down there for two of them."

Jane Driver, a negro woman, of Tulsa, Okla., who has made application through Mr. Webster Ballinger for enrollment as a citizen by blood of the Choctaw Nation, testified before me on November 17, 1915, in part, as follows:

"Q. You told me that you paid Alec Nail \$2.50 for making an affidavit?—A. Yes, sir.

"Q. And another colored man \$2.25 for making an affidavit?—A. Yes, sir.

"Q. Was his name Webster Burton?—A. I couldn't tell you.

"Q. Then you paid the notary \$2?—A. Yes, sir.

"Q. And you paid the man who took you down to Muskogee, Chas. Willard, \$2 and his fare to Muskogee and return?—A. Yes, sir."

W. H. Short, a white citizen of Morris, Okla., appeared in my office on August 3, 1915, and upon being advised by him that his wife, Lillie Short, nee Cornelius, had applied through Mr. Ballinger for enrollment as a citizen by blood of the Creek Nation, I obtained a sworn statement from him, from which I quote below:

"Q. Now, who approached you in this business—who first came to you and told you about this enrolling business?—A. The Bakers.

"Q. Where do they live?—A. Morris.

"Q. Are they Indians?—A. Yes, sir; claim to be.

"Q. What did they say to you, exactly?—A. They told me—I don't recall just the words—they told me a man named Durant was seeing about this business and that they were going to see him about it, so I came with them.

"Q. Did you see Durant?—A. Yes, sir.

"Q. Where did you find him?—A. I found him on the second floor of this building.

"Q. In the back office?—A. Yes, sir.

"Q. Did you get acquainted with anyone else connected with that office?—A. There was another gentleman in there.

"Q. Do you know his name?—A. I knew it then, but can't call it now.

"Q. Was his name Lindly?—A. Yes, sir; Lindly was the name.

"Q. Did you get acquainted with any other person connected with that office?—A. No, sir; I didn't.

"Q. Do you know whether Mr. Webster Ballinger is connected with that office?—A. Yes, sir, I think he was.

"Q. In what capacity?—A. I do not know; it seems to me like all the papers were made to Webster Ballinger.

"Q. Whom did you talk to first?—A. Durant.

"Q. What did Durant represent to you that he was doing?—A. Why he claimed that he was working for the Indians and trying to prove their rights.

"Q. Did he represent himself to be in the Government service?—A. Well, I won't say for sure, but I believe he did.

"Q. Do you know what language he used to give you that impression?—A. No, sir; I don't.

"Q. You can't say what he stated to you exactly?—A. No, sir; I can't.

"Q. Did these Bakers that told you about these people state to you whether they were in the Government service or employ?—A. I believe they did; I think that Baker told me the Government had them employed.

"Q. What kind of a contract did you make with Durant—any?—A. No, there was no contract to it. When I first came down here I paid him \$5 to go over the rolls and he said that was all he could do then, but to come back and when I came back next time—a week from that date—I brought my wife and he took me to one side and said: 'I am ready for business if you have the money, but we can't do anything if you can not pay for it, as we have to go out to the Dawes Commission upstairs and get some stuff and it will cost you \$25.' I told him times were mighty hard and it looks like I am paying out money for something I don't know anything about. I paid him \$20, and he fooled around and got the papers fixed up and got a notary to sign them.

"Q. How much did you pay the notary public?—A. It seems to me that I paid the notary public \$2.50, making \$27.50 I was out.

"Q. Is that all you have paid out?—A. Yes, sir.

"Q. Did either you or your wife sign any powers of attorney or any kind of a contract in Mr. Ballinger's office?—A. No, sir; not that I know of.

"Q. Or any other place?—A. No, sir."

On the same day the above statement was taken I obtained the statement of Mr. J. W. Sutton, a white citizen of Morris, Okla., who appeared at my office with W. H. Short, from whose testimony I have just quoted. I quote from Mr. Sutton's testimony as follows:

"Q. How did you happen to accompany Mr. Short here?—A. Well, he heard of this commission, and others had heard of it and told us. Our neighbor, Mr. Baker, told us, and I came to try and assist him.

"Q. You say you heard something about this in the neighborhood?—A. He did from Mr. Baker—that is the first I heard of it; but we didn't believe it.

"Q. You didn't believe what?—A. We didn't believe it was a legal transaction, for the rolls had been closed.

"Q. And as it came to you, what impression did it make on your mind; was it that Government officials were enrolling persons?—A. No, sir; it never did come to mind that way. I told him it was a fraud, until I came down here and talked with them in this building, and I was then satisfied, for I thought it was the Dawes Commission.

"Q. It being right in the building with the Indian office, you thought if it wasn't right it would be stopped?—A. Yes, sir.

"Q. If there was any fraud, it would be stopped?—A. Yes, sir; I thought it was all right, as I thought it was in the Dawes Commission house, and I supposed then that there was something to it.

"Q. From what you had previously heard in your neighborhood, did you get the impression from persons in the neighborhood that the Government was enrolling persons?—A. Yes, sir; that is the way they talked—that is the way I understood it. That it was a legal affair by the Government, who was enrolling these persons that was left off, and as this girl is a niece of my wife, and is an Indian, and we could prove it—

"Q. Was there anything that occurred in the office of these persons that made you suspicious of their connection with the Government service?—A. Yes, sir.

"Q. What was it, exactly?—A. Well, they had some colored fellows there that were very ignorant, and they offered to be witnesses for people, and came to me and told me, or offered to help me, and I told them we already had all the help we wanted.

"Q. Did they want pay for their services?—A. I suppose they did; I told them we had all the evidence we wanted.

"Q. Do you know any persons who have paid any money to these men on the second floor of this building?—A. Yes, sir; Mr. Short.

"Q. Do you know any other person?—A. Yes, sir.

"Q. Who?—A. One of my boys paid some money.

"Q. What is his name?—A. Jimmy—J. D. Sutton.

"Q. Where does he live?—A. Morris.

"Q. How much did your son pay?—A. \$5.

"Q. Who did he pay that to?—A. I suppose he gave it to his wife. His wife is one of the Baker family. My son paid his wife's part. My son married a Baker.

"Q. What amount did the other members of the Baker family pay?—A. They paid \$5 a head, and these men sent out for \$5 more the other day.

"Q. Do you know whether that was paid?—A. Yes, sir; they sent it to them. They sent it a few days ago; it was for another witness; old grandpa Baker sent it to them.

"Q. What is his name?—A. I don't know. Old grandpa Baker is all I know. He is an old man.

"Q. All of these people you speak of, are they Indians?—A. Well, my son is an Indian, and those others claim to be Indians but have not proved it—this Baker family."

The testimony of Mr. W. H. Short, referred to above, shows that his wife was not a resident of the Creek Nation on June 28, 1898.

James Goings, a negro citizen of Depew, Okla., who has applied for enrollment, through Mr. Webster Ballinger, as a citizen by blood of the Choctaw Nation, testified before me on November 19, 1915, in part, as follows:

"Q. What did Gould represent to you? Did he represent that the rolls were open?—A. No, sir; he didn't represent to me that they were opened.

"Q. What did he tell you about it?—A. He told me after I was telling him about a—he was reading in his papers and he said 'Jim, this roll is going to be open. Seems * * * since you said, * * * I have been reading where these rolls are going to—'

"Q. You went to Muskogee?—A. Yes, sir.

"Q. Who did you see?—A. Mr. Lindly.

"Q. See anyone else?—A. No, sir. There was a gentleman in the office, but I can't place him.

"Q. What did Mr. Lindly tell you?—A. He told me that I would have to employ an attorney to investigate.

"Q. Did he suggest some attorney to you?—A. I asked him who was attorney there, and he said there was two or three around there, and about that time I walked Nelson Durant and I employed Nelson Durant.

"Q. What sort of a contract did you make with Nelson Durant?—A. I was to pay him cash in hand. I was to pay him \$27. He said he would look up the book. He would charge \$27.

"Q. Did you pay him the money?—A. Yes, sir; \$27.

"Q. Pay him that day?—A. No, sir. After I was down there and he told me to bring those five grown children.

"Q. Did you pay him anything at all the first time?—A. \$7.50.

"Q. For what purpose did you pay him this \$7.50?—A. He claimed he had to go and look up the books.

"Q. You paid him \$7.50 to look up the books?—A. Yes, sir.

"Q. What books was he to look up?—A. I don't know, sir. He didn't tell me particularly what books.

"Q. You gave him \$7.50 in cash?—A. Yes, sir.

"Q. First time you were down there?—A. Yes, sir.

"Q. When was that?—A. Along in February.

"Q. Of this year?—A. Yes, sir.

"Q. Any one witness you paying him that money?—A. No, sir; there was nobody in the office but me and him at that time.

"Q. Did he give you a receipt for it?—A. Yes, sir; but I haven't it here.

"Q. You have the receipt at home?—A. Yes, sir.

"Q. He said to come back again with your five children?—A. Grown children.

"Q. You took them back?—A. Yes, sir.

"Q. When did he tell you about bringing more money down?—A. He said all those grown ones would have to pay \$5 apiece for entering fees. What he said—

"Q. You went down there afterwards and took your five grown children with you?—A. Yes, sir.

* * * * *

"Q. Did each of these children take money along with them?—A. No, sir.

"Q. They didn't give any money?—A. I got the money myself.

"Q. Had he told you that you would have to bring some more money?—A. \$1 more; \$17.50 for me.

"Q. Did you take him that \$10? You gave him that \$10?—A. Yes, sir.

"Q. How much more?—A. \$5 apiece for the children.

"Q. How much in all?—A. \$25.

"Q. Gave him \$25 for the children?—A. Yes, sir.

"Q. They paid you the money to give to him?—A. All but one. That was Birdie. She was living with me and I pay hers.

"Q. How much did this make in all that you paid Durant?—A. \$10, \$17.50, and \$25. Let's see, \$42.50 in all. Would he \$42.50 near as I could come to it.

"Q. Did you get any receipt for the money?—A. I got a receipt for myself for \$17.50. He told me he would send all the receipts of the kids—their receipts.

"Q. Do you know whether he did this?—A. No, sir; I don't.

"Q. Did you have any understanding as to whether Mr. Lindly or this man Durant were in the Government service?—A. I understood that Mr. Lindly was in the Government service.

"Q. Who told you that Mr. Lindly was in the Government service?—A. He told me himself. He was working for the Government and he was not allowed to charge any fees. If Government knew he charged any fees he would be hoisted from the office.

"Q. He told you that himself?—A. Yes, sir.

"Q. Anyone else present when he told you?—A. Yes, sir; I think if I make no mistake there was an old man Nails.

"Q. Alec Nails?—A. Yes, sir; if I make no mistake think he was in there at the time.

"Q. What did Durant tell you? He tell you he was in the Government service?—A. He said he was attorney looking up the cases like for myself.

"Q. What did he tell you about Lindly?—A. He said he would look up my case and if it was agreement with Mr. Lindly—whatever Mr. Lindly said when he looked it up—when he looked it up he would turn it over to Mr. Lindly.

"Q. Do you know whether Mr. Webster Ballinger, of Washington, D. C., was connected with that office?—A. I heard he was after I went in.

* * * * *

"Q. What did Alec Nail charge you for making an affidavit for you?—A. \$5.

"Q. You paid that independent of the other money you paid to Durant?—A. Yes, sir.

"Q. You gave \$5 to Alec Nail?—A. Yes, sir.

"Q. Hand it to Alec Nail?—A. Yes, sir.

* * * * *

"Q. Did Gould tell you that those persons were in the Government service?—A. He told me that Mr. Lindly was."

Mollie Nathan, a reliable old colored citizen of Porter, Okla., who has applied for enrollment as a citizen of the Creek Nation, through Mr. Ballinger, on August 27, 1915, testified, in part, before Judge R. C. Allen, national attorney for the Creek Nation, as follows:

"Q. Who told you they were enrolling people?—A. Mr. Howard, Emmett Howard.

"Q. Who is he?—A. He keeps the post office; he used to be a banker.

"Q. He is the postmaster there now?—A. Yes, sir.

"Q. What did he tell you about it?—A. He said the rolls is open now and you ought to try again and see what you can do.

* * * * *

"Q. After you talked to Mr. Howard you came down to Muskogee?—A. Yes, sir.

"Q. Who brought you here?—A. Well, I came on the train, but several came with me.

"Q. Who came with you?—A. Nellie Hawkins and Morris Steven.

"Q. Where did you first meet Nelson Durant?—A. Right here at this place.

"Q. Had you known him before?—A. No, sir.

"Q. What did he tell you?—A. He got the book and hunted up my people and found them right now; no trouble to find them. My mother was a half sister to Jane Doleman; she is dead now.

"Q. She is on the roll?—A. Yes, sir; she is on the roll all right.

"Q. Now, then, what did he tell you about enrolling you?—A. Well, he said he didn't see nothing in the world to hinder me from getting my right.

"Q. Did he say they were enrolling people?—A. Yes, sir.

"Q. What did he tell you about Mr. Ballinger?—A. Didn't tell me anything about Ballinger. He said how much money I must get, and I went back and told Mr. Harsha about it, and he said, 'Aunt Mollie, watch your business, and don't let them beat you, you too old,' and I told him what they said it would take to pay. Ballinger said it would take some more witnesses, and so I came and ask for you, then, and they said you wasn't in, and so I went back home then and see Mr. Harsha and got the money.

"Q. Did they tell you they were representing the Government?—A. No, sir.

"Q. What did they say?—A. Well, sir, Mr. Allen, I couldn't tell you all they said. Mr. Ballinger said this, and now I am telling you the truth, Judge, Mr. Ballinger—I don't know whether he is the man that got the money or not, I am telling the truth, but I know Mr. Ballinger told me this, 'Now, when you get out of here they will ask what I charged, and you tell them what I charged you. You say you haven't paid me a cent, and if you don't get nothing I don't get nothing.'

"Q. Did he tell you Durant was working for him?—A. Well, Durant presented these names. Durant hunted up the names and brought the book in.

"Q. Where was Durant when he told you you had to raise the \$50?—A. In the first little room.

"Q. Before you saw Mr. Ballinger?—A. Yes, sir.

"Q. Did you talk to Mr. Ballinger about the \$50?—A. No, sir; I never opened my lips to him about that; I don't know why I didn't, and Morris told him who I was and who my people was.

"Q. When was it you paid this money to Durant?—A. In March, when I enrolled, when Mr. Ballinger did this printing work.

"Q. The first time you came down here you didn't get enrolled because you didn't have the money?—A. No, sir; just hunted up the papers, and Durant told me I would have to have that money.

"Q. How much money on the 5th of March did you give Durant?—A. \$20, and then I went and got the children just as quick as I could.

"Q. A few days later?—A. Yes, sir; and then I gave him \$16.50 again, and now wait, that ain't all, and they kept on sending me cards I had to get all, and I went and got him and brought him in and he said 'Mamma, from what I read in the papers it might be all right, but if you see Judge Allen he can tell you,' and I said I couldn't find you and in a few days I seen in the papers you was gone to Washington. Let's see—that's \$36.50 isn't it, and then I was out \$4 more.

"Q. Did you give that \$4 to Durant?—A. My son did.

"Q. Your son gave it to Durant?—A. Yes, sir.

"Q. That is \$40.50 you gave in all?—A. Yes, sir.

"Q. Where did you get this money?—A. I borrowed it from Mr. Harsha, and I have got to work now and pay the interest.

"Q. What became of the other \$9.50?—A. Going back and forward, I had to go clean to Vian for one of the children.

* * * * *

"Q. You paid all of the expenses of all of your witnesses here yourself?—A. Yes, sir.

"Q. You paid their expenses yourself?—A. That's what Durant said it was for.

"Q. He didn't pay your expenses, did he?—A. No, sir; I paid my own.

"Q. He didn't pay your children's expenses?—A. No, sir.

"Q. Or their children's expenses?—A. No, sir.

"Q. You paid that in addition to the money you paid Durant?—A. That's where that \$50 went. I paid all the expenses of myself and my children and their children in addition to what I paid Nelson Durant.

"Q. What witnesses was he supposed to pay out of that \$40.50?—A. He was supposed to pay Berryhill and James.

* * * * *

"Q. You go in there and tell those people you borrowed this money from the bank and that you borrowed it because you believed they had the power to enroll you and get you an allotment, and that you have found out they haven't got that power and you want your money back. I wouldn't go to Durant, I would go to the head of the office and tell them what is going on. You go to Mr. Lindley and tell him I sent you to him and told you I believed if you would go to him he would give you your money back that you have given them to get on these rolls. Do that and then come back and let me know what they say. (Witness leaves the room to go to the office of Mr. Ballinger, and returns with Mr. Lindley and says that he is the man she referred to in her testimony as Mr. Ballinger.)" (Mr. Lindley states that he will take this matter up with Nelson Durant.)

The testimony of the above claimant shows that she was taken from the Creek Nation when she was an infant, which was before the Civil War, and that she did not return to said nation until after the rolls of the Five Civilized Tribes were closed.

I quote from the statement made before me by Liddie Stevens, née Alexander, a negro woman of Tulsa, Okla., on November 20, 1915, she being an applicant for enrollment through Mr. Ballinger as a citizen by blood of the Creek Nation, as follows:

"I gained the impression somehow that Mr. Rodkey was in the Government service. * * * Mr. Lindley merely told me in Muskogee that he was representing Mr. Rodkey, but told me that I would have to have a lawyer to make out my papers for me, and he referred me to Nelson Durant, a colored man, who came into Mr. Lindley's office. Mr. Lindley advised me that this man Durant was a lawyer and would make up my paper for me. I consulted Durant there in Mr. Lindley's office, but Mr. Lindley made out all the papers and asked me all the necessary questions. Durant didn't question me at all and did not make out any papers in connection with my case, to my knowledge. Durant told me that he charged me \$3 for representing me in the matter and I paid him \$3 in cash there in Mr. Lindley's office at Muskogee during the time I was there. I paid Mr. Lindley \$1.50, but I do not know what that was for. I paid a notary public, named Golden, \$1.50, which I understood was for notary fees. My witness at Muskogee was Tobe Berryhill, whom I found in Mr. Lindley's office. I paid him 50 cents for making an affidavit for me."

I quote now from the testimony of Tennessee Ricketts, a negro resident of Tulsa, Okla., given before Choctaw National Attorney Hurley on November 27, 1915. She is an applicant for enrollment, through Mr. Ballinger, as a Choctaw citizen by blood:

"Q. How much did you pay the man who took this petition? Who prepared this petition?—A. He charged me for writing \$3 or \$3.50.

"Q. Where did you make this petition?—A. Okemah.

"Q. What was the man's name?—A. Perry Rodkey.

"Q. Did he tell you who he represented? Who Perry Rodkey represented?—A. He told me he was working for the Indian Affairs.

"Q. For the Government?—A. Yes, sir.

"Q. Did he say he represented the Secretary of the Interior?—A. I don't know. He told me he wasn't to charge nothing for it. Somebody at Washington had him doing this way.

"Q. Did you understand that the Government was paying him?—A. I don't know. He told me he wasn't to charge me nothing for it, only for the typewriting. I don't know whether he told me the Government or not. He told me he was working for Indian Affairs.

"Q. For the Commissioner of Indian Affairs?—A. I guess so. He told me Indian Affairs.

"Q. You paid him \$3?—A. For the typewriting.

"Q. Who did you give the \$3 to?—A. I don't know what his name was. I gave it to the typewriter, \$3.

"Q. Who was present when he told you he was working for the Commissioner of Indian Affairs?—A. His typewriter was there.

"Q. Was the typewriter a man or a woman?—A. Man.

"Q. Was your daughter there?—A. All my children was there. All but one, in Texas.

"Q. Where did you first hear about Perry Rodkey?—A. Did you understand that he was enrolling people?—A. When I first heard of it. She heard of it somewhere. She heard about it somewhere, and I wrote. He told me he wasn't enrolling. He said he was sending up petitions. When we went down there he said he wasn't enrolling, just sending up a petition to ask for the names to be put on."

Amy Barnes, a negro woman, of Henryetta, Okla., testified before me on December 1, 1915, in part as follows:

"Sometime during the fall of 1914 my son-in-law, Floyd Grayson, who had just returned from the town of Henryetta, advised me that he had learned that day that there was an Indian agent in Henryetta enrolling persons who had been left off the rolls by the Dawes Commission. I went into town the next day and went around to see these persons who were said to be enrolling people. I found the place crowded with colored people and Indian folks. I talked with the heavy-set gray-haired man who seemed to be in charge of the business, but I can not recall his name. This stout gray-haired man whom I talked with the first day told me that they had been sent out by the Indian agent in Muskogee for the purpose of enrolling those who had been left off of the rolls by the Dawes Commission. I am satisfied that he told me this. It seemed to be the understanding of every one with whom I talked that these persons were in the Government service."

I quote from the testimony of Floyd Grayson, the son-in-law of the above-named woman, as follows:

"I accompanied my mother-in-law the next day to town and went around with her to see the persons said to be enrolling people. There was a big crowd in the offices waiting to see them, Indians and colored folks. I went in with my mother-in-law and my sister-in-law, Missouri Sanders, went along also. We talked with a heavy-set, gray-haired white man. I think that he had a little gray mustache. (This answers the description of Mr. Mat M. Lindly. W. L. B.) I do not know whether the man's name was Lindly. I swear positively that he told my mother-in-law in my presence that the Indian agent at Muskogee had he and the others that were with him out enrolling the persons that had been left off by the Dawes Commission."

Charlie Gould, a white man who resides near Depew, Okla., was employed by Ballinger, Lidly & Rodkey as a field worker, and I quote below from testimony taken by William H. Reynolds, field clerk of Atoka, Okla., in November, 1915, concerning the representations made by this man, which shows that this man endeavored to obtain money upon the representation that he was working under persons who were employed by the Government.

"Q. Your name is D. S. Newton?—A. Yes.

"Q. Your residence is at Ada, Okla.?—A. Yes, sir.

"Q. Did you know Charlie Gould?—A. No; I never met him before.

"Q. He introduced himself when he called on you, did he?—A. Yes.

"Q. For what purpose did he come to visit you?—A. Well, he come and ask me if I was eligible for enrollment, and if so if I would like to get on the roll, and I said I was and would like to be placed on the roll.

"Q. Did he make overtures to you that he could enroll you?—A. No; he did not say, but he said that there was a man in Muskogee that was placing the names on the roll.

"Q. Did he make any effort to get any money from you?—A. No.

"Q. Did he say to you that the other party would charge you anything?—A. Yes; that the other party would charge me \$50.

"Q. Did he tell you who this party was that was in Muskogee?—A. He did.

"Q. After telling you who this party was did you call this party up?—A. No; I wrote him, but never have heard from him.

"Q. Who was that party, Mr. Newton?—A. I don't remember his name.

"Q. Was it Mr. L. M. Lindley?—A. I believe that was his name.

"Q. You wrote Mr. Lindley, then?—A. Yes.

"Q. You have not heard from Mr. Lindley?—A. No.

"Q. Did Charlie Gould represent to you that he was a Government employee?—A. No; he said this fellow Lindley was an employee of the Government, and said Lindley was sent from Washington.

"Q. He led you to believe that in his conversation that Lindley was a Government employee and that he was working under Lindley?—A. Yes."

I quote now from the testimony of Jim McFarland, a resident of Ada, Okla.:

"Q. Do you know one Charlie Gould?—A. Yes.

"Q. How long have you known Charlie Gould?—A. I have known Charlie Gould for the last 15 years. I lived by him for about six years.

* * * * *

"Q. Do you remember meeting Charlie Gould in the last two or three weeks?—A. I met him within the last two or three weeks.

"Q. You had a conversation with Charlie Gould at that time, did you?—A. Yes; two or three different times while he was here.

"Q. Did he make any overtures to you to enroll your wife?—A. He did not get right out and tell me at the time, but from his talk it appeared to me that he would try to get her on the roll and said she can't get no land; but he said she could get the money, and this matter would have to be done between Friday and Monday.

"Q. Did he want to make any charges for the services?—A. He didn't say he would charge me anything, but he said to me that I would have to have \$50; he said it would be of no use of me going—her father could take her.

"Q. Did he represent himself to you that he was a Government employee?—A. Well, I don't think he put himself as a representative of the department, but he was working for some man in Muskogee.

"Q. Did he lead you to believe that the party he was working for was working for the Government?—A. Yes.

"Q. He talked with you several times about enrolling your wife?—A. Yes."

I quote now from the testimony of Lon Wormington, a resident of Ada, Okla.:

"Q. Who introduced you to Charlie Gould?—A. He introduced himself.

"Q. For what purpose did Charlie Gould form your acquaintance?—A. To get my wife enrolled, he said.

"Q. What overtures did he make to you in reference to getting your wife enrolled?—A. He said just pay \$50 and go to Muskogee, and that there is another party there would enroll. He said it was through this party that they would have to be put on the roll.

"Q. Did he give you that gentleman's name?—A. No.

"Q. What further conversation did he have with you as to the enrolling, after you have paid him \$50?—A. He didn't say only just said that he would enroll them, was all, and that they would draw the money something like \$2,000 or \$3,000.

"Q. Did you pay him \$50?—A. No, sir.

"Q. Did he say to you he was in the employ of the Government?—A. He said this other party was.

"Q. The other man was in the employ of the department?—A. Yes.

"Q. Did he give you the other party's name?—A. No, sir.

"Q. Did he say as to what branch of the Government the other party was working under?—A. No; he did not; he just said he did not know.

"Q. Did he tell you that this other party was in the Metropolitan Building at Muskogee?—A. I don't believe he said what building he was in; I know he didn't.

"Q. I'll ask you if by the conversation you had with Charlie Gould that you were led to believe that he was in the employ of the department?—A. Yes."

I quote now from the testimony of M. B. Lewis, a resident of Ada, Okla.:

"Q. Do you know one Charlie Gould?—A. I would know him, I think, if I see him again.

"Q. Who approached you in reference to enrolling you on Chickasaw roll?—A. Yes, for \$50.

"Q. When did he tell you that the roll would be opened or closed?—A. Well, he did not say anything about opening roll, but he said that the rolls will be closed on Saturday, but he would hold them until Monday.

* * * * *

"Q. Did he represent himself to be an employee of the United States Government?—A. I won't say, but he represented himself that he was a partner of this man in Muskogee, who sent him out to get the people enrolled.

"Q. Did he lead you to believe that in his conversation that he was a Government employee?—A. Yes; he said that he was sent down there by the Government to get the people on the roll."

Manna Bruner, a negro resident of Rentiesville, Okla., heretofore referred to, was at first one of Ballinger, Lindly & Rodkey's principal field workers, but later, after some of his operations were investigated by Field Clerk H. M. Tidwell, of this office, he seems to have dropped out of this line of work. He is of a criminal type, and the chief of police of Muskogee stated to me, a few days ago, that Bruner had been in

jail a number of times, if not in the penitentiary, and that he belonged to the criminal class. I quote from a letter dated December 16, 1914, from Charles V. Pyle, land appraiser of this office, as follows:

"Mr. Mattison says Manny Bruner is a 'plausible nigger,' has an impressive way, and is very convincing in his statements to colored folks, and with his positive guaranty that he will have them enrolled and secure an allotment or the money equivalent, has got a great deal of money. Informant gave me the names of several persons, one white man, who he knew had been defrauded. * * * The witnesses are scattered. * * * It is said that Bruner is well known in Muskogee and Eufaula, as he has done terms in both county jails. Mrs. H. O. Frederick, Rentiesville, Okla., also the wife of the station agent, both colored, and John Smith, white, Checotah, are among the victimized."

I quote now from an affidavit of Will Smith, of McIntosh County, and made before J. A. Hurt, a notary public, on January 27, 1915:

"I hereby state on oath that during the early fall of 1914 one Manny Bruner came to me and offered to place my wife, Mattie Smith, and my children, Susie, Columbus, and Joiney Smith, upon the Cherokee roll of Indians for the sum of \$10. He also stated that he would place me on the same roll, but I told him I was a white man. He stated positively that he would and could place my wife and children on the above-referred-to roll and that they would receive money in lieu of land. I paid him \$5 and afterwards paid Pleas Guest \$1 for him, making a total of \$6. I have never heard from him since that time."

Several months ago complaint was made to the Indian Office direct concerning the organization of a society among the colored citizens in the vicinity of Vinita, Okla., it being alleged that William H. Vann and Nelson Grubbs were the organizers. The complaint was referred by our department to the Attorney General's office and reached the United States attorney for the eastern district of Oklahoma, who in turn referred the complaint to our office for further investigation. It will be noted that Vann and Grubbs are both referred to heretofore herein as field workers of Ballinger, Lindley, and Rodkey. Testimony shows that these men organized a so-called Cherokee Freedmen's Association and collected initiation fees and monthly dues, incidentally getting what additional money they could from the members to prosecute applications for enrollment for them. I quote below from sworn statements of a few of the victims given before Field Clerk McCay, of Vinita, Okla., in October, 1915. Calvin Ross, a citizen of Vinita, Okla., testified, in part, as follows:

"Q. Have you ever heard of an organization known as a Cherokee Freedman Association?—A. Yes.

"Q. Do you know Nelson Grubbs?—A. Yes.

"Q. Do you know Willie Vann?—A. Yes; I know him when I see him, but I am not acquainted with him.

"Q. Nelson Grubbs and Willie Vann were organizers of this association, were they not?—A. I do not know whether they were or not—I think that was their business.

"Q. Did you pay any money to anyone?—A. Yes.

"Q. Whom did you pay it to?—A. Paid it to Willie Vann.

"Q. How much did you pay him?—A. I paid him \$1, Willie Vann, and my two daughters paid him 75 cents each.

"Q. What is your daughters' names?—A. Oattie Ross, the other name Minnie Ross.

"Q. Nelson Grubbs and Willie Vann told you, did they not, that if you paid them this money they would get you on the freedman roll and would get you some land?—A. They did; land or money.

"Q. Did these two men say to you that they were in the services of the United States Government?—A. They told me that they had been authorized by two lawyers to get those names and send them in.

"Q. Did they tell you the lawyers were working for the Government?—A. Yes.

"Q. Now, were those lawyers' names Ballinger, Rodkey, and Lindly?—A. Yes.

"Q. You paid this money into the hands of William Vann?—A. Yes.

"Q. The reason you paid this money to William Vann was because they represented to you they were Government men, and that they were working with the above firm of attorneys, who were also Government men, and in consideration of your paying them this money they would get you on the rolls and get land or money for you, is that the way it was?—A. Yes, sir."

I quote now from the testimony of Willie Pack, of Vinita, Okla., given before Mr. McCay:

"Q. Do you know Nelson Grubbs?—A. Yes, sir; I do.

"Q. Have you ever heard of an organization known as a Cherokee Freedman's Association?—A. Yes.

"Q. Nelson Grubbs and William Vann were organizers of this association, were they not?—A. Yes, sir.

"Q. Did that association meet at Island Church?—A. Yes, sir.

"Q. Did these people represent to you that if you would pay them for their work they would get you on the rolls and get you some land?—A. Yes, sir.

"Q. Did you pay them any money?—A. Yes, sir; I did.

"Q. How much money, in your opinion, did you pay them?—A. Me and my mother together paid them about \$300 or \$400.

"Q. Whom did you pay this money to?—A. To Nelson Grubbs and this other man, William Vann.

"Q. Did Nelson Grubbs and William Vann tell you that they were connected with the Government of the United States?—A. Yes, sir; they did.

"Q. What did they say about this?—A. He said if we paid them money and signed up papers that they would get us on the rolls and get our land.

"Q. Did these men tell you that they were hired by the Government?—A. Yes, sir.

"Q. Did you ever hear of a firm of attorneys by the firm name of Ballinger, Lindly & Rodkey?—A. Yes, sir; they were the ones who were going to put us on the rolls.

"Q. Did Nelson Grubbs and William Vann say that the above firm of lawyers were also Government men?—A. Yes. They said they were Government men.

"Q. You paid this money into the hands of Nelson Grubbs?—A. Yes, sir; I sure did.

"Q. And the reason that you paid this money to William Vann and Nelson Grubbs was because they represented to you that they were Government men and that they were working with the above firm of attorneys who were also Government men, and in consideration of you paying them this money that they would get you on the rolls and get land for you, is that the way it was?—A. Yes, sir.

"Q. Do you know of any one else who heard these men tell you they were in the Government service?—A. Yes, sir; but I can't call their names now."

I have read letters written by both Mr. Lindly and Mr. Ballinger in which they referred to the work of this Cherokee Freedmen Association, showing that they are interested in that organization. I have been unable to investigate further the workings of this association.

William H. Vann, however, has operated apparently most of the time independent of any connection with this association. I now quote from a letter, the original of which is in my hands, which was addressed by William H. Vann, and is in his own handwriting, to W. W. Grayson, of Laredo, Tex., under date of August 31, 1915:

*"I am worken with the U. S. department in the enrollen of those citizen children that did not get any lands so you see I am next to all kinds of business now if you don't want this money you must say so in your letter to me then I will report the facts to the Department then they can do the next thing. * * * I will also put Charlie on the roll and he will draw \$2,080.00 in money, as he didn't get any land. Write me to 507 E. Hobson, Sapulpa, Oklahoma." (The underscoring is my own. W. L. B.)*

I quote now from the testimony of W. M. Ingram, a white man, a resident of Sapulpa, Okla., given before Field Clerk C. A. Stevens on November 27, 1915:

"Q. You claim that parties have approached you relative to getting you enrolled in the Cherokee Nation?—A. Yes a party by the name of Vann who is described as follows: 'A mixed breed, has one foot crooked, five feet seven, weighs about 250, wears a black mustache, is dark colored. He told me to come to Muskogee and he would have the witnesses down there. He told me that I had a deadshot case. That I should raise \$40 and bring it to Muskogee. I did not go to Muskogee for the reason that I talked to several parties and they advised that he was a fraud.'

"Q. Do you know of any other parties who claim to be representing the United States Government enrolling parties in either the Creek or Cherokee Nations?—A. No one but this fellow at Bristow by the name of Guel (Gould). I don't know whether he ever received any money to place parties on the roll. He didn't exactly tell me he was an agent of the United States Government, but from the way he talked he led me to believe that he was working for the United States Government."

Mattie E. Farrar, a young colored woman, a resident of Muskogee, Okla., appeared in my office on December 10, 1915, and alleged that her father, Austin Farrar, of Okmulgee, Okla., had paid William Vann \$50 upon an application for enrollment made by him as a Freedman. She states further that Vann wanted \$50 more and that her father had promised to pay him the additional \$50. It appears from this woman's statements

to me that her father has neither legal nor equitable title to enrollment as a Freedman.

I am satisfied that powers of attorney were obtained by Ballinger and Lindly from all the persons whose applications they prepared, to Mr. Ballinger. However, as none of the applicants whom I questioned seemed to recall that they had signed such a paper, I am inclined to believe that they signed such powers of attorney without knowing what they were signing, practically all of them being illiterate persons. I attach hereto a copy of a power of attorney, the original of which I have in my files. (See Exhibit L.)

Considering the testimony I have quoted herein in connection with section 17 of the appropriation act approved August 1, 1914, which is set out below, it appears to me that this law has been openly and wantonly violated by the persons working for Mr. Ballinger in Oklahoma:

"SEC. 17. Unless the consent of the United States shall have previously been given, all contracts made with any person, or persons, now or hereafter applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall constitute an offense against the laws of the United States, punishable by a fine of not exceeding \$500 or imprisonment for not exceeding six months, or both * * *." (See act of Congress, approved Aug. 1, 1914.)

It is probable that further investigation of the operations of these persons in Oklahoma would result in the gathering of a vast amount of cumulative evidence covering the points touched on in the excerpts of testimony set out in this report.

If it were not a fact that these men have worked among ignorant, unintelligent persons whose testimony in a court of record would be weak, little trouble would be experienced in securing numberless indictments against a dozen or more of Mr. Ballinger's assistants and field workers in the State of Oklahoma for conspiring to defraud, impersonation of Government officers, and for violation of section 17 of the act of August 1, 1914, referred to above.

Several months ago our department referred complaints against William H. Vann and Nelson Grubbs to the Department of Justice with a view of bringing criminal action against these persons if they were found to have violated any law. The United States district attorney subsequently requested this office to make further investigation of their operations, and the matter was referred to me with verbal instructions to cooperate with the United States attorney's office. I am presenting to him at this time the evidence referred to herein showing that these individuals have impersonated Government officers for the purpose of defrauding the persons to whom such false representation was made, and further that they have violated section 17 of the appropriation act approved August 1, 1914. Incidentally, I believe that it would be advisable to take up with the United States attorney's office the question of the sufficiency of the evidence herein referred to upon which to base criminal action under the United States statute against Nelson Durant and Manna Bruner. The Federal grand jury meets in Muskogee in January next, and if the United States attorney's office deems criminal action warranted by the facts the evidence can be presented to the grand jury at that time.

Under the United States statute covering the offense the false personation of a Government officer must be coupled with the intent to defraud the Government of the United States or some individual. Although the evidence referred to herein tends to show that both Perry Rodkey and Mat M. Lindly have represented themselves as Government officers, yet it is evident that they have studiously avoided the acceptance of any money directly from the applicants.

As most of the evidence referred to herein was gathered by me during the time I was working under the direction of Hon. P. J. Hurley, Choctaw national attorney, I suggest that he be furnished a copy of this report for his information.

I recommend the reference of this report to the honorable Commissioner of Indian Affairs for his advice in the premises.

Sincerely, yours,

WM. L. BOWIE,
(Detailed) Special Investigator.

WEBSTER BALLINGER, ATTORNEY AT LAW,
ROOMS 245-6-7 METROPOLITAN BUILDING
Okemah, Okla., March 22, 1915.

Mrs. LIDDI STEVENS,
Tulsa, Okla.

DEAR MADAM: I have not heard from you for a long time. We are ready now for you to make your application for enrollment. We have been writing up applications at our office at Muskogee all winter. Let me know at once where you are, and if you are ready to make your application. I am at home at Okemah now, and will be here for a couple of weeks. Write me at this place. Hoping to hear from you soon, I am,

Yours truly,

PERRY RODKEY.

(Exhibit A.)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
LOCAL FIELD REPRESENTATIVE, FIVE CIVILIZED TRIBES,
Okemah, Okla., August 19, 1915.

Mr. WM. L. BOWIE,
Special Investigator,
Muskogee, Okla.

DEAR SIR: In answer to your of the 6th relative to the operations of Perry Rodkey and M. M. Lindley will say that I am not well acquainted with Mr. Lindley, as I only met him some time ago when he was over here assisting Mr. Rodkey in the enrollment of missed allottee or getting powers of attorney signed to have them enrolled; then they were working in the office adjoining mine. Mr. Rodkey is here now and still in the same business; he informed me yesterday when I met him on the street here that he had instructions to work Creek County, as there were about 400 allottee that were missed and entitled to enrollment, and that he expected to work at it next, and would have some of them brought over to Welty, near the county line, and go up there certain days and meet them in a bunch and get it fixed up. I have never heard Mr. Rodkey represent that they were connected with or were Government officers or employees, but said they were being assisted greatly by Mr. Allen's office, the national attorney, as they were close together at Muskogee, and when the parties came over there part of them were taken care of in his office, and they were also being assisted by the office of the Five Civilized Tribes, and the department knew and approved of what they were doing. I have never heard of them asking a fee or taking any money for their work, the only cost to the citizens being 25 cents for notary fee for taking the acknowledgment for signing the powers of attorney. As to Nelson Durant, I am not acquainted with and do not know at all. Mr. Rodkey has nothing here only his home, and that is heavily encumbered, and in fact until he went to work for Webster Ballinger he was in a very bad way financially, but I understand he is getting his expenses paid while doing this work, and will get a good bonus when Ballinger gets his commission. I do not know of Rodkey being a grafter, as he has nothing, and never had much, although he has been here ever since this town started, and never was able to accumulate much. I have heard that he has been used as a tool for some of the grafters some long time ago. Mr. Rodkey is living here, and is in town at present. He has no office here, but is working some time in the office of Charles E. Guthrie and Z. J. Thompson, of Okemah.

Respectfully,

(Signed)

HARRY B. SEDDICUM,
Government Farmer.

(Exhibit B.)

DEPARTMENT OF THE INTERIOR,
 UNITED STATES INDIAN SERVICE,
 LOCAL FIELD REPRESENTATIVE, FIVE CIVILIZED TRIBES,
Hugo, Okla., August 7, 1915.

Mr. WM. L. BOWIE,
Special Investigator, Muskogee, Okla.

MY DEAR MR. BOWIE: Receipt is acknowledged of your letter of August 6, 1915, relative to one Mat. M. Lindley, formerly of McAlester and now of Muskogee, Okla. In reply, beg to advise that I have been acquainted with Mr. Lindley for about 12 years, and I knew his relatives, who are a rather prominent family in Illinois, before I came to this country.

For some five or six years before statehood Mr. Lindley was an office deputy in the office of the United States marshal for the central district of Indian Territory. Since statehood he has been practicing "at" law in McAlester until recently. His law business was very meager, and I believe the bulk of his clients were Indians. I never knew of his doing anything particularly "raw," or if I ever heard of anything I do not at this time recall it.

He has not been entirely sober or out from under the influence of liquor for several years, at least that is my impression, because I don't think I ever got near him that the smell of liquor was not around him.

I think he has been associated with Webster Ballinger for several years, and, if I remember correctly, he appeared before Judge Pollack, of the department, when he was in Oklahoma looking up allottees who had been left off the rolls.

T. B. Latham, W. R. Harris, W. P. Freeman, or George Miller, all former United States officials in the central district, and all of McAlester, could perhaps give you more definite information. They are all reliable and prominent men.

With best wishes, I remain,
 Sincerely, yours,

(Signed) S. G. BRINK,
Supervising Field Clerk.

(Exhibit C.)

DEPARTMENT OF THE INTERIOR,
 UNITED STATES INDIAN SERVICE,
 LOCAL FIELD REPRESENTATIVE, FIVE CIVILIZED TRIBES,
McAlester, Okla., August 14, 1915.

Mr. WM. L. BOWIE,
Special Investigator, Muskogee, Okla.

MY DEAR MR. BOWIE: Receipt is acknowledged of your letter of the 6th instant, requesting certain information relative to the history of Mat M. Lindley; also photographs, thumb prints, descriptions, etc., of Nelson Durant, William M. James, and William Thompson.

In reply thereto beg to state that I have interviewed three business men of this city relative to the standing of Mat M. Lindley, and in each their reply was practically the same: "That his standing in the city of McAlester is very low." I am not personally acquainted with Mr. Lindley, but from what I have been able to learn about him he is a man that is addicted to the excessive use of intoxicants, and will sometimes stoop pretty low for a few dollars, and has been engaged to some extent in "grafting" among the Indians.

There is also inclosed photographs of Nelson Durant and William M. James; also thumb prints of the latter, together with description of Willie Thompson, who, I presume, is the same as the William Thompson described in your letter.

Trusting this is the information sought, and regretting the delay in obtaining same, as the photographs had to be taken, and William James is a trusty out on the farm, thereby difficult to see him, I am,

Respectfully,

(Signed) R. L. ALLEN, *Field Clerk.*

(EXHIBIT D.)



Nelson Durant, No. 803. Oklahoma State Penitentiary, McAlester, Okla. Age, 44; black. Received March 9, 1909. Sentence, 3 years. Crime, false pretense. From Muskogee County. Height, 5 feet 4½ inches. Went out on expiration pardon, August 27, 1911.

(Exhibit E.)

BERTILLON M.



United States Penitentiary

Leavenworth, Kansas

Name *Ben Grayson*

Alias

Color *Indian* Reg No *1739*

Age *27* Height *5 ft 11 1/2 in* Weight *152 lb*

Build *Slender* Complexion *Dark*

Hair *Black* Beard

Eyes *Blue* Eyes

Nose

Sentenced

From *Wauco, Wis. N. D. 11 1/2* for *2 1/2* years

Crime *Swindling & Receiving stolen goods*

Date of release *July 25 1907*

Marks, Scars, Etc

Scar on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

Wound on forehead

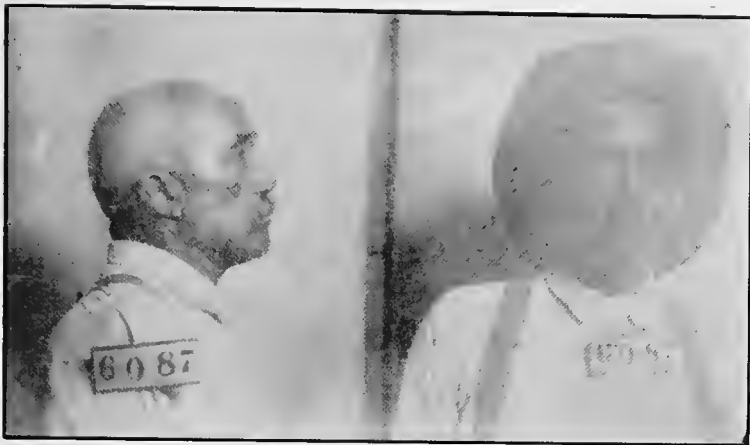
Wound on forehead

Remarks *Released 7/25/01*

@ 2/5.

Ben Grayson, No. 1739.

(Exhibit F.)



William James, No. 6087. Oklahoma State Penitentiary, McAlester, Okla. Age 64; black. Term, 1½ years. From Muskogee County. Received Oklahoma State Penitentiary August 4, 1915. Crime, false personation. Height, 5 feet 7½ inches.

(Exhibit G.)



William Thompson, No. 6069. Oklahoma State Penitentiary, McAlester, Okla. Sentenced July 23, 1915. Term, 3½ years. County, Tulsa. Crime, forgery. Age, 50. Hair, black. Eyes, deep maroon. Complexion, dark brown. Weight, 151. Build, medium. Nativity, Oklahoma. Occupation, farmer. Remarks: Depressed-cut scar one-fourth inch to right outer corner right eye. Oblong-cut scar three-fourths inch above right eyebrow at center forehead.

(Exhibit H.)



Wiley McIntosh, jr., No. 6422. Oklahoma State Penitentiary, McAlester, Okla. Sentenced October, 1915 Term, 2 years. From Muskogee County. Crime, obtaining money under false pretense.

(Exhibit I.)



(Exhibit K.)

Alec Nail.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES,
Muskogee, Okla., July 31, 1915.

In the matter of the enrollment of various persons as citizens of the Choctaw Nation. Alec Nail, being first duly sworn by William L. Bowie, deputy clerk of the United States Court for the Eastern District of Oklahoma, on oath testifies as follows:

Examination by William L. Bowie on behalf of the Superintendent of the Five Civilized Tribes:

- Q. What is your name?—A. Alec Nail.
- Q. Your age?—A. I am going on 73.
- Q. Where do you live?—A. Here.
- Q. Where were you born?—A. I was born 4 miles south of Doaksville, Tex.
- Q. Are you on the rolls of any of the Indian tribes?—A. Yes, sir.
- Q. Which tribe?—A. Choctaw.
- Q. Freedman?—A. I am.
- Q. What is your roll number?—A. I don't know, sir; I can't read.
- Q. Well, how long did you live south of Doaksville?—A. Well, the old people claimed when we moved to Blue I was 11 years old.
- Q. Where do you mean when you say you moved to Blue?—A. A creek.
- Q. You were 11 years old when you moved to Blue?—A. Yes, sir.
- Q. What is the name of the post office?—A. There was none where I lived.
- Q. What is the nearest post office now?—A. Caddo.
- Q. How far from Caddo did you live?—A. Old Caddo has become a railroad station—6 miles.
- Q. How long did you live on Blue?—A. Until I became grown. I was 22 when they surrendered.
- Q. Was you living on Blue then?—A. Yes, sir.
- Q. How long did you stay on Blue after that?—A. I think I stayed with the old boss about one year, and I left and came to Boggy Depot, about 15 miles on this side.
- Q. How long did you live at Boggy Depot?—A. Up until last November.
- Q. Then you came to Muskogee?—A. Yes, sir; I came to Muskogee last November.
- Q. And lived in Muskogee up until this date?—A. Yes, sir.
- Q. What is your occupation?—A. I ain't able to do nothing now.
- Q. What have you been doing since you have been in Muskogee?—A. I ain't done anything. I liked to died last summer and if it had not been for Mrs. Hester, Senator Owen's mother-in-law—
- Q. Well, have you made any money at all since you reached Muskogee?—A. None to amount to anything.
- Q. Have you made any?—A. Some time when I witness for people down here they give me a \$1, and sometimes \$1.50.
- Q. What people do you refer to that paid you this money?—A. Those that claim, those that make application for enrollment for citizenship.
- Q. Where is that office located?—A. In the Metropolitan Building.
- Q. Do you know the number of the room?—A. No, sir; I would know it if I was looking at it. Rodkey, Lindly & Ballinger was printed on the door of the office.
- Q. The Metropolitan Building is the building that the Indian Agency is in?—A. Yes, sir.
- Q. Who first talked to you, Alec, about acting as a witness down in that office?—A. Well, I couldn't positively say now; I think the fellow that hunted me was Jackson Barrett. He claimed to be a nephew of old man William Johnson, Gov. Johnson, he was governor for a while.
- Q. Well, what did Jackson say to you?—A. He asked me if I knew William Johnson and his children, and I said I did, and he said he was a son. I told him I knew Silas and Tommy; Tommy ran for governor—
- Q. He asked you to act as a witness for him?—A. Yes, sir.
- Q. Where did he see you?—A. Down in town, on the street somewhere.
- Q. He brought you up to Ballinger's office?—A. Yes, sir.
- Q. And you acted as a witness for him?—A. Yes, sir.
- Q. You signed an affidavit?—A. Yes, sir, I witnessed for Jackson's family.
- Q. Did you sign an affidavit down there for Jackson Barrett?—A. I guess so.
- Q. Who did you make that affidavit before?—A. Golden.
- Q. Where is Mr. Golden's office?—A. Down on the first floor of this building.
- Q. The Metropolitan Building?—A. Yes, sir.
- Q. What did you get for making this affidavit for Jackson Barrett?—A. Got a dollar.
- Q. Who paid you the dollar?—A. Jackson.
- Q. Were you promised any additional sum of money if this claim of Jackson's went through?—A. No, sir; he said he would never forget me.

- Q. He said if he got on he would remember you, did he?—A. Yes, sir.
- Q. You have acted as a witness for a number of people since that time, have you not?—A. Yes, sir.
- Q. Do you remember the names of some of those persons for whom you signed affidavits?—A. No, sir; I don't believe I do, but if you have some of the cases I done witnesses, I would know—
- Q. Do you know any of these persons that you signed affidavits for?—A. No, sir.
- Q. Were you personally acquainted with them?—A. No, sir; I don't believe I was.
- Q. You merely accepted their statement as true, what they told you concerning their parentage?—A. I didn't consider their statement, they would say they were kin to William Johnson—
- Q. Did you believe what they told you, or not?—A. I have just thought about that.
- Q. You had no other reason except their own statement to believe they were children of Choctaws?—A. No, sir.
- Q. Do you know Mr. Ballinger?—A. I never seen him.
- Q. Who occupies the office down there?—A. Nelson Durant and Judge Lindly, he typewrote whatever is down—
- Q. Any other person?—A. Mr. Golden, he swears the people in.
- Q. What did Mr. Lindly do exactly?—A. He typewrote, and would go in the room where the colored lawyer was.
- Q. Would Durant write it down with a pencil?—A. I guess so.
- Q. And would hand it over to Lindly and Lindly would write it out himself on the typewriter?—A. Yes, sir.
- Q. Were these affidavits read over to these persons before they signed them?—A. Well the majority of the time they were, at least mine were.
- Q. Your affidavits were read over to you?—A. I suppose they were, I can't read.
- Q. They pretended to?—A. They had me thinking so.
- Q. You say you never saw Mr. Ballinger?—A. No, sir.
- Q. He has never been down here since you have been with them?—A. No, sir.
- Q. Do you know who rents or pays for this office?—A. I reckon Mr. Lindly.
- Q. What connection did Mr. Ballinger have with the office?—A. I don't know. The way I understand is that they claim that is Ballinger's work and that Rodkey and Lindly was working for him. I don't know whether that is true or not.
- Q. Do you know whether Mr. Ballinger is connected with the Government service?—A. No, sir.
- Q. You do not know?—A. No, sir.
- Q. What is your understanding in regard to that matter?—A. Well, the way I understand it is that he is in Washington to present this evidence before Congress by power of attorney.
- Q. You understand that he has power of attorney?—A. That is what they said.
- Q. Do you know whether Mr. Lindly or Mr. Rodkey are in the Government service?—A. No, sir; I don't know; I am unable to say.
- Q. Were you told by any person that they were in the Government service?—A. No, sir.
- Q. Did you ever tell any person they were in the Government service?—A. I couldn't because I don't know; I didn't believe they were though. My reason for that is that it was not Government business. I had my children read the papers, and I couldn't see it from the papers.
- Q. Did you hear any person say they were in the Government service?—A. No, sir, I don't think I have.
- Q. Did not all of these applicants or claimants think they were in the Government Service?—A. I am not positive about that, but it is likely to believe that they were in the Government service for he would not take any pay for what he did, Mr. Lindly.
- Q. You think he was in the Government service?—A. Yes, sir; I hear him say you could not pay him \$1,000, and if the Government did not have him someone did.
- Q. You say, though, that you heard others say he was in the Government service?—A. Well, probably I have; I couldn't be certain about that.
- Q. Did any of these applicants say anything to you that led you to believe they thought these men were connected with the Government service?—A. Well, I might have. The way they said—it was supposed he was a Government man by him telling the applicants he would not take pay. I thought so, for I don't see how in the world he could live and not take pay unless the Government was supporting him.
- Q. These persons connected with the office in question did not pay you anything, did they?—A. No, sir; never gave me a nickel. What all I got I got from the people I witnesses for.
- Q. Have you done any other work since you have been in Muskogee, since November?—A. No, sir.

Q. When did you first come up to this office and act as a witness?—A. I don't know whether the latter part of the winter or the first of the spring.

Q. Did you sign these affidavits by thumb mark?—A. Yes, sir; I had to because I can't read or write.

Q. You are requested to make your thumb print here on a piece of paper for the purpose of identifying your thumb mark.

(Witness makes thumb impression on blank sheet of paper, which is attached hereto.)

Q. Are you acquainted with Mary Ross?—A. No, sir.

Q. You do not know a Mary Ross?—A. No, sir.

I read you an affidavit purporting to have been made by you before Julius Golden, notary public, on March 9, 1915, filed by Mr. Webster Ballinger, with the petition for the enrollment of Mary Ross and her child as citizens by blood of the Choctaw Nation:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that he lives near Boggy Depot, Okla.

"That he knows the applicant, Mary Ross; her maiden name was Mary Fulson; she was the daughter of William Fulson, who was mostly considered a full-blood Choctaw, but may have had some white blood; that her mother was Fannie Fulson, and she was a mixed blood, about three-fourth Choctaw.

"Affiant further states that he knows where the applicant was born, and that it was in Old Atoka, near the toll bridge on Old Lady Flax's place; that she lived there until she was a good-sized girl, and then her mother took her to Oklahoma City.

"I lost track of her then for a good many years and was talking and inquiring about her last fall to Julius Fulson, at Atoka; he stated that her mother had died, and that she was just left to go it alone and that she was somewhere and he had also lost her.

"I have been staying in Muskogee for some time, and have met her and now know that she lives at Haskell, and she tells me that she has lived there for the last past two years.

"The other places she has lived she has told me about, and I know the places, but can't say how long she lived at any of them only what she tells me.

"I know nothing of her child only what she tells me.

"Affiant further states that he was personally acquainted with the Fulson family, to which the father of the applicant belonged, and that the said father of the applicant had about seven or eight brothers and that they were all enrolled Choctaws that lived to be enrolled; that the names of the ones that I know best and remember were Emmerson Fulson, Dr. Fulson, Julius Fulson; that were finally enrolled; William died a long time ago.

(Signed, by thumb mark.) "ALEC NAIL."

Q. Did you make this affidavit?—A. No; not all of that. I know the woman that they are talking about that claimed William Fulson was her father; that is about all I know.

Q. You made this affidavit that—?—A. She claimed that William Fulson was her father. I know him, and that is all I know, and what I told them; I don't know her.

Q. You did not know this woman who represented herself to be Mary Ross?—A. No sir.

Q. Had you ever seen her?—A. Not to my knowledge.

Q. You knew nothing about her parentage?—A. No, sir; only what she claimed I knew William Fulson.

Q. You say that she claimed to be the daughter of William Fulson?—A. Yes, sir.

Q. What William Fulson; where did he live?—A. I don't know where he lived up to his death. I don't know only where Julius is living.

Q. Did William have any brothers?—A. Yes, sir.

Q. Name them?—A. Rufus.

Q. Where did he live when you knew him?—A. They lived down on Blue.

Q. What direction from Durant?—A. East.

Q. How far from Caddo?—A. Well, I don't know, sir; I don't know exactly how far.

Q. Was William Fulson married?—A. I don't know that.

Q. How old a man was he?—A. If he had lived he would have been as old as I am I reckon.

Q. When did you know him?—A. In my boyhood days.

Q. How long has he been dead?—A. I don't know now; I don't know when he died, or where he died, or whether he is dead at all.

Q. Do you know whether he had any children?—A. I don't know.

Q. You do not know when he died?—A. No, sir; no, sir.

Q. You say that you do not know whether he was married or not?—A. No, sir; I am certain of one thing, and that is, if he was married at all it was not to Mary Ross's mother, for Mary Ross is colored.

Q. What is this woman's color?—A. Just a shade darker than I am.

Q. Just a shade darker than you are?—A. Yes, sir.

Q. You are what they call—?—A. Dark bay.

Q. What did you get for making this affidavit for Mary Ross?—A. I don't know whether \$1 or \$1.50.

Q. Was the affidavit read over to you?—A. Every one that my thumb is on was read over. They said they read them over, but from what you said there they did not read that.

Q. Would you have signed an affidavit testifying that you knew this family and that you knew her father and mother?—A. No, sir; because I don't know the family or the mother, but only the man she claimed was her father, but am not positive he was or not.

Q. Do you know a man by the name of Thos. F. Eubanks?—A. Yes, sir; know him since he has been coming up to this office.

Q. You never saw him before?—A. No, sir.

Q. Was there a white man by this name who came up to this office and made application?—A. Yes, sir.

Q. Do you know where he lives?—A. No, sir; somewhere in the Creek Nation.

Q. How old a man is he?—A. Looks like he is about 50 or 55 years old; not as old as I am.

Q. You say you never saw this man until he asked you to be a witness for him?—A. No, sir; would not know him this morning if I would meet him.

Q. Did you know his parents?—A. No, sir; I forgot now what he said; he claimed kin to some Indian family—

Q. Do you know Joe Eubanks?—A. Is he a Choctaw?

Q. Do you know Joe Eubanks?—A. No, sir; I don't reckon so.

Q. Did you ever know a William Eubanks?—A. Yes, sir; I think so.

Q. You think?—A. I am not positive.

Q. Do you know where he lived?—A. No, sir; they used to live close to Wheelock.

Q. Is Wheelock close to Fort Towson?—A. Yes, sir; in Towson County.

Q. How far from Fort Towson?—A. I don't know. I left there when I was 11 years old and I couldn't say.

Q. Do you know a Betsy Robbins?—A. I don't know but I know some Choctaw Robbins.

Q. Did you ever know a Betsy Robbins who married a Eubanks?—A. No, sir; I don't know that, because I didn't know who they married.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on March 26, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Thomas F. Eubanks et al. for enrollment as citizens by blood of the Choctaw Nation:

"Alec Nail, being first duly sworn, on oath stated that he is 72 years of age, and that he lives at 1206 South Third Street, Muskogee, Okla.

"That he has recently met the applicant and that he is well and personally acquainted with the Choctaw Indians that he claims to have been his ancestors.

"That his said father, William Eubanks, was the son of old Joe Eubanks and that were always counted full blood; they lived like full bloods. They lived about 4 miles east of Fort Towson, where I lived until I was 12 years old. I further know that some of the same family moved up to near Old Scullyville, where the applicant says he was born.

"I knew Betsy Robins, the woman that he says is his mother, and have been told that she married a Eubanks; in fact it was generally known that she married a Eubanks; she lived in huts just like the other full bloods and was counted full blood.

"All the above persons referred to were Choctaw Indians and all lived in either the Choctaw or Chickasaw Nations.

"Affiant further states that he has heard read the affidavit of old Isaac Fulsom, with whom he was well and personally acquainted and if there had been any doubts about the parties being Indians, he would never have given them such an affidavit.

(Signed, by thumb mark.) "ALEC NAIL."

Q. What do you know about this affidavit; did you make it?—A. Yes, sir; as far as the Robins family is concerned I did, but I don't know anything about the Eubank family.

Q. You just told me that you were not acquainted with Betsy Robins?—A. I am acquainted with the Robins family, but I am not certain that I am acquainted with Betsy Robins.

Q. This affidavit states that Betsy married a Eubanks; is that correct?—A. I don't know anything about her marriage.

Q. You state in this affidavit that William Eubanks was this applicant's father; that he was the son of old Joe Eubanks and you have just stated to me that you did not know this person?—A. Well, not to my mind, but if you would call over their names I could recall them. I never knew nothing of the Eubanks until they came here.

Q. Was this affidavit read over to you before you made your thumb print thereon?—A. Yes, sir; they read them over; I don't know what they were doing.

Q. Why did you make an affidavit that you knew the persons named in the affidavit when you state to me that you do not know them?—A. I don't know as I did. I am positive that I swore I knew the Robins.

Q. What was given you for making this affidavit?—A. I am not certain of the amount.

Q. Do you remember what was given you for making this particular affidavit?—A. No, sir; I don't; it was not much.

Q. Are you acquainted with Annie Abernathy or Annie Frazier?—A. I don't remember an Annie Frazier.

Q. Well Annie Abernathy or Annie Frazier?—A. No, sir; I am not acquainted with them.

Q. Did you ever know a woman by the name of Caroline Tyson or Caroline Frazier?—A. Yes, sir; I am acquainted with them; they were Chickasaws.

Q. They were Chickasaws?—A. Yes, sir; they are Chickasaws.

Q. Did you know Sam Tyson?—A. Yes, sir.

Q. Who was he; was he a Choctaw?—A. Chickasaw.

Q. Where did Sam Tyson live?—A. In the early days he lived at the mouth of the Washita.

Q. That is not close to Fort Towson?—A. No, sir; 100 miles away.

Q. You say that you know Caroline Tyson or Caroline Frazier?—A. Caroline Tyson I think they called her.

Q. Did Caroline Tyson have any brothers or sisters?—A. I don't remember whether she did or not.

Q. Did you ever know Susan Factory?—A. Factory, yes, sir.

Q. Who was Susan Factory?—A. Full blood Chickasaw family.

Q. Do you know who her mother was?—A. No, sir.

Q. Did she have any brothers or sisters?—A. Wilson Hawkins.

Q. William Hawkins you say?—A. Yes, sir.

Q. Did he go by the name of Frazier at any time?—A. No, sir; not that I know of.

Q. Did you ever know a Dudley Frazier?—A. Yes, sir.

Q. Was he related to Wilson Hawkins?—A. No, sir.

Q. Did you know Tom Frazier?—A. Yes, sir.

Q. Was he related to Caroline Tyson?—A. Not that I know of.

Q. Was Dudley Frazier related to Caroline Tyson?—A. I don't know, they claimed kin. Dudley and Tom are kin.

Q. Kin to each other?—A. Yes, sir.

Q. You do not know whether they were kin to Caroline Tyson?—A. No, sir; I don't know.

Q. Did you know a Jim Alberson?—A. Yes, sir; I knew him.

Q. Did you know Jim Alberson's wife?—A. The only Jim Alberson I know is a colored man.

Q. Colored man?—A. Yes, sir.

Q. Do you know a Joe Tyson?—A. Yes, sir.

Q. Did he have any brothers?—A. I think he did; the Jim Tyson I know though is a negro.

Q. Did he have a brother named Ed?—A. He might of had, I am not certain.

Q. How about Dudley; was it Dudley Tyson or Dudley Frazier that you knew?—A. I knew Dudley Frazier, they are part Indians, one-half bloods.

Q. What is the other half?—A. White; a white-looking Indian.

Q. Tom also?—A. Yes.

Q. You say you knew a George Frazier?—A. No, sir.

Q. You say you do not know a Wilson Frazier?—A. I think I do but I don't think I mentioned him in the affidavit.

Q. Was Joe a negro?—A. Yes, sir.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 6, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Annie Abernathy as a citizen of the Choctaw Nation:

"Alec Nail, being first duly sworn, on oath states that he is 70 years of age and that he lives 1206 South Third Street, Muskogee, Okla.

"That he is well and personally acquainted with the applicant and that he has known her since she was a small girl.

"That he was also well and personally acquainted with both her father and mother. Her mother was Caroline Tyson, nee Frazier, who was a three-quarter Choctaw Indian by blood; that her father was Sam Tyson, who was a full-blood Chickasaw Indian who lived in the Choctaw Nation near Old Fort Towson.

"I don't know when he died; when I moved away from that part of the country he was still living; after that the applicant came to near Caddo and in that part of the nation, and neither her father and mother came with her; I was informed that they were both dead and had died at or on the old home near Fort Towson. It was called the old Sam Tyson place.

"That the said mother had quite a number of brothers and sisters, some of whom I am informed, were enrolled and some died before final enrollment. I knew Dudley, Tom, George, and Wilson Frazier; all of these were full-blood Choctaws; she also had some sisters, Susan was the oldest one; Joe Factory's wife, Jim Alberson's wife, were also sisters and full bloods.

"That her said father had brothers that I also knew; they were Joe and Ed Tyson; they both got allotments and they are called full-blood Chickasaws; he also had a sister Mary that was allotted.

"That he has known the applicant at the different places that she has lived near Bokchito, Caddo, and in that part of the country until she came to Muskogee, some three or four years ago.

"(Signed, by thumb mark) ALEC NAIL."

Q. Did you make this affidavit?—A. Not all that that is stated there.

Q. Did you sign a statement relating all these facts?—A. No, sir. They took the roll book out and pointed to a number and asked if you knew so and so, but they could get that without me.

Q. Did you swear that you knew all these facts of your own personal knowledge?—A. No, sir. What did the call that woman—Annie Abernathy?

Q. Her name as it appears here is Annie Abernathy, nee Frazier.—A. She is just a yellow woman; she is not a Choctaw at all. She is just a nigger around Muskogee; that is all there is to it.

Q. You said just now that you were not acquainted with this woman until she was introduced to you?—A. Yes, sir; they took out the roll book and asked me if I knew a Frazier, and I said yes.

Q. You knew nothing about this woman's parentage or any of her relatives?—A. No, sir; she had negro blood in her, I didn't think she was related to them Fraziers, as they were Indians and this woman was negro.

Q. You say that Mr. Lindy wrote this affidavit?—A. He typewrote them and would give them to the colored lawyer.

Q. Was this colored lawyer in there all the time you made this affidavit?—A. Yes, sir.

Q. Were you required to raise your right hand and swear to this affidavit to which you attached your thumb mark?—A. Yes, sir.

Q. You don't remember what this woman gave you for making this affidavit for you?—A. No, sir; I don't exactly.

Q. Are you acquainted with Mary Reeves, nee Hampton?—A. There has been some Hamptons down to that office, some that claim to be Hamptons. I don't remember now whether there was any named Mary or what.

Q. Did you sign an affidavit as a witness for a woman named Hampton?—A. I think so.

Q. You had not seen or knew this woman previously to the time she came here?—A. Never seen her until that day.

Q. Was she a colored woman?—A. Yes, sir; she was a yellow woman.

Q. Do you remember who she claimed were her parents?—A. I think she claim that she was kin to the Hamptons down there, to the Choctaw Hamptons down there and she claimed to be related to them.

Q. Do you know what particular Hampton she claimed to be her father?—A. No, sir; I have forgotten now which one; several of those old men down there. You have it there.

Q. What do you mean by saying I have it here?—A. Who she claimed was her daddy; I can't remember what she claimed.

Q. You mean that you would take what they said about their parents and swear to what they told you?—A. No, sir; I would only swear what I knew about the Indians.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 14, 1915, filed by Mr. Webster Ballinger, with petition of

Mary Reeves, née Hampton, for the enrollment of herself and others as citizens of the Choctaw Nation.

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age, and that he lives at 1006 South Third Street, Muskogee, Okla.

"That he is well and personally acquainted with the grandfather of this applicant; his name was Isaac Hampton; that he had three brothers, Joe, Jim, and Nicklos, and all of them were the first emigrants from Mississippi to the Indian Territory, or among the first.

"That all four of them raised families and I was well acquainted with the older one; I never knew but one child that Isaac Hampton raised, although there might have been others that I don't now recall; the one that I do remember was Delia Hampton.

"Affiant further states that the said Delia Hampton had a little girl child; that they lived with her said father, Isaac Hampton.

"That one of his plantations, and the one that he lived on when I left that part of the country, was at the mouth of Kiamiche River.

"That all of the above-named Hamptons were full-blood Choctaw Indians.

"That all of the older ones of the Hamptons died before final enrollment, but left children that are on the roll. I know Julius and Ben Hampton that are enrolled and allotted; they are the children of the above-named Nicklos by his second wife, which was a white woman.

"His first wife was a full-blood and they raised a family; one of them I remember is Collin Hampton; he is about my age and lives near McAlester. The above-named Ben Hampton lives at Chickasha, and Julius lives at Caddo.

"There are many more that I know or have known that are allotted and all of them are the descendants of the same common ancestor of this applicant or his brothers.

"Affiant further states that he is not personally acquainted with the family of this applicant and only knows about them and that she has quite a family and that they are now all living at or near Vian, Okla.

"(Signed, by thumb mark) ALEC NAIL."

Q. Did you make this affidavit?—A. Yes, sir; I made it. I made part of it, but I didn't make all of it, because I couldn't of—I couldn't of.

Q. What part of this affidavit did you make that was of your personal knowledge?—A. I knew old man Wade, old man Nicles and Ben Hampton; they had the boll book and would ask me if I knew them and I said, yes, sir; I knew them.

Q. They would take the roll and you told them that you were acquainted with them?—A. Yes, sir.

Q. Did you sign an affidavit for more than one family in the office of Webster Ballinger?—A. I don't remember, I think that was the only one. Sometimes they would come up and have 8 or 10 yearlings with them.

Q. You say that you didn't know about the parents of this woman here?—A. No, sir; I don't know that. That petition was to go down in the Nation and was to be identified by the Choctaw people. She had the papers and went down to be identified.

Q. Have you ever been down to Fort Towson or that neighborhood since you left?—A. No, sir; I was 11 years old when I left.

Q. Have not been over there since that time?—A. No, sir.

Q. You have been away from there about 62 years?—A. Yes, sir.

Q. Are you acquainted with Alice Cole?—A. No, sir; I don't recollect that I know her.

Q. Did you sign an affidavit in Mr. Ballinger's office for a woman named Alice Cole?—A. Alice Cole; I don't remember her; probably I have, but I don't know whether it was that name or not.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on April 14, 1915, filed by Mr. Webster Ballinger with a petition for the enrollment of Alice Cole as a citizen by blood of the Choctaw Nation:

"Alec Nail, being first duly sworn on oath states that he is 72 years of age, and that he lives at Muskogee, Okla.

"That he has only known the applicant a short time; but that he has always known the parties that she claims are her descendants; that the Bill Davis that she says is her father was always considered a full-blood Choctaw Indian and had some cattle, and he just looked after them and grazed them from one range to another from Coalgate to Red River and east of Shawneetown. He had two brothers, Jim and Joe Davis. They were all Snake Indians and Jim Davis was the secretary, and I paid my fees to him. I don't know if they or either of them are alive now or not.

"That her said mother, Lulu Davis, née Wilson, was the wife of the said Bill Davis and she was the sister of old John Wilson and he is living, about 6 months ago. There

is another, named George, who came from Mississippi; that is, I have heard my parent say that they came from Mississippi with him.

"All of the Wilsons of this family are full-blood Choctaw Indians.
(Signed by thumb mark) "ALEC NAIL."

Q. Did you make this affidavit?—A. I think so; part of it.

Q. What part did you make?—A. That Choctaw part about the Davis family. I remember the woman you gave in as a Choctaw about Alice Cole.

Q. You remember who Alice Cole was?—A. Yes, sir; after you read her name.

Q. Had you ever seen that woman before?—A. No, sir; a perfect stranger.

Q. You knew nothing about her ancestors?—A. Yes, sir; I know those Davises.

Q. You don't know that the Davis family was related to her, do you?—A. No, sir she acknowledged that she came out of Texas and then stayed in the Nation. They kept her there a day and a half.

Q. They kept her there a day and a half?—A. Yes, sir. She was just a Texas negro I told them I didn't think she had a drop of Choctaw blood in her. They would say me if I knew those Indians and I would say yes, sir; I know them. They would say do you know George Davis or Jim Davis, and I would say yes, sir; I know them. I they had not had the roll book, they would not of had as many people.

Q. Do you remember what this woman paid you for making this affidavit.—A. She promised to give me \$2.50, but I only got a dollar.

Q. What did Durant get from this applicant?—A. That is the secret part of it.

Q. Did you ever see the applicants give him any money?—A. No, sir; you couldn't see them.

Q. Why?—A. Because they went in that cut-off so you couldn't see them—little room there.

Q. Who went in there with him?—A. Durant and the claimants.

Q. Were they alone?—A. Yes, sir.

Q. He seemed to do all of the talking?—A. Yes, sir.

Q. Who paid Mr. Golden, the notary public?—A. Those people who made the affidavits. That would be \$2, as they said the law required them to have two witnesses and would charge \$2.

Q. What was that for?—A. Notary fees they called it.

Q. Do you know a person named Jane Driver?—A. I don't remember.

Q. Did you sign an affidavit identifying such a person in Ballinger's office?—A. No sir; I never identified a soul in that office; they have not a man in that office that I knew.

I read you an affidavit purporting to have been made by you before Julius Golden a notary public, on May 11, 1915, filed by Mr. Webster Ballinger with a petition for the enrollment of Jane Driver as a citizen by blood of the Choctaw Nation:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that he lives at 1006 South Third Street, Muskogee, Okla.

"That he is well and personally acquainted with the applicant and that he knew her long time before she was married;

"That he knew her grandmother, Becky Turnbull, and she was a full-blood Choctaw Indian; she was the sister of Old Bob and Bill Turnbull, who were among the first Choctaws from Mississippi to the Indian Territory;

"That her mother was Harriett Turnbull, who married a man by the name of William Brown and was only half-blood Choctaw Indian;

"That when I first knew the applicant she was living in Towson County and that they moved from there to Kiamisch County and lived there a long time and then moved to Caddo and from there to the Creek Nation, about five years ago.

"I just know that she has two children; one named Jesse that was drowned since she came to the Creek Nation; the other is still living and must be about 20 years of age.

"I know the applicant to be the same person that I knew when she was quite small for the reason that she never could talk to amount to anything; when she was small she could not talk hardly at all and now does not talk intelligently; that is, as far as speech is concerned. She was always mentally all right but did not have the faculty of speech.

"I had a talk a long time ago with Henry Bynum and Willis Tobler, both full blood Choctaws that were looking after the enrollment of the Choctaws, and the both told me that she had been looked after and that she was all right.

"They were then agents for the "Snake" faction, and said he had enrolled her there, and that was sufficient. He enrolled me the same way, but I afterward enrolled with the Dawes Commission.

"I was the town king and was appointed by Chitto Harjo at one of his councils at the Old Hickory Camp Ground, in the Creek Nation.

(Signed by thumb mark) "ALEC NAIL."

Q. Did you make this affidavit?—A. I know that when—I just don't know. I know that when—I don't understand it.

Q. Did you give Mr. Lindly the facts contained in this affidavit?—A. Well, I either gave him the facts or gave them to Durant.

Q. Did you make this statement to Lindly?—A. Not all of what he said in there, I didn't.

Q. Did you make this statement to Nelson Durant?—A. Part of that.

Q. What part did you make to Durant?—A. Well, I don't know. I have known this family a good while, but to know whether this applicant had Indian in her or not I don't know that. I asked her why she was not on the roll, and she said that Henry Bynum and Willis Tobler—

Q. That is all you know about it?—A. Yes, sir; I never seen her until I seen her down in that office.

Q. You say you never knew her before she came to that office?—A. Yes, sir; this woman was an insane woman; you couldn't understand a thing she said; that is a God's fact.

Q. Was Judge Lindly in the room when these applicants were examined?—A. Yes, sir; they were examined by him.

Q. All of them?—A. Yes, sir; the witnesses were examined by him.

Q. Who examined them first?—A. Well, it was written down by Nelson Durant in a little room.

Q. How many rooms have they?—A. Two outside of the little room.

Q. How large is the little room you speak of?—A. A very little room.

Q. Which room was Nelson Durant in?—A. Next to where the white ladies worked.

Q. Which office did he have, the one the applicants waited in?—A. He stayed in the room where the applicants first went.

Q. And Lindly was in the other room?—A. Yes, sir.

Q. And would they first be examined by Nelson Durant?—A. I don't know whether you would call it that.

Q. Would he ask them questions first?—A. Yes, sir; he was guided by the roll book, got their roll number and age from the roll book.

Q. And after he examined them would he take them in to Mr. Lindly?—A. Yes, sir; a great part of the time he would hold what he was reading.

Q. He read it off to Lindly?—A. Yes, sir; the applicants did not have much to say when they came in there. It was already written off.

Q. Mr. Lindly did not question these persons himself, then?—A. Not a great deal.

Q. Did you talk to Mr. Lindly about these applicants?—A. Yes, sir; he would ask me about the people they were talking about.

Q. Who wrote your affidavit?—A. Mr. Lindly.

Q. Did he question you as to what you knew about the applicants?—A. Yes, sir; about every one of them.

Q. Mr. Lindly did?—A. Yes, sir.

Q. I thought you said he took what Nelson Durant would tell him?—A. It is this way: Nelson Durant would write up what the applicants had to say and hand it to Mr. Lindly and then Mr. Lindly would question me about what I knew about the applicants and write it out on the typewriter.

Q. Would Nelson Durant question you first as to what you knew about the applicants?—A. Yes, sir; he would ask me if I knew those people. A woman or man would claim to be a Choctaw; take the Hunter family; do you know Tom Hunter and that he has a grandson; do you know that, and I would say, yes, sir.

Q. You know nothing about the ancestors of this woman who calls herself Jane Driver?—A. No, sir.

Q. Do not know whether she is a Choctaw by blood?—A. No, sir; I don't believe there is a bit in her.

Q. This woman who calls herself Jane Driver, was she a negro?—A. Looks just about like I do.

Q. Just about your color?—A. Yes, sir; about my color.

Q. In this affidavit which you made in support of the petition of Jane Driver for enrollment as a citizen of the Choctaw Nation, you are made to state that you knew this applicant when she was a small child; that you remember that she could not talk to amount to anything; that she was mentally all right but did not have the faculty of speech. Did you state this in Mr. Ballinger's office?—A. No sir; there was no need of it.

Q. Did you know this woman when she was a small child?—A. No, sir.

Q. You did not state, then, that you knew she could not talk when she was a small child?—A. I don't remember.

Q. Did you state that you had ever had a talk with Henry Bynum and Willi Tobler?—A. No, sir; that is what she said.

Q. Were you ever acquainted with Becky Turnbull?—A. I might have been I know several Turnbull families, but I don't remember that now.

Q. Do not remember whether you were acquainted with Becky Turnbull?—A. No sir; I don't remember.

Q. Did you know Bob and Bill Turnbull?—A. Yes, sir.

Q. Know them both?—A. Yes, sir; they were some of the first Indians that first came from Mississippi.

Q. Do you know whether they had a sister named Becky?—A. No, sir; heard then say they did but I don't know.

Q. Do you know whether Becky Turnbull was the grandmother of Jane Driver, the colored woman?—A. I don't believe she was.

Q. Do you remember Harriett Turnbull?—A. I think so—no, but in the state ment she mentioned that name or they got it from the roll book.

Q. You do not remember her?—A. No, sir; I don't know much about the family.

Q. Do you know William Brown, a Choctaw?—A. I know a colored man down there.

Q. You do not know whether William Brown married Harriett Turnbull?—A. No sir; I don't know.

Q. You never knew this woman in Towson County, this applicant, Jane Driver?—

A. No, sir; I haven't been there since I was a little boy.

Q. Did you ever know this woman in Kiamichi County?—A. I knew a woman who claimed to be her mother in Kiamichi County.

Q. Who did this woman claim was her mother?—A. What family of Indians' I know the family of Indians she claims to be kin to.

Q. Did this woman ever live around Caddo to your knowledge?—A. Not to my knowledge.

Q. Do you recall a woman who claimed to be a descendant of the Wright family o Choctaws?—A. I recall a woman that claimed to be a daughter of old Leonard Wright

Q. Had you ever seen this woman before you met her in Mr. Ballinger's office?—A Never did.

Q. Who was Leonard Wright?—A. Well, he was a Choctaw; I was not acquainted with him like I was with Alford and the old governor.

Q. How do you know he was a brother of the old governor?—A. He was said to be

Q. Was he a brother of old Gov. Wright?—A. Yes, sir; Allen Wright's father, a McAlester.

Q. Were they full bloods?—A. Yes, sir; old Gov. Wright was a full blood.

Q. What would you say if you were told that Allen Wright did not have a brother?—A. Well, I would just have to take it, because I don't know; he was said to be Alfred Wright's brother, but I am not certain about it.

Q. I am talking about Allen Wright, who was at one time governor of the Choctaw Nation?—A. Yes, sir; I understand.

Q. Were you personally acquainted with this Leonard Wright?—A. No, sir; I don't know him.

Q. Would you know him if you would see him?—A. No, sir; Allen Wright and the old governor I know.

Q. How many brothers did Allen Wright have?—A. I don't know that.

Q. Did you know any of them?—A. Alford was his brother; they say he is.

Q. Do you know Alford?—A. Yes, sir.

Q. He was a brother of Gov. Wright?—A. Yes, sir.

Q. Where did Alford live?—A. About 12 miles below Caddo.

Q. Was he a full brother?—A. I don't know about that.

Q. You did not know him or any of them?—A. No, sir; if an Indian is a cousin they claim them to be brothers.

Q. Was this woman who claimed to be a daughter of Leonard Wright a negro?—A Yes, sir; she was yellow.

Q. She was yellow?—A. Yes, sir; I told them to send that [indicating papers i this case filed by Ballinger] to McAlester, but they wouldn't do it. Three Texa witnesses were there to that.

Q. You say they had three Texas negroes to witness there?—A. They had two; will say that. Bill McCombs brought them up here.

Q. Bill McCombs brought them here?—A. Yes, sir.

Q. Did you make an affidavit for this woman?—A. Only for the Wright family. never saw the woman until that day.

Q. Did you know Jack Wright?—A. Yes, sir; I don't think he was kin to th other Wrights.

Q. What direction did Jack Wright live from Atoka?—A. Southwest, I think.

Q. How far?—A. I think about 7 or 8 miles.

Q. Was he an Indian, a white man, or a darkey?—A. He was a full blood.

Q. Did he have any sisters?—A. I don't know.

Q. Did he have a sister who married a Wimley?—A. I never heard that name before that I know of.

Q. Could you be mistaken about Jack Wright and Alford Wright being brothers?—A. Sure, I don't remember ever saying that.

Q. You could be mistaken about them being brothers of former Gov. Allen Wright?—A. Yes, sir; I don't know.

Q. Do you remember a woman by the name of Elmyra Wimley?—A. I don't believe I do.

The affidavit purporting to have been signed by you before Julius Golden, a notary public, on June 24, 1915, filed by Mr. Webster Ballinger with the petition of Bertha Tobler for the enrolment of herself and family as citizens by blood of the Choctaw Nation, is as follows:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age, and that he lives at 1006 South Third Street, Muskogee, Okla.

"That he knows the applicant, and that he was well and personally acquainted with the Wrights, who were always said to be and recognized as full-blood Choctaw Indians, and who she claims as her ancestors.

"That the names of the older ones of the boys were Leonard, Alfred, and Jack Wright. I don't know how many sisters there were, but one of them married a Wimley, whom the applicant claims as her mother.

"The above-named Wrights were all brothers and were related in some way with Allen Wright, who was at one time the governor of the Choctaw Nation.

"All of the Wrights above named and many others all lived south from Atoka and down on the mouth of Blue River, and they were all recognized Choctaw Indians.

"Affiant further states that the said mother of the applicant, Elmyra Wimley, lived prior to her death at what is now Tushka, Okla. That the same place used to be called Peck. I don't know just how many children the said Elmyra Wimley had, but I do know that there was a bunch of them—seven or eight anyway. Some of them died, and they have scattered, and some of them now live in Muskogee.

"This family were all considered and recognized as Choctaws, and lived and worked around the neighborhood.

"(Signed by thumb mark) ALEC NAIL."

Q. Did you make an affidavit for Jackson Barrett for use in his application for enrollment?—A. Yes, sir.

Q. Did you know Jackson Barrett before you met him in Ballinger's office a short time ago?—A. Never seen him before.

Q. You told me that you made an affidavit for Jackson Barrett in Mr. Ballinger's office?—A. Yes, sir; I swore that I knew the Hunter family.

Q. That you knew the Hunter family?—A. Yes, sir; old Ben Hunter. This man claimed that Ben Hunter's daughter was his mother. I didn't know but I knew Tommy and Charlie.

Q. Who did you say Jackson Barrett is?—A. He looked like a white man.

Q. Did he have any indications of negro blood?—A. No, sir; he just a dark, red-headed white man.

Q. Does he claim to be a negro?—A. No, sir; Choctaw, he claims to be old Benny Hunter's grandson.

Q. Does he associate with negroes?—A. I don't know; he does not stay around here.

Q. You say you never knew him until you met him in Muskogee a short time ago?—A. No, sir.

Q. Do you know who his mother was?—A. No, sir; I don't know. This Choctaw woman might have been his mother, as far as I know.

Q. You know nothing about it only what he claims?—A. No, sir.

Q. Who did he claim was his mother?—A. Benny Hunter's daughter.

Q. Do you know her name?—A. No, sir; I think it was Becky. I think he said—

Q. Who did he claim was his father?—A. Well, his father musy have been a white man, as there was nothing said about him.

Q. Did you know a person namde Billy Hunter?—A. That is the old man.

Q. Is he the person you called Benny Hunter?—A. Yes, sir; Billy Hunter was his name, but the Choctaws called him Benny Hunter.

Q. He is the person you thought was meant when Benny Hunter was mentioned. You mean Billy Hunter?—A. Yes, sir; and there was Silas and Tom Hunter.

Q. Who was Tom Hunter; where does he live?—A. Is he the person who was a candidate for governor?—A. Yes, sir.

Q. Does he live at Hugo?—A. About Hugo, I guess.

Q. Are you acquainted with Tolliver Barrett?—A. No, sir.

Q. You do not know whether Tolliver was the father of Jackson Barrett?—A. No, sir; I don't; I don't know that at all.

Q. Did you know a Clayton Hunter?—A. I knew a Charlie Hunter; there might have been a Clayton.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on February 20, 1915, filed by Mr. Webster Ballinger with the petition of Jackson Barrett for the enrollment of himself, and others, as citizens by blood of the Choctaw Nation:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that he lives 1006 South Third Street, Muskogee, Okla.

"That he knows the applicant and that he was well and personally acquainted with his mother, Francis Barrett; her father, old Billy Hunter; they were all full-blood Choctaws.

"I also knew her brothers; one was named Silas Hunter and the other one was Thomas Hunter, who run for governor at the last election for chief of the Choctaw Nation; I think the oldest one was Nelson.

"When I am at home I live in Atoka County, but am staying at Muskogee for the present.

"I have met all the older children of the applicant, but I could not positively identify them if they were away from home; I do not know that he has a large family and that they grew up in the southern part of the Choctaw Nation.

(Signed, by thumb mark.) "ALEC NAIL."

Q. Do you recall a person by the name of Francis Barrett?—A. Probably that is the woman. That is who he said was his mother.

Q. You took his word for that?—A. Yes, sir. The old man has three children.

Q. You do not even know whether Billy or Benny Hunter had a daughter named Frances?—A. No, sir; he had one, but I would not be positive.

Q. Do you know whether Benny Hunter had a son named Silas Hunter?—A. Yes, sir.

Q. You do not know whether he had a daughter named Frances?—A. No, sir; I don't know.

Q. Did he have a son named Nelson?—A. He might of had; I don't know.

Q. What is the street number of your residence in Muskogee?—A. 1006 South Third Street.

Q. Do you know a person named Malissa Marcy, née Carroll, née Birdsong?—A. I don't know.

Q. There is an affidavit purported to have been made by you in which you are made to say that you were acquainted with this person. You say you do not remember such a person?—A. No, sir.

Q. You were made to state that you were personally acquainted with her mother and father; that her father's name was Willie Birdson; do you recall a Willie Birdsong?—A. Yes, sir; I don't know him, but there has been a man up there that claims to be a Birdson.

Q. You do not know that that person is the father of this applicant?—A. No, sir.

Q. You were made to state that her mother was Adaline Sanders; do you remember her?—A. It seems that some one was in that office by the name of Sanders.

Q. You mean to say that Adaline Sanders, who married Willie Birdson, was the mother of the applicant in this case?—A. No, sir; I don't know who they was talking about.

Q. You do not remember this applicant?—A. No, sir; I don't remember her; I don't know nothing about the Birdsons.

Q. Do you remember William Sanders?—A. No, sir.

The affidavit of Alec Nail, made before Julius Golden on March 16, 1915, filed by Mr. Webster Ballinger, with the petition for the enrollment of Malissa Marcy for enrollment of herself and family as citizens by blood of the Choctaw Nation, is as follows:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that his post office is Boggy Depot, Okla.

"That he knows the applicant, but that he has not known her very long; that he was well and personally acquainted with her father and mother.

"Her father was Willie Birdson, a half-blood Choctaw Indian that was placed on the freedman roll over his protest; that her mother was Adaline Sanders before she married Willie Birdsong, and that she was a three-quarter Choctaw Indian by blood

"That they both lived in what was old Scullyville County, now Le Flore, near the line of Arkansas.

"That all of the Sanders were all recognized Choctaw Indians; that William Sanders was the brother of her said mother, Adaline Birdsong, née Sanders.

"That he does not know any of the applicant's family.

"(Signed by thumb mark) ALEC NAIL."

"Q. Do you remember a person named Jordeana Smyers, née Givens?—A. No, sir; I don't remember her.

"Q. In the affidavit filed in the application for the enrollment of this person, made by you on April 13, 1915, you state that you were acquainted with the applicant and that you knew the persons whom she stated were her ancestors and with her grandmother, Ellen Pusley, a full-blood Choctaw? Do you remember Ellen Pusley?—A. I remember the Pusleys; they were Choctaw Indians. I don't remember, though, the woman who made that application.

"Q. Do you remember the brothers of Ellen Pusley?—A. Three of them, I do.

"Q. What were their names?—A. George, Billy, and Josh.

"Q. Who was Jack Pusley?—A. I don't know.

"Q. You do not remember?—A. No, sir.

"Q. Who was McAlester Pusley?—A. I don't remember.

"Q. Do you remember Adaline Pusley?—A. No, sir; I just know Ellen and Elmyra.

The affidavit made in support of the petition of this case by Alec Nail, on April 13, 1915, before Julius Golden, a notary public, filed by Webster Ballinger for the enrollment of Jordeana Smyers and family as citizens by blood of the Choctaw Nation, is as follows:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that he now lives at 1206 South Third Street, Muskogee.

"That he has recently become acquainted with the applicant, but that he knows the persons that she states is her ancestors.

"That he was well and personally acquainted with her said grandmother, Ellen Pusley, who was a full-blood Choctaw Indian. That she had two brothers, McAlester Pusley and old Jack Pusley, that were allotted as he has been informed.

"That he was well and personally acquainted with the daughter of Ellen Pusley named Adaline, but that he does not know who she married, and never had heard until he met the applicant.

"That he did not know the father of the applicant, nor does he know her family.

(Signed, by thumb mark) "ALEC NAIL."

Mr. Webster Ballinger has filed an application for the enrollment of one John Harrison and his family. Attached to this application is an affidavit purporting to have been made by you before Julius Golden, a notary public, on March 4, 1915, in which you are made to state that you are well and personally acquainted with the applicants and have known them all their lives—A. I haven't known them that long.

Q. What have you to say about this; do you know these persons?—A. I am better acquainted with them since I have been in Muskogee. The old man was half Indian and half negro—

Q. Old man Harrison claimed to be—A. Half brother of Robert, William, and John Harrison, and I know them to be Indians, and they claimed to be related to them.

Q. Did you know this person who represented himself to be John Harrison, named in the application for enrollment?—A. I expect I knew him.

Q. But you can not place him right now?—A. I guess I would know him.

Q. Did you know him before you met him at the time he made this application?—A. Not to have identified him; I met the old man when I lived at Durant.

Q. You mean these boys' father?—A. Yes, sir.

Q. What was the name of their father?—A. John Harrison or Sloan.

Q. You mean his surname was Sloan?—A. No, Harrison.

Q. Did they call him Sloan Harrison?—A. Yes, sir; and sometimes old man Harrison.

Q. Did you know enough about this man Harrison to testify as to who his parents were?—A. No, sir; my brother knew him; he was over here.

Q. Your brother is Peter Nail?—A. Yes, sir.

Q. Were you ever at the home of the father?—A. Yes, sir; I have passed there a time or two.

Q. Were you ever at the home of the applicant in this case, John Harrison?—A. No, sir; I don't know whether these young children had any home or not. The Choctaws just recognized them.

Q. You never had, then, a close personal acquaintance with the father of this applicant?—A. No, sir.

Q. Was this applicant, John Harrison, a negro?—A. Yes, sir; sure.

Q. What is his color?—A. About mine; dark bay.

Q. What convention was it that met in 1869 at Boggy Depot?—A. That was when the Government sent Maj. Armstrong out there.

Q. Could you say that you met the father of this applicant at that convention?—A. I don't remember.

Q. You do not remember whether you made such a statement?—A. No, sir; I don't.

Q. You do not remember whether the name of the father of these applicants was W. J. Sloan Harrison?—A. No, sir; I don't know; they claimed to be his children.

Q. You do not really know whether the full and correct name of the Harrison you know was W. J. Sloan Harrison; you do not know whether this is his correct name or not?—A. No, sir; I don't; they are Texas folks.

Q. Texas folks?—A. Yes, sir.

Q. Was the man that you have in mind as the father of John Harrison a negro?—A. No, sir; kind of an Indian-looking negro about like my color.

The affidavit of Alec Nail, made before Julius Golden, a notary public, on March 4, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of John Harrison and his family as citizens by blood of the Choctaw Nation, is as follows:

"Comes now Alec Nail, who, being first duly sworn, on oath states that he is 72 years of age, that his home is 3 miles west from Boggy Depot, Okla.

"That he is well and personally acquainted with the applicants; that he has known them in a way all their lives; that he has not personally known them all the time, but that he did know their father since the convention at Old Boggy depot, in 1869; that they both attended the said convention together and that they have since lived a long distance apart, but have met often enough to keep up a personal acquaintance with the father of the said applicants. He was W. J. Sloan Harrison. The reason that I kept up so close a personal acquaintance with him was that his trading point was Durant, Okla., and I lived in Durant.

"That it is for this reason that I knew him so much better than I did his family. Sometimes he had some of them with him and more often he came alone or with just his wife, Mahaley.

"I have been to his house and know that he had his own home on the public domain the same as the other Choctaw Indians and that he lived there until he died.

"No one was ever heard to dispute his right as a Choctaw Indian and he held land just the same as the other Choctaws and was so recognized.

"This continued until after allotment and then he lost his farm because he was not enrolled. All I know about his making an application is what he told me and that he said he made his application by blood and for the reason that he had some negro blood in him, the commission wanted to put him on the Freedman roll, and he would not stand for it, and the commission denied him."

(Signed, by thumb mark.) "ALEC NAIL."

Q. Do you know James Goings?—A. Yes, sir; I know a Jim Goings, since I been here.

Q. Did you first meet him in Ballinger's office?—A. Yes, sir; the first time in my life.

Q. Do you know the father and mother of this applicant, Jim Goings?—A. No, sir.

Q. You do not know whether the father's name was Henry and the mother's name was Francis?—A. No, sir.

Q. Did you ever know a Henry and Francis Goings?—A. Yes, sir; I have heard of that family, but that thing [indicating affidavit] was made a long time before I saw it.

Q. What do you mean?—A. They took this application in a long time before they knew I was here. I was sick but they referred him to me and when I got up his application was made out already and I was just asked about the Goings family and I said I knew them.

Q. Did you know an Isaac Goings?—A. I heard them talking about him; I don't know him.

Q. You were not personally acquainted with him?—A. No, sir.

Q. You never met this applicant, James Going, for the first time at Doaksville, 30 years ago?—A. No, sir; I have not been there since I was 11 years of age.

Q. Do you say that you did not meet this man at Doaksville?—A. No, sir; I couldn't of; I left there when I was a little boy.

Q. There is an affidavit attached to this application, filed by Mr. Webster Ballinger, acknowledged by you before Julius Golden, a notary public, on March 23, 1915, in which you are made to state that you first met this applicant more than 30 years ago at Doaksville.—A. No, sir.

Q. And that you were well and personally acquainted with the father and mother of this applicant, Henry and Francis Goings, and that you knew the brothers of Henry Goings, and that their names were George, James, and Alfred.—A. I don't know that at all; they are on the roll though, I guess.

Q. And that the oldest one died before the war. Did you make these statements to any persons in Mr. Ballinger's office?—A. Not like you are reading it.

Q. Did you knowingly make your thumb mark to any affidavit in which you were made to testify to these facts?—A. I did not. I thought they were putting down just what they asked me. There is a lot of this that was not asked me.

Q. You say you thought they were putting down what they asked you?—A. Yes, sir. Golden read them over and sometimes I couldn't understand him nohow.

Q. You are acquainted with William M. James?—A. Yes, sir; since I have been here.

Q. Did you approach James and request him to act as a witness for Mr. Ballinger in the preparation of these applications?—A. No, sir.

Q. William James states that you approached him and told him that you wanted him to act as a witness in a number of these cases?—A. He was a witness before I came up.

Q. Did you or did you not approach him relative to this?—A. I did not; I found him acting as a witness the first time I went up to Mr. Ballinger's office. He is a State man, but married a Creek freedwoman, and has been a resident of the Creek Nation and I am satisfied that he knows nothing about the Choctaw people. He apparently made affidavits for everybody. Made one for Ben Grayson for a pint of whisky; he would swear to anything. They were nearly drunk all the time, and old man McCombs was drunk also; he is a white man.

Q. Is Ben Grayson a white man?—A. A full-blood Creek.

Q. An old man named Berryhill acted as a witness, did he drink?—A. Yes, sir; they all were drunk nearly all the time.

Q. Did Mr. Lindly drink?—A. I have smelled it on his breath and he acted like it.

Q. Did you ever see him drunk?—A. No, sir.

Q. Never saw him when he apparently did not have control of his mental faculties?—A. No, sir; I think when he was getting too much he would quit.

Q. Did they have whisky around the office?—A. I never saw it.

Q. Do you drink, yourself?—A. No, sir; there is not a man that lives that can say

80.

Q. Did Burton drink?—A. Yes, sir.

Q. Did you ever see him full?—A. Yes, sir; pretty full.

On August 5, 1915, the witness, Alec Nail, was recalled and testified as follows:

Q. State your name?—A. Alec Nail.

Q. What is your age?—A. Going on 73; 72.

Q. Where do you live?—A. I am living in Muskogee now.

Q. You live at 1006 South Third Street?—A. Yes, sir.

Q. Are you acquainted with Josie L. Arnold, do you know a woman by that name?—

A. I don't remember that I know her, I have forgotten her, what is she?

Q. She is supposed to live in Reeves addition?—A. I don't know her.

Q. Did you make an affidavit in Mr. Ballinger's office identifying a woman named Josie L. Arnold?—A. No, sir; there ain't a soul that I identified.

Q. Do you remember a woman coming to that office by the name of Josie L. Arnold?—A. It may be true; I don't remember it.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on June 22, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Josie L. Arnold, nee Lewis, as a citizen by blood of the Chickasaw Nation:

"Alec Nail, being first duly sworn, on oath states that he is 72 years of age and that he lives at 1006 South Third Street, Muskogee.

"That he knows the applicant, Josie L. Arnold; that he also knew her mother, Sofia Lewis, nee Kemp, and all the Kemp family; that the father of her said mother Sofia Lewis, nee Kemp, was Jackson Kemp;

"That the said Sofia Kemp had a number of brothers and sisters; they were Benjamin, Joel, Walton, Bud (who was county sheriff for a long time) Kemp; the sisters were Amelia, Virginia, and Lou Kemp, nearly all of these above-named Indians died before final enrollment, although Joel and Benjamin both got allotments.

"They were all full-blood Indians (Chickasaws), but some of them had Choctaw families and were enrolled Choctaws; that is, some of the younger ones.

"The applicant was raised by old Aunt Caldonia Green, a colored woman who was formerly the slave of her grandfather, Jackson Kemp.

"I don't know the age of the applicant, but she is just a young woman and looks about as old as she says she is—26 years of age.

"The reason that I know the Kemp family so well is that I lived for many years within less than half a mile from them, in fact some of them lived within hearing distance.

"The old men of the Kemp family was Jackson Kemp, the grandfather of applicant; Reuben Kemp, Billy Kemp, and Joel Kemp, who were all emigrants from Mississippi, and all full bloods.

(Signed, by thumb mark) ALEC NAIL."

Q. Did you make this affidavit?—A. I know the name of some of those Kemps. They would ask me about people named Kemp that I knew, and I would state what I knew. This woman was looked up by the roll and they would ask me if I knew the Kemps, and say go to work and name how many you know, and I would go and name as many as I knew.

Q. Does the reading of this affidavit refresh your memory in respect to this applicant?—A. No, sir; I don't remember about that; see about what has been—

Q. You can not say that you know this applicant?—A. No, sir; I know I don't know her.

Q. You did not know any of the people that you met in that office?—A. No, sir.

Q. In what office do you mean when you refer to that office?—A. Well, it says Ballinger, Rodkey & Lindly. They say it is their names on that door.

Q. What are Lindly's initials?—A. I don't know.

Q. Are you sure it is Webster Ballinger that is connected with that office?—A. Yes, sir; that is what they say.

Q. Do you know whether Webster Ballinger is connected with the Government service?—A. I don't know that.

Q. Do you know whether Mr. Lindly is connected with the Government service?—A. I don't know that.

Q. Do you know how much you got for making this affidavit?—A. No, sir; sometimes I got a dollar, sometimes a dollar and a half, and sometimes \$2.

Q. Who gave you this money?—A. The applicants. The ones making application; they paid me the money I got.

Q. Did you ask for the money?—A. They said if you don't pay the witnesses and notary fees the papers don't go out of the office. They said that they was to get two old members of the tribe; and I was in the Dawes Commission one day and they employed me to act and see about it. I didn't have any confidence in it.

Q. You told me, did you not, that most of the persons who applied for enrollment down in their office as Indians by blood were negroes?—A. Every one of them.

Q. And they tried to get on the blood roll?—A. Yes, sir; and I would say "Why don't you get on the roll with me?" but they said they would get on the blood roll.

Q. Did you know a Sofia Lewis who was a Kemp before she married?—A. I don't know; I can't remember.

Q. Did you ever know Jackson Kemp?—A. Why, sure; yes, sir.

Q. What relation was Jackson Kemp to Sofia Kemp?—A. I couldn't say.

Q. Do you know whether Sofia Kemp was Jackson Kemp's wife?—A. No, sir; I don't know. This Sofia Kemp you are talking about might not be any Kemp at all; I don't know.

Q. How old would Jackson be if he were living?—A. Jackson Kemp; well, my father said they came from Mississippi in 1832.

Q. You were made to swear in this affidavit that I read to you that this woman who appeared in the office down stairs is the daughter of Sofia Lewis, who had been a Kemp, and that Jackson Kemp was the father of Sofia Lewis; what do you know about that?—A. I don't know nothing about that. I don't know who Sofia Lewis was; she may have been the mother of the one making application.

Q. You do not remember Sofia Lewis?—A. No, sir; I don't know.

Q. Do you remember old Aunt Calidonia Green?—A. Yes, sir.

Q. Who was she?—A. One of Jackson Kemp's slaves.

Q. You said you did not know whether Jackson Kemp was the grandfather of this applicant?—A. I don't think she was.

Q. Why?—A. I don't know; I believe Virginia was John Lewis's wife.

Q. What blood was Jackson Kemp?—A. Well, I would say he was a full-blood; he looked to be.

Q. Full-blood what?—A. Chickasaw.

Q. Do you know whether his wife was a full-blood or not?—A. No, sir; I don't know.

Q. Did his wife have any negro blood in her?—A. No, sir; I have seen her, and she didn't look it.

Q. Did you make an affidavit down there for any person who was not a negro?—
A. Not to my knowledge, except Jackson Barrett and another white man I forget; lets see—Mr. Eubanks.

Q. Do you know where Reeves Addition is?—A. No, sir; I have never been out there.

Q. Were all the women for whom you made affidavits down stairs negroes?—A. Yes, sir; all negroes, I believe.

Q. Well, this applicant states that she was raised by Aunt Callie Green. Did she raise any children except negro children?—A. Not to my knowledge. She lived 18 or 20 miles from me.

Q. Did you ever live within one-half mile from the Kemp family?—A. When I was a little fellow. I left when I was 11 years old.

Q. You left when you were 11 years old?—A. Yes, sir; I haven't been back since, either.

Q. Can you read?—A. A little in the Bible; can't read to do no good.

Q. Can you sign your name?—A. Oh, no; can't write a line.

Q. Was this affidavit read to you before you signed it?—A. Yes, sir; before I put my thumb mark to it.

Q. Who read it to you?—A. Mr. Golden.

Q. Well, this affidavit states that you knew this applicant, Josie L. Arnold. Was that part read to you?—A. I don't remember.

Q. Would you have sworn that you knew this applicant if you had not known her?—
A. No, sir.

Q. Did you not understand that you were sworn to this affidavit?—A. I suppose so. I was sworn to what I said.

Q. Would you have signed and sworn to this affidavit that you knew this woman?—
A. No, sir; because I didn't know her. I know they were Indian people but this applicant I don't know. I told Mr. Lindly a dozen times that I couldn't identify a soul, and didn't intend to try.

Q. Mr. Lindly knew that you did not know this woman?—A. Yes, sir; I told him so.

Q. You told me in testifying in other cases that Mr. Lindly wrote these affidavits out on the typewriter himself which you swore to?—A. That colored lawyer and all them that is trying to get on the roll would get together in the little room and he would write a long list.

Q. Who is that?—A. Nelson Durant, he would hand it to Mr. Lindly and sometimes he stood and read it off and Mr. Lindly wrote it.

Q. So Mr. Lindly wrote on the typewriter the affidavits that you made?—A. Yes, sir.

Q. And you say you told Mr. Lindly that you did not know any of the applicants and did not intend to identify them?—A. Yes, sir.

Q. Well, what were you doing down there?—A. I would prove that I knew the Choctaws. Advise them.

Q. You advised about what?—A. They would come there and say they were members of some Choctaw family. What family was it and they would name them and if I knew them I would say so.

Q. It was your understanding that you were merely to testify that such a Choctaw family lived at one time and you would testify as to remembering that family; you did not testify that the claimants were related to any of the members of the families you have mentioned? A. No, sir; I couldn't.

Q. You did not know the applicants before you met them down stairs?—A. No, sir.

Q. And you did not understand that you were advising about that?—A. No, sir; and would say so. I knowed the people they claimed relation to.

Q. Did you understand that you were down there to identify the claimants as being the children of the persons you named in the affidavits?—A. No, sir; Mr. Lindly told them that the applications would be identified with some old people and when they couldn't get me to identify them he said they would have to have some one to identify them.

Q. He said they would be completed later?—A. Yes, sir.

Q. Do you know Webster Burton?—A. Yes, sir; I know him.

Q. How long have you known him?—A. About 14 years, maybe longer.

Q. Did Webster Burton ever live close to Callie Green?—A. He lived up in that part of the country.

Q. Do you know how close he lived to Aunt Callie Green?—A. Maybe 4 or 5 miles.

Q. What did Webster Burton get for making these affidavits?—A. Well, he got just what he could, just like me.

Q. How long have you been around this office downstairs here making these affidavits?—A. I don't remember when I first went there.

Q. Well, about when?—A. It might have been in February.

Q. Have you been up there every day since?—A. No, sir; sometimes I am sick and can't get there.

Q. How many affidavits do you suppose you have made?—A. I have no knowledge.

Q. Have you no idea at all?—A. No, sir; I don't know.

Q. As many as 50?—A. I don't know, I say.

Q. As many as 50?—A. I don't know; I couldn't say. A heap of them were already made before they knew I was in Muskogee.

Q. How many thumb marks do you suppose you made in that office?—A. God knows; I put my thumb on three times.

Q. To each affidavit?—A. Yes, sir; I think so.

Q. You made your thumb mark three times?—A. Yes, sir.

Q. How many times do you suppose you made your thumb print like that each day?—A. I have no idea; the papers will show.

Q. A number of times each day?—A. The number that have my thumb on will show.

Q. How much did you make a day; how much money?—A. Sometimes I made nothing.

Q. Why?—A. They would promise to pay me, but never did.

Q. When was that to be paid to you?—A. Some have already paid.

Q. They have paid you something?—A. Yes, sir.

Q. Did they promise anything more if they got on the roll?—A. Yes, sir; some of them said if they got on the draws they would give me \$100, but I wouldn't give 50 cents for that promise, for I don't think they will get on.

Q. Are you on the rolls of the Dawes Commission?—A. Choctaw freedman; yes, sir.

Q. Do you know your roll number?—A. No, sir; I don't know; I have my deed, but I don't know it now.

Witness excused.

Lee G. Grubbs, being first duly sworn, on oath states that as stenographer to the national attorney for the Choctaw Nation he reported the proceedings in the above-entitled case on the 31st day of July and the 5th day of August, 1915, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) LEE G. GRUBBS.

Subscribed and sworn to before me on this the 10th day of August, 1915.

[SEAL.]

R. P. HARRISON, *Clerk.*

(Signed) By A. C. McMILLAN, *Deputy.*

(Exhibit L.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES,
Muskogee, Okla., August 6, 1915.

In the matter of the application of various persons for enrollment as citizens by blood of the Choctaw Nation.

Webster Burton, being first duly sworn by William L. Bowie, deputy clerk for the United States Court for the Eastern District of Oklahoma, on oath testifies as follows:

Examination by William L. Bowie on behalf of the superintendent for the Five Civilized Tribes:

Q. Please state your name?—A. Webster Burton.

Q. Age?—A. Well, you will find my age on those papers there 65, but since that time I have looked over the roll book and I am not that old.

Q. How old are you?—A. I am 59; maybe 60.

Q. Where do you live?—A. I live in Reeves Addition, Muskogee.

Q. What is your occupation?—A. Minor work wherever I can find it.

Q. How are you employed at the present time?—A. I have no regular occupation.

Q. Are you acting as a witness in enrollment cases being prepared by some persons working in an office in the Metropolitan Building?—A. I am acting in that capacity, but am not employed; am not employed by no one working in the office.

Q. How long have you been acting as a witness in these cases?—A. Well, I guess about three months, maybe.

Q. Have you been present every day at the office of these persons—have you been in the office every day?—A. Every day?

Q. Every day?—A. Every day.

Q. You say you are not working at any regular occupation?—A. No, sir.

Q. How are you paid for your services?—A. These parties that come and testify pay me for these facts for them.

Q. How much did they pay you?—A. Just whatever they can, sometimes fifty cents, one dollar, and one dollar and a half.

Q. Who first interviewed you relative to acting as a witness?—A. Nail.

Q. Alec. Nail?—A. Yes, sir.

Q. What did Alec tell you he wanted you to do?—A. Wanted me to help him with the Choctaw people.

Q. What are the names of the persons gathering this testimony?—A. You want to know the names of those claimants?

Q. What are the names of those persons occupying these offices?—A. Lindly.

Q. Do you know his full name?—A. No, sir.

Q. Any other person occupying these offices?—A. None but him that I know of.

Q. Are you acquainted with Mr. Rodky?—A. No, sir; never saw him in my life.

Q. Are you acquainted with Mr. Webster Ballinger?—A. Never saw him in my life.

Q. Do you know whether Mr. Lindly is employed by Mr. Ballinger?—A. He said he was.

Q. Do you know in what capacity he is serving Mr. Ballinger?—A. No, sir.

Q. Are any of the persons named connected with the Government service?—A. I have not heard say whether any of these gentlemen is attached with the Government business or not.

Q. As a matter of fact, from what these applicants who go up there have said to you, don't they seem to think that these men are employed by the Government?—A. Well, I haven't heard or even had a person to implicate that to me until yesterday, and that was when two parties asked me if old man Lindly was employed by the Government and I told them I didn't know whether he was or not.

Q. Is that what you told all of the applicants?—A. There hasn't even one asked me that but these two fellows, this was the first persons that have asked me such a question, that was the first I heard of it.

Q. In what capacity was Nelson Durant serving these persons?—A. Now, I can't tell you, Judge, I just only learned that he was an attorney at the bar, but what part of the attorney he was playing, I don't know.

Q. Did he hold a power of attorney?—A. I heard that but I don't know it to be true.

Q. Power of attorney from whom?—A. I don't know, I can't tell you that.

Q. Do you know what these applicants paid Nelson Durant?—A. No, sir; I don't know if they paid him anything; I don't know it.

Q. Did you ever hear him demand any money from any of these persons?—A. No, sir; not a nickel; only what I heard.

Q. What was it that you heard?—A. One of these two parties was telling me that he paid Nelson Durant to take up his application.

Q. How much?—A. He didn't say how much.

Q. I have just had an interview with one of these men that you were seen talking to a short time ago, and one of them, Mr. Short, tells me that when he first came down here that you are one of the parties that represented to him that you were in the Government service. Did you represent that to Mr. Short?—A. No, sir; never represented that to him in my life.

Q. You made quite a number of affidavits down here?—A. Well, I signed some.

Q. In Mr. Ballinger's office?—A. Yes, sir.

Q. How many affidavits do you suppose you made?—A. I have no idea.

Q. Were you personally acquainted with all of the persons for whom you made affidavits?—A. Was I acquainted with them?

Q. Were you personally acquainted with them?—A. No, sir; I was not.

Q. Were you acquainted with any of them?—A. No one; I told them that.

Q. You had never seen one of the persons?—A. No, sir; never seen them.

Q. Who prepared the affidavits that you signed; who wrote them?—A. Lindly typewrote them out.

Q. Did you tell him what to write in these affidavits?—A. No, sir; I told him of the Indian people I knew.

Q. Did Mr. Durant have anything to do with the preparation of these affidavits?—A. Well, I am going to speak that the best I know how. Durant would fill them out.

Q. He would write them out with a pencil?—A. Yes, sir; whatever tribe these people were he would write it out, and if I knew that tribe he would write it out. I gave them all to understand that I didn't know them.

Q. Did Durant question you himself as to your knowledge?—A. No, sir.

Q. Did Mr. Lindly question you as to the extent of your knowledge?—A. No, sir; he did not.

Q. Did he simply write out these affidavits without asking you?—A. He wrote these affidavits from the questions Durant wrote out from the roll book for the Indians on the roll.

Q. Who would find them on the roll?—A. Durant or those Indians would take the roll book and find them.

Q. After these affidavits were written up on the typewriter by Mr. Lindly, were the affidavits read over to you?—A. Yes, sir.

Q. By whom?—A. Golden.

Q. By Golden?—A. Yes, sir.

Q. He was a notary public?—A. Yes, sir.

Q. Can you write your name?—A. Can't write at all, or read.

Q. You signed these affidavits by thumb mark?—A. Yes, sir.

Q. Will you place your thumb on this blank sheet of paper for the proper identification of your thumb print?—A. Yes, sir; I can do it.

Q. Are you acquainted with a person named Jane Driver?—A. No, sir; I don't know that I am—I don't know.

Q. Are you acquainted with a person named Harriett Brown, who was Harriett Turnbull before her marriage?—A. Well, I got acquainted with her when she came up here to take up her application; was not acquainted with her before. Would not know her this morning.

Q. Were you ever acquainted with a person named Harriett Brown, who was Harriett Turnbull before marriage, before she came up to this office?—A. No, sir.

Q. Were you ever acquainted with one William Brown, who was said to be a one-half blood Choctaw?—A. No, sir; I didn't get acquainted with him.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 11, 1915, filed by Mr. Webster Ballinger, which is attached to a petition for the enrollment of Jane Driver as a citizen by blood of the Choctaw Nation.

(See application of Jane Driver as to contents of affidavit.)

Q. Did you make this affidavit?—A. I didn't make it in that way. I made that affidavit, but not to know that woman. I knew the man that the woman said was her father. You will find it that way all the way through, but the people themselves, I don't know them.

Q. This affidavit states that you have known the applicant for the last 18 years; what explanation have you to make to this?—A. It is wrong. I didn't make that, I didn't make that affidavit as to knowing that woman 18 years. I don't know any of those people.

Q. This affidavit states further that you knew this applicant's mother, Harriett Brown, who was Harriett Turnbull before marriage.—A. I didn't make that. I know the Turnbells, but not the girl.

Q. Did you represent to any person at the time this affidavit was prepared that you had known this applicant for 18 years and that you knew her mother, Harriett Brown or Harriett Turnbull?—A. I did know a Mrs. Turnbull, but not the woman.

Q. You just stated to me that you had never seen Harriett Brown or Harriett Turnbull before you met such person in the office of Mr. Ballinger a short time since.—A. I says that the woman who this woman says was her mother, that Mrs. Turnbull, well, I knew her, but that woman I didn't know her.

Q. Why did you state to me just now that you had never known a Harriett Brown or Harriett Turnbull?—A. As far as Mrs. Turnbull is concerned, I knew Mrs. Turnbull.

Q. Who was this Mrs. Turnbull that you speak of?—A. Mrs. Turnbull; she's a Choctaw woman.

Q. Of what blood is this Jane Driver, the applicant in this case for enrollment?—A. Well, she said she was a Choctaw.

Q. What does she look like?—A. Well, she looks like she had some Indian blood in her.

Q. Did she also have negro blood?—A. Yes, sir; some negro blood.

Q. What is her color?—A. About my color.

Q. What color are you?—A. I call myself a yellow man.

Q. Are you usually termed a ginger cake?—A. No, sir.

Q. You spoke of knowing a Mrs. Turnbull; do you know her given name?—A. No, sir; I don't know her given name.

Q. Do you know more than one Mrs. Turnbull?—A. Joe Turnbull.

Q. A man?—A. He is a man. I know Ben Turnbull.

Q. Any others?—A. I think that is about all.

Q. And this woman you speak of, is she related to Joe and Ben?—A. I think she was; I don't know for certain.

Q. Where do Ben and Joe live; are they living now?—A. They are dead.

- Q. Where did they live?—A. They lived up in Kiamichi at that time.
- Q. In what county?—A. Towson County; I don't know if that's what they call it now; that is the Indian name. I just know the people; I don't know their residence, and all that.
- Q. Were Joe and Ben related?—A. Yes, sir; I think they were brothers.
- Q. Well, were they white or colored?—A. They were half-blood Indians.
- Q. What nation?—A. Choctaw.
- Q. What was the other half?—A. White.
- Q. White?—A. Yes, sir. There are some Turnbull negroes.
- Q. You said you knew a woman by the name of Turnbull, but did not know her given name?—A. No, sir.
- Q. Do you know that she was related to Joe and Ben?—A. I am not positive; I think she was, though.
- Q. Did this negro woman claim to be related to the Turnbolls?—A. Yes, sir.
- Q. What Turnbolls?—A. She said Joe and Ben were her uncles.
- Q. How did she make that out?—A. She named some other woman to be the brother of those boys, etc., etc.; we didn't go to work to question these people. They asked us if we knew such names of Choctaws and Chickasaws.
- Q. You are made to testify in this affidavit that I have read to you that you knew these applicants, that is, her mother, Harriett Brown who was Harriett Turnbull before marriage; as a matter of fact were you ever acquainted with one Harriett Brown who was known as Harriett Turnbull?—A. I was acquainted with a Mrs. Turnbull; I don't know her by Harriett Brown; I know her as a Turnbull.
- Q. You just stated to me that you knew a woman by the name of Turnbull, but that you did not know whether her given name was Harriett,—A. Yes, sir; I know a Turnbull.
- Q. But you do not know whether she was ever a Brown?—A. No, sir.
- Q. Did you knowingly testify that you knew this applicant's mother, that her name was Harriett Brown who was a Harriett Turnbull, before marriage, and that she was a full-blood Indian?—A. I didn't testify that.
- Q. You say this affidavit was read over to you?—A. Well, we couldn't understand half that Jew said. I never said those things that way.
- Q. You never saw this applicant before you met her in Mr. Ballinger's office?—A. No, sir.
- Q. What did this applicant give you for making this affidavit?—A. She gave me \$1.50.
- Q. Where were you born?—A. In Red River County, Choctaw Nation.
- Q. What towns were in that county?—A. Why we didn't have no principal town only old Shawneetown.
- Q. Shawneetown is low Idabel?—A. Shawneetown is about 3 or 4 miles from Idabel. Idabel is the post office and Shawneetown is a little place.
- Q. How long did you live in that County?—A. Red River County?
- Q. Yes.—A. I lived there from birth up until I was about 23 or 24 years old.
- Q. Where did you go then?—A. I rambled around in Texas some.
- Q. How long were you in Texas?—A. About 5 or 6 years and then I came back to Shawneetown.
- Q. How long did you stay there?—A. I disremember how long, I moved to South McAlester and stayed there 5 or 6 years.
- Q. Then where did you go from there?—A. I moved from McAlester to the Chickasaw Nation.
- Q. What part of the Chickasaw Nation?—A. This side of Milburn one mile and a quarter.
- Q. What year did you go down there? Do you know?—A. No, sir.
- Q. How long did you live at Milburn?—A. I stayed down there I guess about 12 years as near as I can remember.
- Q. Where did you go then?—A. I came up here in the Creek Nation.
- Q. Where in the Creek Nation?—A. My first stop in the Creek Nation was at Tulsa.
- Q. How long did you stay in Tulsa?—A. Twelve months.
- Q. When did you leave Tulsa?—A. Can't tell you the date, sir.
- Q. About when?—A. Well, I can't say just exactly. I came to Coweta.
- Q. How long did you stay at Coweta?—A. I think about two years.
- Q. Where did you go from Coweta?—A. To Wybark.
- Q. How long were you in Wybark?—A. Three years.
- Q. Wybark is just a few miles north of here?—A. Yes, sir.
- Q. Where did you go next?—A. Red Bird.
- Q. How long did you live at Red Bird?—A. Two years.
- Q. Where did you go next?—A. Muskogee.

- Q. Have you been here ever since?—A. Yes, sir.
- Q. When did you come to Muskogee?—A. I came here in December.
- Q. December last?—A. Yes, sir.
- Q. Have you ever been in the penitentiary?—A. No, sir.
- Q. Have you ever been in jail?—A. Yes, sir.
- Q. How many times have you been in jail?—A. I can't tell you.
- Q. A number of times?—A. Several times.
- Q. What were you charged with?—A. Whisky and fighting.
- Q. Whisky selling?—A. No, sir.
- Q. Introducing?—A. Yes, sir.
- Q. What were you charged with?—A. Just charged with a little whisky.
- Q. Charged with introducing and selling?—A. No, sir. I never sold any whisky in my life. They found whisky on me when I was about 18 years old.
- Q. Have you ever been in jail in Muskogee County?—A. No, sir.
- Q. Tulsa County?—A. No, sir.
- Q. What counties were you in jail?—A. I have been in jail at Fort Smith and Tishomingo.
- Q. You have never been in the penitentiary?—A. No, sir.
- Q. Have you ever been charged with felony?—A. What is that; I don't know what you mean; what are you talking about?
- Q. That is a penitentiary offense.—A. No, sir.
- Q. Are you acquainted with Mary Reeves?—A. Yes, sir.
- Q. Where does she live?—A. She lives 5 miles east of Vian.
- Q. About how old a woman is she?—A. She says she is about 50 years old.
- Q. Did you make an affidavit for her in Ballinger's office?—A. Yes, sir.
- Q. How long had you been acquainted with her when you made this affidavit?—A. How long?
- Q. Yes.—A. Well, now you done hit a pretty hard proposition in this case. Mary Reeves is a half sister of mine and I never saw Mary Reeves until she came up here, but I had heard of this girl from a little thing on, but I never saw her until she came right down there. She introduced herself to me and told me about all her people.
- Q. I understand you now that the first time you ever saw her was when you made this affidavit?—A. Yes, sir; but I had heard of her.
- Q. What did you know about her parentage?—A. About which?
- Q. Her parentage.—A. Her parents?
- Q. Yes; who was her father?—A. Sam Murray; she claimed he was her father. After emancipation he taken the name of Sam Burton and if that be true that was her father and my father.
- Q. Who was her mother?—A. Cordelia Hampton, and that being true I know her mother.
- Q. Of what blood was Sam Murray or Burton?—My father, he was a freedman and part Mexican. Her mother was a Choctaw woman.
- Q. You mean Cordelia Hampton?—A. Yes, sir.
- Q. What degree of blood?—A. Well, she was, I guess, a full blood, I guess.
- Q. Were you acquainted with her?—A. I have seen her more times than I got fingers and toes.
- Q. Where did she live?—A. About 17 or 18 miles southeast or west from Shawneetown. Near Red Hill. She is dead.
- Q. Was this woman and your father ever married?—A. No, sir.
- Q. You are positive of that?—A. Sure, she was an Indian and he was a darkey, and that was slave time.
- Q. Did this Cordelia Hampton ever marry?—A. I don't know whether she did or not. I was small and she was a grown, so I don't know.
- Q. Who was her father?—A. I can't tell you, sir.
- Q. What do you know about this applicant being a daughter of Cordelia Hampton?—A. I don't know only what she tells me about me; I don't know anything about that case any more than what she said, but if the man she represents being her father, it is my father. She shows to be an Indian by her hair and eyes.
- Q. If your father was of colored blood and this woman, Cordelia Hampton, was of Indian blood, how do you account for the fact that this applicant is her child?—A. I don't account for it at all. I am just giving what she told me, that is all I am accounting for.
- Q. You do not know anything about it?—A. No, sir.
- Q. Have you any reason to believe or disbelieve her statements?—A. No, sir; because she presented this about herself, nobody asked her about it.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 14, 1915, filed by Mr. Webster Ballinger with the petition

for the enrollment of Mary Reeves, née Hampton, as a citizen by blood of the Choctaw Nation.

(See affidavit attached to petition of May Reeves.)

Q. Did you make this affidavit?—A. No, sir; I didn't make it that way. I didn't do it. Lon, Mike, and Julius is the sons of old man Isaac Hampton, and not the children of Cordelia, and this is the way I gave it in, too, and if that man wrote it that way you just as well as burn it up.

Q. That is the trouble; there will be no burning up, Webster.—A. I am going to give him the devil. I done heard about this before. If that lady was not in here—

Q. What did you hear?—A. I heard that he spoke this way on the application, that we knew these claimants.

Q. Who do you mean?—A. I mean Lindly; we gave him to understand that we didn't know these applicants and had never seen them before.

Q. So in the particular application here you do not know whether this applicant is a child of Cordelia Hampton or not?—A. I don't know.

Q. You do not know who her father or mother was?—A. Only by what she said.

Q. How much did this applicant give you for making this affidavit?—A. She hasn't given me nothing yet.

Q. Well, she promised you something if she got through?—A. Yes, sir. I says well if you get through as you are my sister, I don't charge you nothing, and I would be glad if she did get through.

Q. Did the other applicants promise you any money if their application went through all right—if they were enrolled?—A. None but that one who was supposed to be my sister and another one.

Q. What did the other one promise you?—A. She said she would give me double if she got through.

Q. You told me not long ago in our conversation that some of them had promised you \$100 if their applications for enrollment went through?—A. Yes, sir; some of them did that.

Q. Some did promise you \$100?—A. Yes, sir; \$100 if they went through.

Q. Was this promise made in the presence of any other person?—A. None except me and Nail.

Q. What did Durant get out of this?—A. I don't know if he got a nickle; I can't tell you. He might have got \$1,000; I can't say.

Q. Are you acquainted with Annie Abernathy?—A. Yes, sir; I am a little bit acquainted with her.

Q. Where does she live?—A. On the other side of the M. O. & G.

Q. In Reeves addition?—A. Yes, sir.

Q. Where did you first meet this Annie Abernathy?—A. Well I met around about, I never met her until I came here.

Q. Before you came to Muskogee to live?—A. Yes, sir.

Q. And you came here about 5 months ago?—A. I came here in December.

Q. What was this woman's name before she married?—A. I tell you I don't know nothing about that woman's name, I know her as Abernathy.

Q. You do not know what her name was before she married?—A. No, sir.

Q. Do you know who her parents were?—A. No, sir.

Q. Do you know who claimed to be her mother?—A. No, sir.

Q. Do you know any Tysons?—A. Choctaws; yes, sir.

Q. Where do they live?—A. Near Boggy, near Double Springs.

Q. Know any one named Tom Tyson?—A. Why, I didn't know an Indian by the name of Tom, but I know a nigger.

Q. Know a Sam Tyson?—A. Yes, sir; I have met him.

Q. You do not know whether either one of those persons was the father of this woman?—A. No, sir; I don't know.

Q. Do you know a Caroline Tyson?—A. No, sir.

Q. Do you know a Caroline Frazier?—A. Well, yes; I know Caroline Frazier.

Q. Do you know whether she married a Tyson?—A. No, sir.

Q. Do you know whether Caroline Frazier was the mother of this applicant?—A. No, sir; I don't know whether she is the mother or not, but she said so.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 6, 1915, filed by Webster Ballinger with the application for the enrollment of Annie Abernathy, nee Frazier, as a citizen by blood of the Choctaw Nation.

(See affidavit attached to petition of Annie Abernathy.)

Q. You state that you do not know whether Caroline Frazier, now Tyson, was the mother of this woman?—A. I sure do, sir; I don't.

Q. Does Annie Abernathy appear to be of negro blood?—A. Not a bit; there aint a drop of negro blood in her.

Q. Does she live with the negroes?—A. Yes, sir; duly and lawfully married to one, so she says.

Q. Is she a mulatto?—A. She is about my color, maybe a little blacker.

Q. And what do you say your color is?—A. I call myself a yellow man. I ain't no ginger cake.

Q. What makes you say that she does not appear to have negro blood?—A. She ain't got no features whatever of a colored person; it is white and Indian.

Q. But as far as you know she might have negro blood in her?—A. She might, as far as I know.

I read you an affidavit purporting to have been made by you before Julius Golden on May 28, 1915, filed by Mr. Webster Ballinger with the application for the enrollment of Willis S. Taylor as a citizen by blood of the Choctaw Nation.

(See affidavit attached to petition of Willis S. Taylor.)

Q. Did you make this affidavit?—A. I made it in part, sir.

Q. When did you first meet this applicant?—A. Right here at this building.

Q. When?—A. I can't tell you what month.

Q. The day you made this affidavit?—A. Yes, sir.

Q. Do you know anything about this applicant's ancestors?—A. I don't know anything about his ancestors, but the Taylors, I know them.

Q. Who did he say his father was?—A. Sam Taylor.

Q. Who was Sam Taylor?—A. An Indian man.

Q. Where did Sam Taylor live?—A. Sam Taylor, I can't do that—

Q. Do you know Sam Taylor yourself?—A. I knew Sam Taylor, from time to time, at Wheelock.

Q. Was he a full blood?—A. No, sir; he didn't look like a full blood.

Q. Did he have negro blood in him?—A. No, sir; not a bit.

Q. Did this applicant have the appearance of having negro blood?—A. Not a bit. He didn't have any negro in him.

Q. Did he appear to be a white man?—A. White and blood Indian.

Q. Do you know whether he lived with the negroes?—A. No, sir; I don't know.

Q. You never met him when you were working as a deputy marshal?—A. No, sir.

Q. That statement, then, in this affidavit, is false?—A. Yes, sir. He spoke about that and tried to make me know him as a United States marshal, but I didn't.

Q. Were you ever a United States marshal?—A. Posseman.

Q. You do not know whether this applicant belonged to the Chitto Harjo Band?—A. He said he did; I don't know. I know I did.

Q. The statement contained in this affidavit that you have known the applicant for 35 years is false?—A. Yes, sir.

Q. Also the statement that the applicant had his home where his father did and was considered and recognized as a Choctaw Indian is also false?—A. Yes, sir.

Q. As far as your knowledge goes?—A. Yes, sir.

Q. What did you get for making this affidavit?—A. \$2.50.

Q. Were you promised any more?—A. Not a bit.

Q. Are you acquainted with Thomas Goings?—A. Tom Goings? I am acquainted with the Indian Goings. Yes; I am acquainted with Thomas.

Q. Do you know where he lives?—A. No, sir; I don't.

Q. Did you make an affidavit in Mr. Ballinger's office identifying Mr. Thomas Goings?—A. I have made no affidavit identifying a soul in Mr. Ballinger's office. I haven't did it and never will.

Q. Did you make any kind of an affidavit identifying the Goings?—A. I have. I did. I made an affidavit knowing some of the Goings.

Q. What Goings?—A. The Goings I knew are dead, and I told them at the time they were dead. Lelius Goings and Old Tom Goings—I know some of the Goings.

Q. What Lelius and Tom Goings were they?—A. Well, I don't know.

Q. Where did they live?—A. They lived now—Tom lived near Doakville, in Kiamichi County.

Q. Where did Lelius Goings live?—A. I just knew Lelius as I find him. I didn't know where he lived; he was a drinking man; I have met him at various places lots of times, but not having anything to say to him.

Q. Where is Doakville?—A. Way down here.

Q. Near Shawneetown?—A. Fifty miles this side of Shawneetown.

Q. Did you ever know William Goings?—A. Yes, sir.

Q. Thomas Goings?—A. Yes, sir; I know of these boys, but it has been years ago; those men were men when I was a boy. I didn't have no dealings with them.

Q. Did you know a woman named Delitha Goings?—A. No, sir.

I read you an affidavit purported to have been made by you before Julius Golden, a notary public, on June 15, 1915, filed by Mr. Webster Ballinger with his application for the enrollment of Thomas Goings as a citizen by blood of the Choctaw Nation.

(See affidavit attached to petition of Thomas Goings.)

Q. Did you make this affidavit?—A. Part I did, and part I didn't.

Q. You recollect this applicant, Thomas Goings, do you?—A. Yes, sir.

Q. Did he have the appearance of having colored blood?—A. No, sir; he was a white man.

Q. A white man?—A. Yes, sir.

Q. Did he have the appearance of having any Indian blood?—A. Yes, sir.

Q. What degree of blood did he look to be?—A. About one-quarter.

Q. You say you never met him until you made this affidavit in Mr. Ballinger's office?—A. Yes, sir.

Q. You did not know his father and mother?—A. No, sir; only what he said.

Q. You do not know whether he is related to William and Delitha Goings then or not?—A. No, sir; only what he said.

Q. You do not know whether he was a member of the Snake band?—A. No more than what he said.

Q. You do not know why he was left off of the roll or whether he made application?—A. No, sir; he said he didn't.

Q. Was this affidavit read over to you?—A. Yes, sir.

Q. Why did you make your thumb mark on an affidavit containing facts not within your personal knowledge?—A. Well, the fact of the business, we didn't half understand that Jew in his reading, and further, we were not studying about this at all.

Q. Do you understand the nature of an oath?—A. No, sir; I don't. What is it?

Q. You know what it means to swear to tell the truth?—A. Yes, sir.

Q. You were sworn to these papers?—A. Yes, sir.

Q. You know there is a severe penalty attached to false swearing?—A. Yes, sir. I have heard that and I am here to tell you that that there was things put in there we never put there.

Witness excused.

Webster Burton, recalled on August 6, 1915:

Q. Are you acquainted with Angie Flanagan?—A. Just right down here to the office.

Q. You met her first in Mr. Ballinger's office?—A. Yes, sir.

Q. Did you make an affidavit for her?—A. Yes, sir; I think I did.

Q. Was that the day you met her?—A. Yes, sir; the first time I ever saw her.

Q. What did you testify to for her?—A. Well, we taken up the kind of Indian she said she was and the names of those Indians; why, if I knew them Indians from the roll I would testify that I knew that.

Q. Well, who was her father?—A. I couldn't tell now.

Q. Who was her mother?—A. I don't know that now. They would call the names and I would testify to those people's names.

Q. You do not know of your own personal knowledge that the persons she claimed were her father and mother were her father and mother?—A. No, sir.

Q. You say Mr. Lindly wrote out on the typewriter all the affidavits you signed?—A. Yes, sir; he wrote every one I signed.

Q. Did you tell Mr. Lindly that you were well and personally acquainted with the father of this woman?—A. Who was it that she claimed was her father and mother, I told him I was acquainted with them.

Q. Do you know a Ruth family?—A. No, sir; I don't know no Choctaw Ruths.

Q. Does this family claim to be Chickasaw?—A. Chickasaw, I think; Choctaw or Chickasaw.

Q. You do not know which nation this Ruth woman claimed to be a member of?—A. No, sir; I don't.

Q. Did you ever know a Thomas Ruth?—A. No, sir; I don't know a Ruth.

Q. Did you tell Mr. Lindly that you were well acquainted with this woman's father and that his name was Thomas Ruth?—A. No, sir.

Q. Ever know a deputy marshal by the name of Ruth?—A. Nope; I don't think I did.

Q. Did you tell Mr. Lindly that this woman's father was a deputy marshal?—A. No, sir; I ain't told Mr. Lindly that anybody's father was a deputy marshal.

Q. Do you know a Harrison woman?—A. I know some Indian Harrisons.

Q. What nation do they belong to?—A. They were Choctaws.

Q. Do you know whether this woman claimed that her mother was a Harrison?—

A. Yes, sir; she claimed that her mother was a Choctaw, that is what she claimed.

Q. You do not know that her mother was a Harrison?—A. Yes, sir; she claimed she was a Harrison.

Q. Do you know a Harrison woman?—A. Yes, sir; I know one or two, scarcely, just met them.

Q. Did Mr. Lindly question you about them?—A. He asked me if I knew them.

Q. And he wrote this affidavit after he questioned you?—A. Yes, sir; and I told him I didn't personally know these Harrisons.

Q. What was the given name of one of the Harrisons you knew?—A. Joe.

Q. Any others?—A. Ben.

Q. You just know two Harrisons, Joe and Ben?—A. Yes, sir.

Q. Were Joe and Ben related?—A. I couldn't tell; I guess they were though.

Q. You do not know?—A. No, sir; I couldn't tell you.

Q. You do not know whether either one of these persons named were related to this applicant?—A. No, sir; I don't know whether they is or not.

Q. Did you ever know a Sloan Harrison?—A. I have heard of him; never met him in my life.

Q. Simply know of him?—A. Yes, sir; heard of him.

Q. What did you hear?—A. Why I heard he was a Choctaw, full-blood, and that he was a pretty bad man.

Q. Where did he live, do you know?—A. Couldn't answer that question as to just where he lived; I couldn't answer that properly.

Q. Did you tell Mr. Lindly that the mother of this applicant was one of the Harrisons? That her name was Anna, and that she had her own home on the public domain the same as did her father who was known as Sloan Harrison together with his wife, the grandmother of this applicant who claimed to come from Mississippi?—A. No, sir; I don't know where they come from; I didn't tell that.

Q. Did you go on then and tell Mr. Lindley that they lived unmolested as Choctaws until the time of their allotment and that their names had not been placed on the roll and they lost out and other Indians filed on the homes that they had made?—A. No, sir; they told that themselves.

Q. Did you tell Mr. Lindley that the father, James Ruth, was a statesman?—A. No, sir; because I don't know nothing about it.

Q. That the mother was a resident of the Choctaw and Chickasaw Nations and claimed to be a Choctaw by blood?—A. No, sir; they told that, old man Nail told that.

Q. You did not tell Mr. Lindly that?—A. No, sir.

Q. Did you make this affidavit? Did you place your thumb mark on it?—A. (Witness examines affidavit as to thumb mark.) I guess I must have made it.

Q. Was the affidavit read over to you?—A. Yes, sir.

Q. Who read it to you?—A. Golden.

Q. Did you understand it?—A. No, sir.

Q. Did you not understand that you were swearing to those facts?—A. I told Golden I didn't understand them.

Q. Did Golden swear you to that?—A. Yes, sir.

Q. Did he read it over to you?—A. Yes, sir; he read it.

Q. As a matter of fact did you care what they had in the affidavits?—A. (Witness does not answer.)

Q. How much did you get out of this, for making this affidavit?—A. I haven't got a fighting cent.

Q. How much was promised you?—A. One dollar, but they never paid it.

Q. Did you care what facts were contained in the affidavits just so you got your money?—A. No, sir; I don't want to say that because I do. I find those affidavits were not made exactly like I swore to. There is an affidavit that I told those men I didn't know anything about those people [indicating affidavit of his in case of Angie Flanagan].

Q. Did you ever have any conversation with Mr. Lindly about these affidavits? Did he give you to understand that he wanted you to testify to these facts whether they were or were not within your personal knowledge?—A. I tells Mr. Lindly this: If there is a fraud in this, I don't want to fool with it, but if it is square and true it is all right. The Indians I knew I testified to, but the Indians I didn't know I wouldn't swear to.

Q. What do you think of this, do you think it is a fraud?—A. I don't know, I couldn't tell you. I seen into this business a long time ago and saw it was a fraud.

Q. What was that?—A. This blood-right business, several years ago, and I saw it was a fraud.

Q. What were you trying to do, get on the roll as a citizen by blood?—A. Yes, sir; Choctaw by blood.

Q. Is this Angie Flanagan of colored blood?—A. Yes, sir; full of it.

Q. You can tell that by her appearance?—A. Yes, sir; tell it from every thing.

Q. What color is she?—A. Some of you say bay, and if you use that word she is that color, she is a dark brown skin woman.

Q. Do you know Emma Jones, née Ervin?—A. Where does she live?

Q. She is given in the application as living at Vian.—A. Yes, sir; I have met Emma Jones.

Q. Where did you get acquainted with her?—A. In Mr. Ballinger's office.

Q. Did you make an affidavit for this woman?—A. Yes, sir; for the tribe of Indians she claimed she was.

Q. Did you get acquainted with her the day you made the affidavit?—A. Yes, sir; the first time I ever saw her.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on May 23, 1915, filed by Mr. Webster Ballinger with petition for the enrollment of Emma Jones, née Ervin, as a citizen by blood of the Choctaw Nation.

(See affidavit attached to petition of Emma Jones, née Ervin.)

Q. Did you make this affidavit?—A. Yes, sir; I didn't make it knowing the Ervin family, though.

Q. You did not make it knowing the Ervin family?—A. Not until she came up to the office.

Q. You took her statement for the facts to which you testified in the affidavit?—A. Yes, sir.

Q. You did not know of your own personal knowledge?—A. No, sir; I swear to God I didn't, the Indians she said she claimed to belong to I said I knew them and I do know them.

Q. You do say that you know the Ervin family?—A. Yes, sir.

Q. Do you know Joe Ervin?—A. Yes, sir.

Q. Where did Joe live?—A. At that time he lived in Towson County.

Q. Near what place?—A. Well, I guess, as near as I can recollect now—

Q. Did he have a brother?—A. I don't know whether Columbus is brother or not.

Q. What relation was Columbus to him?—A. I don't know.

Q. Did you testify in this affidavit that Columbus was a brother of Joe?—A. No, sir; I didn't testify that; I testified that I didn't know they were brothers but knew who they were.

Q. Did they claim this applicant had a daughter?—A. Yes, sir.

Q. What is her name?—A. I don't know now, I don't know.

Q. You met the daughter down here in Ballinger's office?—A. Yes, sir.

Q. Was she with the applicant?—A. Yes, sir.

Q. Was her name Evergreen Reeves?—A. Yes sir; that is it, Evergreen Reeves.

Q. Was this applicant, Emma Jones, née Ervin, a woman of negro blood?—A. If she has a drop of negro blood in her, Judge, I couldn't see it; I don't think you could see it.

Q. What did she claim to be?—A. Full-blood Choctaw.

Q. Didn't look like she had any negro blood in her?—A. No, sir; she didn't.

Q. I exhibit to you a photograph attached to this affidavit and ask you to state who she is?—A. That is the old lady's daughter, Evergreen Reeves.

Q. How about the daughter, did she look to have negro blood in her?—A. She might have had a little, but it don't show much.

Q. Shows it some, though?—A. Shows a little negro blood.

Q. Are you acquainted with Lizzie Campbell, née Lenox, née Brown?—A. I don't know whether I am or not. Who is she?

Q. She states she is 53 years of age and lives in Muskogee.—A. I am not sure. If I heard who she said her Indians are—I can't think of all those people's names that came up there.

Q. You can not place this woman now?—A. No, sir.

Q. You do not know whether you made an affidavit in Ballinger's office or not?—A. I don't know whether I did or not.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on April 24, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Lizzie Campbell, née Lenox, née Brown.

(See affidavit attached to petition of Lizzie Campbell, née Lenox, née Brown.)

Q. Did you make this affidavit?—A. Yes, sir; I made it.

Q. Were the facts contained therein within your personal knowledge?—A. Yes, sir.

Q. You told me awhile ago that you did not know these applicants?—A. Not until I could hear what Indians they claimed.

Q. Who is Lizzie Campbell?—A. I knew her from the young woman up until her age now.

Q. Why didn't you know her?—A. I knew her by the name of Lenox.

Q. How long have you known her?—A. About 30 years; I think that's about right.

Q. How old a woman is she?—A. Lizzie—I guess Lizzie is 50 or 60 years old, I guess.

Q. Where did you first get acquainted with her?—A. In the Choctaw Nation.

Q. What part of the Choctaw Nation?—A. Up there on Wheelock, but they moved from there up to Old Doaksville and Sandy Creek, we called it.

Q. How old was she when you first got acquainted with her?—A. Lizzie was a young woman.

Q. Was she a young woman when you got acquainted with her?—A. Yes, sir; about grown, I suppose; might have been about 13 or 14 or more when I got acquainted with her.

Q. Who was she living with?—A. Some old colored folks.

Q. Colored folks?—A. Yes, sir; she was with them.

Q. She is of colored blood herself?—A. Oh, yes; she has some colored blood.

Q. Who was her father?—A. I don't know.

Q. Who was her mother?—A. Mrs. Turnbull was her mother; I believe it was Mandy or Betsy; one of these women, I think, was her mother.

Q. Do you know a Betsy Turnbull?—A. Yes, sir.

Q. They were two different persons?—A. Yes, sir; I don't know what relation they were.

Q. You do not know whether they were related or not?—A. No, sir; but I certainly know them.

Q. Did this applicant have any other brothers?—A. Well, she said she did; I don't know whether she did or not.

Q. You do not know yourself?—A. No, sir.

Q. Did she have any sisters?—A. No; I don't think she did, at least, I have never heard of them.

Q. How long have you known her?—A. Just like I told you; I have been knowing Lizzie every bit of that time.

Q. How long did you say you have known her; how long has it been since you got acquainted with her?—A. About 30 years.

Q. And have known her ever since?—A. Yes, sir.

Q. Where do you say she was living?—A. Down in Choctaw Nation, near Wheelock.

Q. How long has she lived there?—A. I don't know.

Q. You lost sight of her?—A. Yes, sir; heard she was living on Sand Hill Creek.

Q. How long did she live on Sand Hill Creek after you first got acquainted with her?—A. Well, I don't want you to ball me up.

Q. Where did you first find her?—A. Near Wheelock, in the Choctaw Nation.

Q. How long did she continue to live there after you first got acquainted with her?—A. I don't know that. They moved to Sand Hill Creek from Wheelock.

Q. How far was that from Wheelock?—A. Let's see now, it might have been 15 or 17 miles from Wheelock.

Q. Do you know how long you knew her at Wheelock?—A. No, sir; I don't know

Q. Long or short time?—A. I don't know exactly how long.

Q. Several years?—A. Several years; yes, sir.

Q. Then you knew she moved to Sand Hill?—A. Yes, sir.

Q. How long did you know her at Sand Hill?—A. I can't tell how long.

Q. Several years?—A. I guess it might be; she left there.

Q. See anything more of her then?—A. Never saw her until she came to Muskogee.

Q. Where did you live?—A. Shawneetown.

Q. How far is Shawneetown from Wheelock?—A. Ten miles.

Q. Now, you say she left Sand Hill?—A. She left Sand Hill, because I found her here.

Q. When did you lose sight of her?—A. I left her in that country when I left.

Q. You left her where?—A. Down in the Choctaw Nation near Doaksville.

Q. Was she at Sand Hill when she left Shawneetown?—A. I guess so.

Q. You do not know?—A. No, sir; I don't know.

Q. When did you leave Shawneetown?—A. I can't tell you the date.

Q. How long ago?—A. It has been a great while; just can't say. I left Shawneetown when I was quite small, young man, and I am about 60 years old now.

Q. You lost sight of her and never saw her until you were in Muskogee?—A. Yes, sir.

Q. How long before that was it that you met her in Ballinger's office.—A. That was a month.

Q. Did you see much of her or just meet her once?—A. Just once. I went to her house; she was looking for me to come up. I stayed all night with her.

Q. With her?—A. With them; you heard what I said. She wanted to talk over this business and we stayed up and talked this business over.

Q. Is she married?—A. Yes, sir.

Q. What is his name?—A. I don't know.

Q. How long has she been married to her husband?—A. I don't know.

- Q. Was she married at Sandy Hill?—A. Yes, sir.
- Q. What was his name?—A. Lenox something.
- Q. Was Lenox his given or surname?—A. I don't know.
- Q. Was Lenox her first husband?—A. The first I knew anything about.
- Q. What became of Lenox?—A. He died.
- Q. How long has he been dead?—A. I couldn't tell.
- Q. Did she marry after that, before she married this man she is living with now?—
- A. Not that I know of; I lost sight of her.
- Q. You know that she is the same woman you knew at Sandy Hill?—A. Yes, sir; I would swear that.
- Q. What do you know of her being of Choctaw blood?—A. Now you have got me; I know what she says.
- Q. I am asking you of your own personal knowledge.—A. I don't know of my own personal knowledge.
- Q. You do not know anything about her Choctaw blood?—A. No, sir; I don't know, but it looks to me—
- Q. Does she look to be over one-half negro?—A. She looks to be over one-half Indian.
- Q. What is her color?—A. She aint quite as fair as you are.
- Q. Is she a mulatto?—A. I guess you might call it that, between mulatto and Indian.
- Q. Then she looks to have negro blood in her?—A. She don't look like she has a drop of nigger in her.
- Q. What color is her husband?—A. He is as black a negro as you ever saw almost.
- Q. You testified in this affidavit here that you knew the ancestors of Lizzie Campbell. Do you know what the word ancestors means?—A. Ancestors means her relatives, don't it.
- Q. The persons from whom she descended.—A. Is that what it means?
- Q. Who did you say her mother was?—A. I didn't say who her mother was. You wouldn't let me tell you what she said. I was just telling you the Indians what I knew.
- Q. You really don't know anything about her parentage, then?—A. No, sir.
- Q. You do not know that her mother was a Brown, née Turnbull?—A. No, sir.
- Q. You do not know who her father was?—A. No, sir.
- Q. Who was old William Turnbull; did he have any daughters?—A. I don't know whether he had or not.
- Q. Do you know whether he had a daughter by the name of Lizzie, or Elizabeth?—
- A. I don't know; she says she was his daughter.
- Q. Do you know that he had a son named Joe?—A. Yes, sir; he had a son named Joe.
- Q. Who was the father of Joe?—A. Old man—oh, let's see—if I don't forget his name now; I know him as good as I do myself. Yes; he had a son.
- Q. Was there a Turner Turnbull?—A. I don't know whether there was or not; there might have been.
- Q. Was there a Levi Turnbull?—A. Yes, sir.
- Q. Who was he?—A. I don't know.
- Q. Was there a Dan or Daniel Turnbull?—A. Yes, sir; there was a Daniel.
- Q. Do you know who Daniel's father was?—A. No, sir; I don't know, really.
- Q. Do you know whether Daniel and Levi are related?—A. No, sir; I don't.
- Q. Do you know Simeon Turnbull?—A. Yes, sir.
- Q. Do you know whether Simeon and Daniel are related?—A. I don't know.
- Q. Who was Simeon's father?—A. I don't know.
- Q. Know who Daniel's father was?—A. No, sir; I don't really know; it has been a long time since I have been among those people.
- Q. Do you know Turner Turnbull?—A. Yes, sir.
- Q. Is he living or dead?—A. I couldn't say. I think he is dead.
- Q. How about Simeon?—A. They all of those fellows are dead.
- Q. Did you testify in this affidavit that Simeon and Turner Turnbull are living?—
- A. No, sir; I don't think I did; there is an old Simeon and a young Simeon. I testified I knew the old Simeon.
- Q. Where is Gates Creek?—A. That is the name where this family lived.
- Q. Did you know this woman when she lived on Gates Creek?—A. Yes; place known as Sand Hill Creek, long ago.
- Q. Did this woman have any children?—A. One dead.
- Q. How old?—A. I don't know how Will is.
- Q. Will is his name?—A. Yes, sir.
- Q. When did you first get acquainted with Will?—A. Over there on Gates Creek.

- Q. He was a baby then?—A. Yes, sir.
- Q. Was he the child by the last husband?—A. No, sir; the first husband.
- Q. What did you get for making this affidavit?—A. Not a nickel.
- Q. Are you acquainted with Josie L. Arnold?—A. Yes, sir.
- Q. Where does she live?—A. Out in Reeves Addition.
- Q. How old a woman is she?—A. I can't tell how old Josie is; looks like she was about 27 or 28 years old.
- Q. Rather a young woman?—A. Seems to be.
- Q. Married?—A. Yes, sir.
- Q. What is her husband's name?—A. Arnold.
- Q. What was her name before she married?—A. That is something I don't know anything about; why I just met her here.
- Q. You first got acquainted with her in Ballinger's office?—A. Out there in Reeves Addition.
- Q. How long ago?—A. Been about three months ago, I reckon.
- Q. This is the first time you met her to know her?—A. Yes, sir; first time.
- Q. She made application for enrollment in Ballinger's office downstairs?—A. Yes, sir.
- Q. Did you make an affidavit for her?—A. I guess so. She asked me to help her.
- Q. This woman asked you to make an affidavit, did she?—A. Asked me to help her.
- Q. You made an affidavit for her?—A. Yes, sir.
- Q. What did you testify to?—A. I don't know but only to what Indians she claimed through.
- Q. You so not remember who she claimed was her father and mother?—A. No, sir.
- Q. Or who she claimed raised her?—A. No, sir.
- Q. Is she of colored blood?—A. There is mighty little, if any.
- Q. Does she live with colored people?—A. With her husband.
- Q. Is he black?—A. Not quite as black as you ever saw, but black enough.
- Q. Has she any children?—A. I don't know whether she has or not.
- Q. Did you ever hear her say where she lived before she came to Muskogee?—A. No, sir; I don't think I heard her say.
- Q. How long has she lived in Muskogee?—A. No, sir; I don't know.
- Q. Do you know how long she has lived in the Choctaw Nation?—A. No, sir.
- Q. You do not know who her father was?—A. No, sir.
- Q. Do you know who her mother was?—A. No, sir; only what she said.
- Q. You do not know yourself, then?—A. No, sir; I might know if I heard their names.
- Q. You only know what she said about it; you do not know of your own personal knowledge?—A. No, sir; I don't know.
- Q. Did you testify that you first knew this woman when she lived with an old colored woman named Aunt Callie Green?—A. No, sir; I didn't do that.
- Q. Did you ever know a woman named Callie Green?—A. Yes, sir.
- Q. But you do not know that this woman lived with her?—A. No, sir, I don't; I stated in that affidavit that Callie Green has a little yellow girl, but I don't know whether this is the woman or not.
- Q. Where were you living at that time?—A. In the Chickasaw Nation.
- Q. How far from Aunt Callie Green?—A. About 2½ miles from old lady Callie Green.
- Q. How long did you live there?—A. I lived around Wiley, around about there, for 12 years.
- Q. When was this; how long ago?—A. I couldn't tell you just exactly how long ago.
- Q. Well, about how long?—A. Been about 18 or 19, maybe 20 years.
- Q. How old was this little girl that you spoke of?—A. This girl was a little small girl; I don't know whether this is the girl or not; she says she is.
- Q. You do not know whether this little yellow girl that you spoke of would be about the age of this applicant?—A. Well, not probably, the girl might of been; I don't know for truth; I don't know.
- Q. Was this little yellow girl the daughter of Aunt Callie Green?—A. No, sir.
- Q. Whose daughter was it?—A. I don't know.
- Q. How old was she when you went there?—A. I don't know; might of been 5 or 6 years old.
- Q. Do you know who her father was?—A. No, sir.
- Q. You do not know anything about her relatives?—A. No more than what she says.
- Q. Who says?—A. This applicant.
- Q. You do not know whether this girl that was living with Aunt Callie Green was the child of Sofia Kemp?—A. I don't know no Sofia Kemp; I don't know no Sofia Kemp.

Q. You do not remember a woman named Sofia Kemp, a full-blood Chickasaw woman?—A. No, sir; I don't.

Q. Do you know a Jackson Kemp?—A. Yes, sir; I know him.

Q. But you do not know whether Jackson had a daughter named Sofia Kemp?—A. He might of had, but I don't know.

Q. Who was Benjamin Kemp?—A. I know him, but I don't know what family he belonged to.

Q. What relation was Joel Kemp to Benjamin Kemp?—A. I think—I don't know it to be true, but I think they were brothers or first cousins.

Q. Some difference in that?—A. I know that.

Q. You do not know whether Benjamin or Joel Kemp had a sister named Sofia Kemp?—A. No, sir; I heard Nail say so.

Q. You heard Nail say so?—A. Yes sir.

Q. You do not know that yourself?—A. No sir; know nothing about that sister. I never gave it, for I don't know it is so; you can just scratch it out.

Q. Now you did not testify to this before Julius Golden as knowing it did you?—A. This woman you talk about being the sister of those boys, knowing that I say I didn't.

I read you an affidavit purporting to have been made by you before Julius Golden a notary public, on June 22, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Josie L. Arnold as a citizen by blood of the Choctaw Nation.

Q. How much did you receive for making this affidavit?—A. \$2.50.

Q. Who paid you the \$2.50?—A. That girl.

Q. Did you make an agreement with her before you made the affidavit that she was to pay you \$2.50 to make the affidavit?—A. No sir; I didn't make no agreement; she asked me what I charged, and I told her I would leave it to her, and she said she would pay \$5.

Q. What went with the other \$2.50?—A. She gave it to Nail. We sure needed it, and we need it until yet.

Q. What did Durant get out of this?—A. I have not seen Durant get a nickel.

Q. How much did Golden get?—A. \$2.

Q. Did you see her pay it to him?—A. I guess so; I handed it to him.

Q. She gave it to you, and you handed it to him?—A. Yes sir.

Q. She must have had more than \$5?—A. She gave me \$5 for myself and brother Nail, and I gave him half, and she gave me \$2 to give to Golden.

Q. Did you tell her what Golden charged?—A. Yes, sir.

Q. How did you know what he charged?—A. My God, I am right there all the time.

Q. Did Golden have any regular charge?—A. Regular charge was \$2.

Q. No matter what he did?—A. No matter what he did, it was \$2; that was his price, and I argued it, and he said it was low.

Q. Why did you argue it?—A. Thought it was too much.

Q. Did Golden do any work on these affidavits except his seal on them and sign them?—A. That is all.

Q. Mr. Lindly wrote them all out?—A. He did.

Q. Did Mr. Lindly get any money?—A. Not a nickel.

Q. Not so far as you know?—A. No, sir; and I have heard him tell people they couldn't pay him a nickel.

Q. Why?—A. They couldn't do it.

Q. Did he claim he was in the Government service?—A. No, sir; he said he was working for Webster Ballinger.

Q. Did he say Webster Ballinger was in the Government service?—A. No, sir.

Q. Did Durant claim to be in the Government service?—A. I never heard him say. (Witness excused.)

Lee G. Grubbs, being first duly sworn, states that, as stenographer to the national attorney for the Choctaw Nation, he reported the proceedings in the above-entitled case on the 3d and 6th days of August, 1915, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) LEE G. GRUBBS.

Subscribed and sworn to before me this 21st day of August, 1915.

R. P. HARRISON, *Clerk.*

(Signed) By A. G. McMILLAN, *Deputy.*

(Exhibit M.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES,
Muskogee, Okla., July 30, 1915.

In the matter of the enrollment of various persons as citizens of the Choctaw Nation. W. M. James, being first duly sworn by William L. Bowie, deputy clerk of the United States court for the eastern district of Oklahoma, on oath testifies as follows: Examination by William L. Bowie on behalf of the superintendent for the Five Civilized Tribes:

- Q. What is your name?—A. William James.
- Q. Have you any middle initial?—A. William M. James.
- Q. You sign your name W. M. James?—A. W. M. James.
- Q. What is your age?—A. I was born in 1846.
- Q. Are you a citizen of any of the nations?—A. No, sir; I was born and raised in Kentucky.
- Q. You are not enrolled as a freedman then?—A. No, sir.
- Q. Where did you say you were born?—A. In Kentucky.
- Q. In what county?—A. Washington County; Springfield is the county seat.
- Q. How far did you live from Springfield?—A. Three miles north.
- Q. How long did you live there?—A. Until I was 20 years old.
- Q. Then where did you go, William?—A. I went from there to Louisville and worked on a boat from Louisville to New Orleans.
- Q. How long did you run on the boat?—A. I run on the boat during 67, 68 and part of 69.
- Q. Then where did you go from there?—A. Came out here.
- Q. From there to Muskogee?—A. To Indian Territory.
- Q. Where did you live in the Indian Territory?—A. I stopped around Fort Gibson.
- Q. How long did you stay there?—A. I got work in the survey gang for the Katy in 70 and worked on the road to Denison, Tex.
- Q. How long did you work with the survey party?—A. I worked with it until they got through and then helped them to grade into Parsons.
- Q. How long were you in Parsons?—A. I didn't stay there over 3 or 4 days.
- Q. Where did you go then?—A. I worked on the railroad until it was completed. I drove a supply wagon.
- Q. From Parsons down to Denison?—A. Yes, sir.
- Q. Where did you next settle down?—A. I stopped in Denison in 1872; they completed the road in 1872, and I stopped in Denison until July, 1873.
- Q. Then where did you go next?—A. Came back to Muskogee. It had just started to build.
- Q. and have you resided here continuously ever since?—A. Ever since; I have not been out of town for years.
- Q. Have not been out of town?—A. No, sir, not 20 miles away.
- Q. You have not been 20 miles away from Muskogee?—A. No, sir; to stay any length of time, since 1873.
- Q. Are you acquainted with one Jackson Barrett?—A. No, sir; I am not acquainted with Jackson Barrett.
- Q. You say that you are not acquainted with Jackson Barrett?—A. No, sir.
- Q. Did you ever live at Boswell?—A. No, sir.
- Q. Never resided there?—A. No, sir.
- Q. Have you ever been in Boswell?—A. I have.
- Q. Ever stay there any length of time?—A. No, sir; I used to go to Boswell while running over the country in the early day buying cattle for cattlemen.
- Q. Are you acquainted with Thomas Hunter?—A. No, sir.
- Q. With Silas Hunter?—A. No, sir.
- Q. With Nelson Hunter?—A. No, sir.
- Q. Were you ever acquainted with Toliver Barrett?—A. No, sir.
- Q. With Francis Barrett?—A. No, sir.
- Q. Did you ever know Billy Hunter?—A. No, sir.
- Q. You never knew any of the Choctaws?—A. No, sir; was not very well acquainted with them.
- Q. Did you know any of the Choctaw freedmen?—A. No, sir. None of the Choctaws and Chickasaws, but I knew the Creeks and Cherokees. I drove a mail hack all through here.
- Q. I will read you an affidavit purporting to have been made by you and bearing your thumb print acknowledged to before Julius Golden, notary public of Muskogee County, Okla., under date of March 13, 1915, filed by Mr. Webster Ballinger with the

application for the enrollment of Jackson Barrett et al. as citizens by blood of the Choctaw Nation, which is as follows:

"That he is well and personally acquainted with the applicant; that he first knew him at Boswell, Okla., about 20 years ago.

"That he has always known that his mother was one of the Hunter family and that he was well and personally acquainted with her brothers, Thomas Hunter, Silas Hunter and the oldest one that died long time ago, Nelson Hunter; that were all Choctaw Indians and that the said Thomas Hunter run for governor at the last election that the Choctaws had.

"That the applicant is now living at Haskell, Okla., where he moved a short time ago; that prior to that time I knew him in the Chickasaw Nation and first and most in the Choctaw Nation.

"Affiant further stated that the applicant went to Texas and stayed for a while, but this was after 1900; that wherever I have known him he has always been recognized as a descendant of the Hunter family, his mother having been the sister of the above-named Hunters, and as a Choctaw citizen.

"(Signed, by thumb mark.) W. M. JAMES."

Q. Did you make this affidavit?—A. I don't think I did that—for a Choctaw.

Q. You deny that you ever made such an affidavit?—A. Yes, sir; for a Choctaw.

Q. You do not know the Jackson Barrett named in this application?—A. No, sir, I don't know nothing at all about that, for I was not acquainted with that Choctaw family at all.

Q. You are not acquainted with that Choctaw family at all?—A. None of the Choctaw families at all.

Q. You do not know any of the members of the Hunter family named in this petition?—A. No, sir.

Q. You do not know the applicant or any of his ancestors?—A. No, sir.

Q. His father, mother, sisters, or brothers?—A. No, sir.

Q. Are you acquainted with Julius Golden, who executed this affidavit?—A. Yes, sir.

Q. Is he a notary public?—A. Yes, sir.

Q. Will you make your thumb mark on this blank sheet of paper, so we can compare it with the thumb mark in the affidavit which I have just read to you?—A. Yes, sir.

(Thumb mark of witness attached hereto.)

Q. Did you ever appear before Julius Golden and make an affidavit in any matter at any time?—A. For the Creeks, I have.

Q. You mean that you made some affidavits as to the identity of some Creeks?—A. Yes, sir.

Q. Where did you make these affidavits?—A. Down here in Lindly's office.

Q. In Mr. Lindly's office?—A. Yes, sir.

Q. Where is that located?—A. In the Metropolitan Building, on the second floor.

Q. In the same building with the Indian Agency?—A. Yes, sir.

Q. You speak of Mr. Lindly, do you know his initials?—A. Matt, I think they call him.

Q. Matt Lindly?—A. Yes, sir.

Q. What is Mr. Lindly's business?—A. Well, I don't know; he said he was sent here by the Government to enroll the Creeks who were left off.

Q. You say that he was sent here by the Government; that is what he said?—A. Yes sir; that is what he said.

Q. Did Mr. Lindly tell you this himself?—A. No, sir; he was not talking to me direct, but I heard him talking to others.

Q. In his office?—A. Yes, sir.

Q. What did he say as to these other persons in his exact words, as you remember?—A. Well, I can't tell—I was not paying very much attention to the matter. He said that all the cases he got up that went through he got pay for, and if they didn't he got nothing.

Q. What is that, now?—A. He said all the cases he got up that went through is the way he got his pay, but if they didn't go through he didn't get nothing.

Q. In what official position was he?—A. I don't know that; I couldn't tell that. It seems that Ballinger, at Washington—he was up there and Mr. Lindly was at this end taking care of it. Mr. Ballinger paid the office rent.

Q. Mr. Lindly said that Ballinger was paying the office rent?—A. Yes, sir; I saw a check from him.

Q. Who was the check signed by?—A. Ballinger.

Q. Can you sign your name?—A. No sir.

Q. Can you read?—A. No sir.

Q. Do you remember the names of the persons for whom you made affidavit in Mr. Lindly's office?—A. I do.

Q. Name as many as you can.—A. I remember Lucy Smith, a daughter of John Jefferson.

Q. Is she a Creek?—A. Yes, sir.

Q. Freedman?—A. Yes, sir.

Q. Any others, Bill?—A. Well, yes, sir; but they don't come to my mind now. There were several.

Q. Well just name those that you remember.—A. Mrs. Anderson, who lives at Tulsa, the daughter of Joan Hodges.

Q. All right, go ahead.—A. Well, I don't think I can remember any more.

Q. Who prepared the affidavits for your signature in the cases you just mentioned?—A. Mr. Lindly; you mean who typewrote them off?

Q. I mean who prepared them?—A. Durant; he did all the writing.

Q. How did he write them—with a pencil?—A. Yes, sir.

Q. What did he then do with them?—A. He carried them to Mr. Lindly.

Q. What did Mr. Lindly do with them?—A. Mr. Lindly taken them and typewrote them.

Q. Mr. Lindly used the typewriter?—A. Yes, sir.

Q. Who wrote the affidavit you signed? Mr. Lindly?—A. Yes, sir.

Q. After Lindly wrote the affidavit what was done with it?—A. It was sworn to before Mr. Golden.

Q. Was Golden in the same office?—A. No, sir; he was across the street, but he would come up there.

Q. Were the affidavits you signed read to you?—A. Sometimes they were and sometimes not.

Q. Did you make your thumb mark on any affidavits without having them read over to you?—A. I don't know as I did; I might have, but I wouldn't be positive about it.

Q. You can not be positive about it?—A. No, sir; but I don't think they were all read to me.

Q. Who read those to you that were read over?—A. Mr. Golden and sometimes Durant.

Q. Sometimes Durant?—A. Yes, sir.

Q. Were you paid anything for making those affidavits?—A. No, sir; I was not paid anything; not until they got it through, outside of a little expense money.

Q. You were not paid anything?—A. No, sir; not until they got it through, except my little expenses.

Q. If the men got these cases through what were you to receive?—A. I was to get \$25 a head.

Q. You were to get \$25 a head?—A. Yes, sir.

Q. Who promised you that?—A. The ones that were making the applications.

Q. Did Mr. Lindly or Durant, or anyone else, sanction that?—A. No, sir; they did not sanction that at all; the applicants that were making applications if they got through were to pay the witness fee.

Q. How did the applicants come to promise you \$25?—A. For making a witness for them.

Q. Did you ask the witnesses to agree to pay you \$25 for acting as a witness for them?—A. I asked them what they would allow me for making it—for helping them through.

Q. You exacted that?—A. Yes, sir.

Q. Did you tell these persons that you would act as a witness for them if they would give you \$25?—A. No, sir; I asked them what they would give me.

Q. And they said in each case they would give you \$25?—A. Yes, sir.

Q. You said just now, James, that you were to have your expenses paid; who agreed to pay your expenses?—A. The ones who were making applications gave me 50 cents.

Q. Were you told to get all you could out of the witnesses?—A. No, sir; I was never told that.

Q. You were never told that?—A. No, sir.

Q. Do you know Perry Rodkey?—A. Yes, sir.

Q. Was he connected with this office down stairs?—A. No, sir. He was not here; he was at Okemah. I met him once or twice around town here.

Q. Have you ever seen Mr. Ballinger?—A. No, sir; I did see him once at Hickory Ground.

Q. When was that?—A. I think it was in 1909.

Q. What is Mr. Ballinger's official position?—A. I don't know.

- Q. Were you ever given to understand what his official position was?—A. No, sir.
- Q. Was it represented to you by any person that he was in the Government service?—A. No, sir; not more than that he was in this enrolling business like Lindly is now. I don't know that he was connected with it any more than that he was taking care of it in Washington; that is what they say; I don't know.
- Q. You understand, then, that these persons down stairs are working under Mr. Ballinger?—A. Yes, sir; they are in his employ.
- Q. Did you understand what these persons were receiving; whether they were getting a salary?—A. No, sir; I don't. They said if the cases were not good they didn't get anything out of it, but if the cases were good, they got their salary. I only heard Mr. Lindly say this.
- Q. What work did Nelson Durant do?—A. Well, he done like this gentleman here is doing all right [indicating stenographer].
- Q. Did he question persons as they came in?—A. He taken them off to himself and they would have a talk.
- Q. Did you ever hear him talking to any of the persons?—A. I never did hear them; he would shut himself in the other room.
- Q. What did Durant tell you about what he was doing, or the position that he held?—A. Well, he claimed to be the attorney, and they were paying him; he got money all the time.
- Q. Got money from whom?—A. From the applicants.
- Q. Did you see any of the applicants give him any money?—A. Yes, sir; yes, sir.
- Q. How much did he charge the applicants?—A. Well, all kinds of prices, \$25, \$30, \$40, and \$60.
- Q. You say he charged from \$25 to \$60?—A. Yes, sir. I didn't see this, but I heard another party say he got \$60.
- Q. You say he got all he could out of the applicants?—A. Yes, sir. I heard one person say that when he signed up he gave him \$50.
- Q. Do you know who that person was?—A. No, sir; but I think it was William Thompson that told me about it.
- Q. Do you know where he lives?—A. No, sir; I don't. William Thompson was a witness in that case but he said he did not get anything out of it.
- Q. Did Nelson Durant ever represent himself to be a Government official?—A. No, sir.
- Q. Not that you know of?—A. No, sir; not that I know of; he claimed to be working under Mr. Lindly.
- Q. Were you ever paid any money, or given anything of value, by any person connected with this office down stairs?—A. No, sir; never was.
- Q. All you received then was what you procured from the applicants?—A. Yes, sir; from the applicants.
- Q. Did you demand from the applicants any certain amount?—A. No, sir.
- Q. You did not tell each one of the applicants what to pay you?—A. No, sir; only what they agreed to give me if they got through.
- Q. Are you acquainted with Jurdean Smyers?—A. Yes, sir.
- Q. Who is this person?—A. Supposed to be a Creek Freedman.
- Q. Man or woman?—A. A man; the one I know.
- Q. Where does he live?—A. Used to live southwest of Okmulgee.
- Q. How far?—A. Used to live out between Wewoka and Springfield.
- Q. You say this person was a Creek Freedman?—A. Yes, sir.
- Q. Enrolled?—A. No; he was enrolled.
- Q. Do you know whether this person was enrolled?—A. No, sir; if he was he would not be making application.
- Q. When did you first get acquainted with this person?—A. I got acquainted with his people in 1883.
- Q. Who was his father?—A. John Smyers.
- Q. Who was his mother?—A. I don't know now; I can't remember now.
- Q. Did you ever know a woman by the name of Jurdean Smyers?—A. I can't get that name.
- Q. Well, did you know any other person?—A. I knew a woman by the name of Julius Myers.
- Q. Where does she live?—A. She used to live on Little Deep Fork.
- Q. Where is Little Deep Fork; what county?—A. In Okmulgee County.
- Q. Is she an Indian?—A. Well she is one-half blood; used to live at Coweta.
- Q. What nation now?—A. Creek.
- Q. What is the other half?—A. Colored.
- Q. Negro?—A. Yes, sir.

Q. Did you know the parents of this person?—A. Yes, sir. George Myers is her uncle.

Q. Do you know a Choctaw Indian by the name of Jurdean Smyers?—A. Yes, sir; used to be woman that lived at Wewoka.

Q. This Smyers?—A. That is the same woman.

Q. Did she have a Creek man?—A. Yes, sir.

Q. Ever live at Durant?—A. She said she did; yes, sir.

Q. Did you ever live at Durant?—A. I worked there some years ago, but she used to live at Wewoka.

Q. She lived at Wewoka?—A. Yes, sir.

Q. Where does she live now?—A. I don't know, sir.

Q. When did she live at Durant?—A. I don't know when she lived there.

Q. What direction did she live from Durant?—A. I don't know.

Q. When was the last time you saw her?—A. I haven't seen her for four or five years, until she came here.

Q. Came where?—A. Here in town.

Q. When did you see her here?—A. On the streets.

Q. Did you identify her in this office down stairs?—A. Yes, sir; I identified her. Alec Nail showed her to me.

Q. Alec Nail showed her to you?—A. Yes, sir.

Q. Is that the first time you had ever seen her?—A. For a good while.

Q. Where had you seen her before that?—A. Wewoka.

Q. You saw her in Wewoka?—A. Yes, sir.

Q. Wewoka is in the Seminole Nation?—A. Yes, sir.

Q. What were you doing in Wewoka?—A. I used to drive the mail hack.

Q. What was she doing there?—A. She used to live there, or close to Wewoka.

Q. She lived close to Wewoka?—A. Yes, sir; right on the line of the Creek Nation.

Q. How far from Wewoka?—A. Lived about 7 miles, north and west.

Q. Seven miles, north and west?—A. Yes, sir.

Q. Was she married?—A. She was living with a fellow; I don't know whether she was married or not.

Q. Who was the fellow?—A. Caesar Bowlegs.

Q. Was she white, Indian, or colored?—A. I don't know; I suppose part Indian.

Q. What part?—A. One-half.

Q. And of what Indian blood?—A. Choctaw.

Q. How do you know that she is one-half blood Choctaw Indian?—A. She said she was.

Q. She told you?—A. Yes, sir.

Q. That is all you know about it?—A. Yes, sir.

Q. You don't know her father or mother?—A. No, sir.

Q. You never knew her brothers or sisters?—A. No, sir.

Q. The first time you ever saw her was at Wewoka?—A. Yes, sir; that was the first time.

Q. Never saw her anywhere else outside of Wewoka?—A. No, sir.

Q. Not until she came here?—A. No, sir; I never knew what became of her until she came here.

Q. Do you know where Blue River is?—A. Yes, sir.

Q. Where is it?—A. In the Choctaw Nation.

Q. Where?—A. About 7 or 8 miles below Caddo—no, sir; Blue River is between Caddo and Atoka.

Q. Did that woman ever live on Blue River?—A. Not that I know of.

Q. Have you ever been on Blue River?—A. Yes, sir.

Q. For some time?—A. Yes, sir; several times.

Q. Did that woman have a husband that you know of on Blue River?—A. No, sir.

Q. Do you know anything about her children?—A. No, sir.

Q. Did you ever know a man by the name of Aaron Smyers?—A. No, sir.

Q. You do not know whether Aaron Smyers is her husband?—A. No, sir.

Q. Do you know whether this woman's mother's name was Pusley?—A. I don't know that.

Q. Do you know whether her father's name was Ed Givens?—A. No, sir.

Q. Did you ever know an Ed Givens, a Choctaw?—A. No, sir.

Q. Where is Gatesville?—A. I don't know exactly.

Q. You do not know where this place is?—A. I don't know.

Q. You don't know whether this woman is living there now or not?—A. No, sir.

Q. Where is Beeland?—A. Eleven and one-half miles southwest of Muskogee.

Q. Did you ever live there?—A. Yes, sir.

Q. When did you live there?—A. I have lived there ever since 1899.

Q. Where is your home now?—A. That is my home.

Q. You are an inmate of the county jail now, are you?—A. Yes, sir.

Q. What crime are you charged with?—A. Check.

Q. What is the charge against you?—A. Identifying a check; identification.

Q. Is the charge for false pretense?—A. Yes, sir.

I read you an affidavit purporting to have been made by you on April 15, 1915, before Julius Golden, notary public, filed by Mr. Webster Ballinger with the petition of Jurdean Smyers for the enrollment of herself and family as Choctaw Indians:

“W. M. James, being first duly sworn, on oath states that he is 70 years of age and that he lives at Beeland, Okla.

“That he first became acquainted with the applicant about 15 years ago; at this time she was living with her husband on Blue River about 8 miles from Durant; that they only had two children when he first knew her; her husband was named Aaron Smyers.

“That he was not personally acquainted with the mother of the applicant, but that he knew about her; her name was Pusley and she was said to be a full-blood Choctaw.

“That he did know her father; his name was Ed Givens; I don't know how much Choctaw blood he was; he was just considered a Choctaw Indian the same as the other Choctaw Indians that lived there in that part of the country.

“That he knows that she now lives at Gatesville and that she has lived there for several years; that he has seen her children but does not know them personally.

“(Signed, by thumb mark) W. M. JAMES.”

Q. What do you know about this affidavit?—A. I don't remember making that; I don't know about it.

Q. Does this affidavit refresh your memory any?—A. No, sir; not a bit, it is a fraud.

Q. As a matter of fact, James, did you ever see this woman before Alec Nail introduced her to you?—A. I took her to be the same woman.

Q. You took her to be the same woman?—A. Yes, sir.

Q. Did you know that she was the same woman?—A. She told me she was the same woman.

Q. What did you say her name was?—A. Bowlegs, at that time.

Q. You knew her by the name of Bowlegs?—A. Yes, sir.

Q. You didn't know her by the name of Smyers?—A. No, sir.

Q. Did you know her by the name of Smyers until Alec Nail introduced you?—A. No, sir.

Q. What was her maiden name?—A. No, sir; I don't know.

Q. You say you are charged with identifying a man on a check?—A. Yes, sir.

Q. What check was this?—A. Mike McIntosh's boy's check.

Q. I have talked with you about this check transaction before and it appears that you entered into a conspiracy to falsely identify a certain person, that you brought such person to this office and identified him as being the owner of a check which had been issued in payment of Creek equalization money due him, when you knew that this party was not the owner of the check; is not that the case?—A. Yes, sir.

Q. You took this man down to the bank and identified him there as being the owner of the check when you knew such was not the case?—A. No, sir; I didn't know that; I knew Mike McIntosh had a son.

Q. Well, you told me the other day that he was not the owner of the check?—A. Yes, sir.

Q. Are you acquainted with Malissa Marcy?—A. No, sir.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on March 16, 1915, filed by Mr. Webster Ballinger with the petition for the enrollment of Malissa Marcy and her family as citizens by blood of the Choctaw Nation:

“W. M. James, being first duly sworn, on oath states that he is 70 years of age, and that he lives at Beeland, Okla.

“That he first knew the applicant near Bowell in the Choctaw Nation; that she is the daughter of Malissa Birdsong, who was Malissa Sanders before she married Birdsong.

“That the said Malissa Sanders was a Choctaw Indian by blood and was always considered three-quarters; that I also know her brother, William Sanders, and the whole Sanders family, and they were all Choctaw Indian. When I first knew them they were living on Sans Bois River, but when I last knew them they were living down on Blue River.

“The mother died down there on Blue River; I knew the father, Willie Birdsong, but don't know where he died; he was a half-breed Choctaw who was placed on the Freedman roll over his protest.

"That he was well acquainted with the first husband of the applicant, his name was Tony Carroll, and they separated; I knew about the family, but not well enough to identify them; I know the man she lives with now at Boley, Okla., his name William Marcy. They have a boy that lives with them now, about 14 years old

"(Signed, by thumb mark) W. M. JAMES."

Q. Did you make this affidavit?—A. I may have made this affidavit, but I didn't see those people at all. Nail came to me and told me there was a woman who had been here and said I knew her. She had been here and gone. Nail told me who she was and I remembered seeing her at Porum once.

Q. You took his word for it?—A. Yes, sir; I remember making the affidavit.

Q. You did not know anything about it yourself?—A. No, sir.

Q. You took his word that she was a Choctaw by blood?—A. Yes, sir.

Q. Are you acquainted with Mary Ross?—A. Yes, sir; she lived at Haskell.

Q. Do you know who her father was?—A. No, sir; this another one's of Nails, I don't know anything about her.

Q. Did you see her down here?—A. Yes, sir; seen her after she had made affidavit.

I read you an affidavit purporting to have been made by you before Julius Golden, a notary public, on March 9, 1915, filed by Mr. Webster Ballinger with the petition of Mary Ross for enrollment of herself and child as Indians by blood of the Choctaw Nation:

"W. M. James, being first duly sworn, on oath states that he is 70 years of age and that he lives at Beeland, Okla.

"That he knows the applicant and knows where she was born, and that he has been to the house and eat there with them; this was near where Atoka is now; affiant further states that he knew her until her mother took her away to Oklahoma City; that was after her father died and when she was a girl;

"I also knew her father, William Fulsom, and was well acquainted also with his brother, Dr. Fulsom. I knew of other brothers that he had and know that all of them were Choctaw Indians and were so considered, and considered as full bloods by most of the people.

"Her mother, Fannie Fulsom, lived with her said father, William Fulsom, until he died.

"I bought cattle from both William Fulsom and Dr. Fulsom.

"Affiant further states that he also knew the applicant when she lived in Oklahoma City with her said mother; that her mother run a boarding house there.

"I have not known her since until she moved to Haskell, Okla.

"(Signed by thumb mark) W. M. JAMES."

Q. What do you know about this affidavit?—A. I bought cattle from those people.

Q. Did you make this affidavit?—A. I made this affidavit just like Nail—I know the people who are called there.

Q. Did Golden read the affidavit to you?—A. Yes, sir.

Q. You took Alec Nail's statement for all of this?—A. Yes, sir.

Q. You do not know her father or mother?—A. No, sir; only these men for whom I bought cattle for in the Choctaw Nation.

Q. Do you know whether she is a Choctaw or not?—A. No, sir.

Q. Alec Nail got you to do this?—A. Yes, sir.

Q. Were you paid anything?—A. No, sir.

Q. What did Alec promise you?—A. He said they would pay. She said if they got through, each would get \$25. Nail said this; I never spoke to her about it at all.

Q. Do you know what the notary, Julius Golden, was paid?—A. Everyone I seen gave pay for it—75 cents for the one who made the application and 50 cents for each witness.

I read you an affidavit purporting to have been made by you before Julian Golden, a notary public, on March 25, 1915, filed by Mr. Webster Ballinger with petition for enrollment of Henry Logan King for the enrollment of himself and family as citizens of the Choctaw Nation.

"M. W. James, being first duly sworn, states that I am 70 years of age and live at Beeland, Okla.

"That he is personally acquainted with the applicant and that he has known him since 1886; he has been living at McDermot, Indian Territory, at that time and was a barber; I have met him off and on ever since that time; I got acquainted with him when I was carrying the mail from Okmulgee to Wewoka and we changed horses at McDermot and I got well acquainted with him.

"He has been in Okmulgee for the last past 4 years that I know of, and when he move there he told me at the time that he came from Ardmore.

"I know from him that he lived in the Choctaw Nation where his people all lived, near Heavener.

"Affiant further stated that he was well and personally acquainted with his father, who is the son of Old Man King, but whose Indian name was Li-sha-tubbe. I knew the boys and they took the name of King; the two youngest ones, Will and John, went to the war and joined a Kansas regiment. I have seen both of them since the war. Will came back to the Choctaw and stayed and John stays in Kansas part of the time and in the Choctaw Nation part of the time.

"All the Kings were full blood Choctaw Indians and lived near the Arkansas line in what was then Scullyville County.

"(Signed by thumb mark) M. W. JAMES."

Q. Did you make that affidavit?—A. I made that affidavit.

Q. What do you know about the parents of Henry Logan King?—A. I knew him well and he said he was the son—

Q. You did not know anything about his parents?—A. No, sir.

Q. Is he a negro?—A. No, sir, white and Indian, you can't hardly tell him from a white man.

Q. You don't know whether he has Choctaw blood or not?—A. No, sir; he is nearly white, he has black hair and eyes.

Q. Who is Webster Burton?—A. He is a colored fellow staying around here. He is a Choctaw.

Q. Is he on the rolls?—A. Yes, sir; he a Choctaw freedman.

Witness excused.

Lee G. Grubbs, being first duly sworn, states that as stenographer to the national attorney for the Choctaw Nation; he reported the proceedings in the above entitled case on the 30th day of July, 1915, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[SEAL.]

(Signed) LEE G. GRUBBS.

Subscribed and sworn to before me this the 3d day of August, 1915.

R. P. HARRISON, *Clerk.*

(Signed)

By A. G. McMILLAN, *Deputy.*

(Exhibit N.)

POWER OF ATTORNEY.

STATE OF OKLAHOMA,

County of Okmulgee, ss:

No. 398; number of claimants, 7.

I, Ellen Thomas, née Walker, one-eighth Creek by blood, hereby constitute and appoint Webster Ballinger, attorney at law, of Washington, D. C., my true and lawful attorney for me and in my name, place, and stead, to take all lawful steps by him deemed necessary to secure for me and my minor child, Charley Thomas, born October 15, 1893, Essie Thomas, born June 19, 1895, Inez Thomas, born December 8, 1896, Millie Thomas, born March 30, 1900, Verra Thomas, born April 20, 1902, Louisa Thomas, born April 16, 1904, all living. I am a daughter of Amy Walker, who is a granddaughter of Holata and Mary Fixico, full-blood Creek Indians, and both died before enrollment. Their son, Watley Dowling, deceased, was enrolled as a full-blood, Creek roll No. 2272, * * * our separate individual property rights as Creek Indians in the common property of the Creek Nation, situated in the State of Oklahoma, and to secure our separate enrollment on the final citizenship rolls of said nation; hereby conferring upon my (our) said attorney full power and authority to verify and petition in my (our) names * * *, to receive and receipt for in my (our) name * * *, or in the name * * *, of my (our) child * * *, any drafts, warrants, or other papers issued in payment of said claims, and to do and perform all and every act and thing whatsoever requisite and necessary to be done in the premises as fully and to all intents and purposes as I, or we, might or could do if personally present at the doing thereof, with full power of substitution and revocation. I (we) hereby confirm all that my (our) said attorney, or his substitute, may or shall lawfully do or cause to be done by virtue hereof, hereby annulling and revoking all former powers of attorney or authorizations.

(Signed.)

ELLEN THOMAS, née WALKER,
Okmulgee, Okla. (post-office address).

STATE OF OKLAHOMA,
County of Okmulgee, ss:

Before me, a notary public in and for said county and State, on the 9th day of May, 1914, personally appeared Ellen Thomas, née Walker, to me known to be the identical person who executed the within and foregoing instrument by * * * mark, in my presence and in the presence of C. House and Chester Harris, as witnesses, and acknowledged to me that * * * executed the same as * * * free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and date above written.

ARTHUR G. WALLACE, *Notary Public.*

(Exhibit "O.")

LAREDO, TEX., *September 3, 1915.*

HONORABLE DEPARTMENT OF THE INTERIOR:

Here is a letter of a friend of mine stating something about my father, Will Grayson, a soldier of the United States Army, but has deceased this life and has a bounty due him; and if this is true please let me hear from you, and here is the letter. I have a sister at Beggs, Okla. I remain,

W. W. GRAYSON.

MUSKOGEE, OKLA., *August 31, 1915.*

MR. W. W. GRAYSON.

DEAR FRIEND AND BROTHER IN CHRIST: This leaves me and my family well; hope when these few lines reaches you it may find you well—you and the rest of your dear family. I am in the city of Muskogee writing this morning at W. A. Rentie's house. They are all well and send their best regards to your family. Say, W. W., I was called into the Government office yesterday in question of your whereabouts. I told the department man I did not know right then, but would try to find you. Then he showed me the papers which made him inquire about you to me. It is this: Your father's pension is here for you, and his bounty money amounts to several thousand dollars, and he asked me to have you come to Muskogee, where you can be identified, and then they would pay you over the money at once, but they will not pay it to anyone else. Now, that is the whole truth about this matter. I am working with the United States department in the enrolling of those citizens' children that did not get any lands; so you see I am next to all kind of business. Now, if you don't want this money you must say so in your letter to me; then I will report the facts to the department; then they can do the next thing. Now, Brother Grayson, there isn't any trouble at all for you in the least way, so write me when you can come and I will go and help you out in getting your money. I will meet you at your sister's or your mother-in-law's on Salt Creek. I am living in Sapulpa for a while with my wife. I will also put Charlie on the roll and he will draw \$2,000.80 in money, as he did not get any land. Write me to 507 East Hobson, Sapulpa, Okla.

Yours,

W. M. VANN.

(Exhibit "P.")

WEBSTER BALLINGER, ATTORNEY AT LAW,
Muskogee, Okla., November 14, 1914.

DEAR SIR: Agreeable to the promise I made your committee, I wrote Mr. Ballinger a long letter, setting out what you had said, and asked him for instructions, and the following is a copy of his letter in reply thereto:

"I suggest that you have the representatives of the Cherokee freedmen prepare a list of the claims they represent, showing upon what roll and roll number the names of the claimants appear, and furnish this list to you with an affidavit of the party that he or she is the identical person whose name appears on the Dunn or Kern-Clifton roll or whatever roll or rolls the names appear upon. If the name appears on more than one roll, have each roll set out. Let them get every case in this shape and then turn them over to you to be rechecked.

"Upon that showing I will try and secure legislation authorizing an investigation of these claims."

If your committee concludes to accept this proposition, I would suggest that you get together and prepare a blank that will cover the different rolls, with the neces-

sary affidavit included and have same printed, as there should be at least three copies of each one.

Will be glad to give you any assistance along this line that I can if you will call at the office.

Yours, very truly,

(Exhibit Q.)

(Exhibit R.^a)

Mr. FERRIS. Oklahoma has no corner on crooks and thugs that are trying to tear open those rolls.

Mr. NORTON. What is the Indian Bureau doing about it? Why don't they investigate?

Mr. FERRIS. They have some men there on the job, and some of their men took these negroes photographs. I wish you would take time to read what these negroes say when they were asked why they signed these affidavits. Some deny it, some got \$7.50, some got \$2.50, and some got \$1.50. Some replied, "No, sir; we don't swear for the Choctaws; we swears for the Cherokees."

Now, let me go into the McLaughlin report, which deals with—I merely mention that because it happened this summer, to show it is not ancient history.

Mr. NORTON. Was this gotten up by the Indian Bureau?

Mr. FERRIS. It was, and sent to me this morning.

Mr. NORTON. Those witnesses claim they don't know anything about what they swore to?

Mr. FERRIS. Their answers are that some of them got \$7.50, and some of them \$2.50, and some of them got \$1.50, and when questioned about it, they replied, "We never know nothing about those people. We just signed because Alec Nail told us to." Alec Nail is 72 years old, a negro as black as your hat, a professional witness. Some of them have gone to the penitentiary. The others all have numbers and have been to the penitentiary.

Now I hold in my hand the McLoughlin report, three years old. Every Congress was harassed with this thing under one guise this year and under another guise next year, but all the time there was a subterranean influence underneath it all, somebody trying to enrich their pockets, some shyster and unprofessional attorneys trying to get something out of the Indians. It ought to be stopped.

Let me show you what Ballinger and Lee claim they will get if this enrollment legislation goes through. They claim they have contracts covering unconscionable attorney fees. They are so large as to astound anyone's sense of justice. These are the figures of Attorney Lee himself over his own signature.

^a Omitted in printing.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

| | | |
|------|-------------|--|
| | 2,051 | persons. |
| | \$3,000 | Value of individual share. |
| | <hr/> | |
| | \$6,153,000 | Total value of shares of 2,051 persons. |
| | 40 | per cent basis of fee. |
| | <hr/> | |
| | \$2,461,200 | Estimated fee. |
| | 487 | persons. |
| | \$3,000 | Value of share. |
| | <hr/> | |
| | \$1,461,000 | Total value of shares of 487 persons. |
| | 12½ | per cent basis of fee of Ballinger & Lee. |
| | <hr/> | |
| | \$183,023 | Total estimated fee of Ballinger & Lee for 487 persons. |
| | 1,200 | persons. |
| | \$500 | Ballinger & Lee's fee per person. |
| | <hr/> | |
| | \$600,000 | Total estimated fee for 1,200 persons. |
| | \$2,461,200 | |
| | 183,023 | |
| | 600,000 | |
| | <hr/> | |
| | \$3,244,223 | Total of Ballinger & Lee's fee. |
| Less | 150,000 | Estimated expense of collection. |
| | <hr/> | |
| | \$3,094,223 | |
| | 45 | per cent with which assistance was contracted. |
| | <hr/> | |
| | \$1,392,400 | Estimated cost of assistance. |
| | \$3,094,223 | Net fee. |
| Less | 1,392,400 | Cost of assistance. |
| | <hr/> | |
| 2) | \$1,701,823 | Net fee to Ballinger & Lee. |
| | <hr/> | |
| | 850,911 | Net fee to Lee. |
| | 40 | per cent proposed assignment. |
| | <hr/> | |
| | \$340,364 | Fee which will go to owners of the 40 per cent to be sold. |

This is over his signature. He is trying to sell these contracts all over the country down there. He is trying to sell them in the chairman's district; he is trying to sell them in Mr. Hayden's district; he is trying to sell them in your district, so he can get somebody to back-fire you and get your support in this thing because some constituents of yours have some stock in this Oklahoma Development Co.

I will also insert the McLaughlin report, showing the various activities in Mississippi on this enrollment matter. Maj. McLaughlin is one of the oldest and most trusted inspectors in the service. The committee and the Congress are entitled to know the facts. They are entitled to know why this persistent and never-ending noise and agitation about the opening of the Indian rolls. There is always a reason for everything, but we are not always as fortunate to get the cause as in this case.

(The full report follows:)

REPORT OF INSPECTOR JAMES M'LAUGHLIN.

WASHINGTON, D. C., *June 29, 1914.*

The SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claims to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the names of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating very extensively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of Negro blood, is large of stature, prepossessing in appearance, shrewd and plausible, which, with his posing in the communities he visits in soliciting contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thus procured contracts with little or no difficulty from all persons who believed they possessed, or were led by Powell to believe they possessed, any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families the ancestry of

whom as supplied by Powell was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830 and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and Negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them, and since Powell thus recognized those people, the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the cognomen fixes their status as of Indian blood, and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Ella Taylor, of Leesville, La., to enter into contract for Mississippi-Choctaw rights, said Mrs. Taylor representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants, for the prosecution of their right to participate in the funds and property of the Choctaw Nation of Oklahoma; said Mrs. Taylor stating to him that each beneficiary would be entitled to receive 320 acres of land or double the value of it in money, also anywhere from \$5,000 to \$10,000 in cash from the Choctaw funds, but that in order to participate in this distribution, claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the flattering presentation of the matter by Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor \$7.50 for executing each of said contracts.

Mr. Boyd stated that Mrs. Taylor procured a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of \$3,000 from her charge of \$7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of \$15, through the enthusiasm aroused by a plausible

talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his assistants were fully empowered to procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakirs, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of those solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed blank forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907 (act of Apr. 26, 1906; 34 Stat. L., 137, sec. 2).

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the law as to time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been recognized induced a firm of attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the re-opening of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to procure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment, and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker residing at El Campo, Tex., who financed the project in the beginning by paying Powell \$150 per month salary and his expenses.

6. Powell, while employed by Crews & Cantwell, procured the names of about 4,200 persons who claimed, or were led to believe by Powell, that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reason of the right claimed. Powell did not make any charge to the claimants while operating under the above stated salary, until a short time previous to severing his connections with Crews & Cantwell, when he commenced charging the claimants \$1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received \$2,971.02 from them, \$900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith, Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, an attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either, the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews [copy herewith], and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adapted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from any and all persons whom he met, who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected \$2.50 for his services in executing the papers.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William E. Matthews and charging applicants \$2.50 for each set of papers executed, it is al-

leged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that he had traced those people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Conerly, of Gulfport, Miss., who was for some months associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, "American State Papers," which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1860.

10. Crews & Cantwell, as attorneys for a number of these claimants, with evidence as to some of the unenrolled Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursements of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of \$100,000, or 1,000 shares of the par value of \$100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. B. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Sweeney, and W. H. Gill, of Houston, Tex.; and J. H. Kempner, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of \$100 per share, thus realizing \$25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold, reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. B. Moling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

HOUSTON, TEX., June 12, 1911.

HON. W. L. DECHANT,
 Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for \$8,000,000. In this treaty *it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.*

The Government still holds approximately 3,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth \$8,000. The attorneys' contract calls for 30 per cent of this, or \$2,400, of which we are to get one-half, or \$1,200.

We are organizing a syndicate to take over 1,000 of these contracts at \$25 per contract. We will not accept subscription for less than 20 contracts, or \$500. The estimated value of 20 contracts, if we win, will be approximately \$24,000, or a profit of \$23,500 upon each \$500 investment.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

Senator Owen has but 1,500 of these contracts with another batch of Choctaw Indians, yet he secured a fee of \$6,000,000; he had a contract for one-half of what he secured, while ours is but 30 per cent. Other similar contracts have been made, and all of them have been passed by Congress; and as the Government is holding the lands and money belonging to this tribe and have no interest in it either way, we see no just reason why they should not act upon these claims favorably at the next session.

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and disburse the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charge will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for \$500 or \$1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLINO.

To the foregoing communication of Mr. Moling, Mr. Dechant replied as follows:

MIDDLETOWN, OHIO, *July 24, 1911.*

C. B. MOLINO,

432 Mason Building, Houston, Tex.

MY DEAR MR. MOLING: Your letter of June 12 was received in my absence, hence delay in answering.

I have gone over same carefully and note what you say, and it would seem to me if Congress has taken the steps enumerated by you the proposition is a good one, and on further investigation I might be induced to come in, everything appearing in good shape.

Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firm looking specially after the matter?

Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to the congressional reports, where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

What Congress passed this resolution, legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to, were presented and reported favorably?

What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress, and secured the passage of the favorable resolution?

On receipt of a letter from you in reply to the above I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention,

I am, as ever, yours,

W. L. DECHANT.

To the inquiries contained in the foregoing letter of Judge Dechant Mr. Moling replied as follows:

HOUSTON, TEX., *July 28, 1911.*

HON. W. L. DECHANT,

Middletown, Ohio.

MY DEAR JUDGE: I have your letter of the 24th, in regard to further information regarding the Choctaw Indian contracts, etc.

I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired, and I herewith hand you his dictated letter, as also the brief he refers to with the clippings attached.

In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first-handed.

I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress, but I know Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable; my dealings with him has all been in the real estate line and all very satisfactory; he stands well in this community.

It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

Awaiting your further advices, I am,

Very truly, yours,

C. B. MOLING.

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would

appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of \$16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and promoter of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson reads as follows:

OCTOBER 17, 1912.

MR. HARRIS MASTERSON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at \$3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to \$850,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be \$2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise \$16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about \$22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about \$120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: 900,000 acres agricultural, 445,000 acres

agricultural surface, with deposits of coal and asphalt, 1,500,000 acres pine and hardwood timber.

In addition to the above lands the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal is worth in royalties to the Choctaw and Chickasaw people at least \$70,000,000. There is now on deposit to the credit of these two tribes something like \$1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, \$35,000,000.

Should the 3,000,000 acres of land bring an average price of \$10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, \$30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

| | |
|--------------------------------------|----------------|
| On deposit----- | \$10, 000, 000 |
| Value of the coal----- | 35, 000, 000 |
| Value of the surface and timber----- | 30, 000, 000 |
| Total value of the property----- | 75, 000, 000 |

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of the treaty of September 27, 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average value land.

As the property belonged to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Federal Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was also agreed that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts under which the citizenship of the two tribes should be determined and the distribution made. The acts were: Act of June 10, 1896; act of June 7, 1897; act of June 28, 1898; act of May 31, 1900; act of July 1, 1902; act of March 3, 1905; and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed upon March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the above-mentioned acts were "inherently defective," and "administered so as to prevent a full realization of their purpose." (Hearing on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of

applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission, two of them were forced to resign. (S. Doc. No. 357, 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of \$750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts, rendered in cases appealed from the action of the Commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship rolls the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

"After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment by the United States courts, with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit, and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered, and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902, the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams, on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. They then claimed a fee of 9 per cent on a basis of \$4,800 per person, as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2273, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex-United States Senator Butler, of North Carolina, for libel, it was shown that Adams received \$50,000 of the fee. While the committee was considering the evidence upon which the above report was made, Judge Adams cut his throat with a razor. Judge Foote died shortly after the fee was paid. Foote was a confirmed drunkard.

5. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do, and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior, on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. Hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that, in order to get their own shares of the property, they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive \$3,000 in cash.

Yours, very truly,

ALBERT J. LEE.

CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at \$3,000 in cash. Number of individual claimants: 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 25 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate \$500 per person.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

| | | |
|------|-------------|--|
| | 2,051 | persons. |
| | \$3,000 | Value of individual share. |
| | <hr/> | |
| | \$6,153,000 | Total value of shares of 2,051 persons. |
| | 40 | per cent basis of fee. |
| | <hr/> | |
| | \$2,461,200 | Estimated fee. |
| | 487 | persons. |
| | \$3,000 | Value of share. |
| | <hr/> | |
| | \$1,461,000 | Total value of shares of 487 persons. |
| | 12½ | per cent basis of fee of Ballinger & Lee. |
| | <hr/> | |
| | \$183,023 | Total estimated fee of Ballinger & Lee for 487 persons. |
| | 1,200 | persons. |
| | \$500 | Ballinger & Lee's fee per person. |
| | <hr/> | |
| | \$600,000 | Total estimated fee for 1,200 persons. |
| | \$2,461,200 | |
| | 183,023 | |
| | 600,000 | |
| | <hr/> | |
| | \$3,244,223 | Total of Ballinger & Lee's fee. |
| Less | 150,000 | Estimated expense of collection. |
| | <hr/> | |
| | \$3,094,223 | |
| | 45 | per cent with which assistance was contracted. |
| | <hr/> | |
| | \$1,392,400 | Estimated cost of assistance. |
| | \$3,094,223 | Net fee. |
| Less | 1,392,400 | Cost of assistance. |
| | <hr/> | |
| 2) | \$1,701,823 | Net fee to Ballinger & Lee. |
| | <hr/> | |
| | 850,911 | Net fee to Lee. |
| | 40 | per cent proposed assignment. |
| | <hr/> | |
| | \$340,364 | Fee which will go to owners of the 40 per cent to be sold. |

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated, my individual fee would approximate \$2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

MASTERTON & MASTERTON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 20, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians, represented by his firm, and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants, I know that Mr. Lee's statement is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are so plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cases will return a big profit within the next two years, and that such profits will not be less than a return of \$20 for every dollar advanced him.

On the 7th day of this month I furnished \$2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereto I am subscribing \$2,000 to the fund of \$16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge—for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest \$4,000 in the enterprise, I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent, are full of merit. I therefore consider the \$2,000 already invested and subscription of \$2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Superintendent Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sprinkel, an attorney of that town, whom I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto, he stated with apparent frankness that he has been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Glenn-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; and that he has procured contracts from 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family \$10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only \$129.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgment when the freedman represented therein appeared to execute it, and after concluding my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him \$1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J. Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi-Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Hurlbut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian

claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over 3 hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi-Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman Harrison, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators Williams and Vardaman, of Mississippi, in the Choctaw claim; also Congressman Morgan, of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants \$2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of \$1,300, together with Mr. Matthews retaining a certain per cent interest in the contingent fee

provided in the contracts, and that he (Conerly) supervised the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell \$300 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contracts for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews & Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties whom he (Conerly) has no knowledge. To the above-stated total may be added the 2,300 freedmen contracts as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from Freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States, and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants Mr. Conerly stated that he had been associated with Powell at intervals, from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant \$2.50 for executing their papers, and he (Conerly) expressed the belief that Powell has

realized several thousand dollars through the \$2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked with reference to A. P. Powell that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics, he (Conerly) would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911; the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo and which he verified as true and a correct statement of matters herein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, dated February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit, as "Exhibit D," copy of affidavit of said A. P. Powell, acknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants \$1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged \$2.50 each there; that he took a few names at Biloxi, Miss., and charged \$1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell in his said affidavit he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and as stated by Luke W. Conerly (assisted by Powell), 1,300 turned into Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their

associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30-32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts, "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B. Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

In conclusion, I desire to state that from a careful perusal of the numerous letters of claimants, from whom A. P. Powell had obtained contracts, seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government, and was only endeavoring to get the rolls reopened that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about \$2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant,

JAMES McLAUGHLIN,
Inspector.

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures, as shown on our books, for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

| | |
|---|------------|
| Powell has received, to cover expenses, to date..... | \$2,006.02 |
| Powell has received salary for taking contracts..... | 900.00 |
| Nickols has received for helping in taking Oklahoma contracts..... | 125.00 |
| Turner has received for helping in taking Oklahoma contracts..... | 165.00 |
| Hurlbut has been to an expense in going to Oklahoma and taking contracts there..... | 327.00 |

Or there has been a total spent on taking contracts of..... 3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only \$1,800 yourself you have really used \$2,906.02, and this does not include the \$65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about \$7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you \$122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., Station A, made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

"I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them \$1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge of \$2.50 for each appli-

cation written up and paid him \$1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of \$2.50 for each application. I pay Powell \$1 for a set of blanks of two, and keep \$1.25 and pay the notary 25 cents. I am taking all these applications in the name of William B. Mathews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Mathews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the \$25. I have sent him 50 contracts and \$50. I was not at Jackson with Mr. Powell. I made \$1.25 on each application at McComb. I tell the people this is for my expenses."

I certify that the above statement was made to me under oath.

W. W. MCCONIHIE,
Special Indian Agent.

EXHIBIT C.

GULFPORT, MISS., June 17, 1914.

Maj. JAMES McLAUGHLIN,

Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell in which Mr. Masterson was concerned I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing, after the 1st of February, 1913, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1913, say 1st of March, 1913, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor any one else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr. Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my

associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews, I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly,

LUKE W. CONERLY.

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 16, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken, the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi, and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that time suggested to Mr. Cantwell that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them. Mr. Matthews consented to represent them in the event that Powell could secure the contracts, and quite a number of contracts were taken by Powell in the name of W. B. Matthews under this arrangement, the claimants paying a fee for writing the contracts. The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in anywise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws. Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts, he was paid

the sum of \$2,400 in cash, and he then relinquished all interest, contingent or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of \$150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later, that is, within the last two months, Mr. Matthews, having then investigated the matter, because convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our names as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled by reason of the fact that, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington, almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy after his return to Mississippi in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to concede him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no charge should be made the claimants. While we do not regard it as anything improper for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for those rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar impulsive disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. Harrison, of Mississippi; that all the members of the Mississippi delegation and Mr. Wickliffe, of Louisiana, are enthusiastically supporting the bill; and that Congressman Harrison and Mr. Cantwell are now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done that can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filed and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your own home, however, the claimant would be expected to pay the notary fee, which in any event would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably in-

formed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement and the only statement which Powell has ever made before any committee of Congress, is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone, they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim, and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent to you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

STATE OF MISSOURI, *City of St. Louis, ss.*

A. P. POWELL, upon his oath, deposes and says:

That in the month of May, 1910, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of \$150 per month, and all of his expenses, and had a contract for a contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 3,800 contracts, including the acknowledgments, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts, the affiant was besieged by other persons who had had no opportunity, up to that time, to have their contracts written, and that affiant, upon his own responsibility, took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of \$1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these last 300 had been taken for which this charge had been made, Mr. Cantwell first declared that as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the \$1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses, while taking these last-mentioned contracts.

That over 3,800 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made, were as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time and under no circumstances did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the heirship. This

affiant states that out of over 4,000 contracts taken, there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of \$2,400 paid him in cash, he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911.

(My term expires June 3, 1913.)

[SEAL.]

SARAH M. HAWLEY, *Notary Public*.

EXHIBIT D.

JACKSON, Miss., April 27, 1911.

ALEX. P. POWELL, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbitt Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington, April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Henry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least \$5,000. Cantwell wired S. L. Hulbert, of El Campo, Tex. to come to Washington at once. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up \$5,000 for getting the work of the applications.

I first opened an office at 315 Farish Street, Jackson, Miss., and began to take applications. I put an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw-Chickasaws under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and put an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them \$1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell and tried to get Hulbert to put up more money and Hulbert notified me at Jackson, Miss., that he had put up \$7,000, and that we had to take proof of the same, and he was willing to put up the \$7,000, for that purpose. He has not put it up yet.

We went to Columbia, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims, and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me, and our contract with the applicants was for 20 per cent of all amounts recovered and not for 30 per cent as was printed in the contract, which is an error and which has been corrected in the written applications. I went to Monticello and took applications for Crews & Cantwell and charged \$2.50 each there. I took about 100 names there. I took a few names at Biloxi and charged \$1.25 for each applicant there. These claims were for Crews & Cantwell. I also visited Meridian and took about 88 applications there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews and am charging \$2.50, and the applicants are very willing to pay the amount. I am making this charge because Matthews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant \$2.50. I get a dollar out of this \$2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling, board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing.

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews and Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me this 27th day of April, 1911, at Jackson, Miss.

W. W. McCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal service in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel:

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the

United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

_____.

STATE OF _____, COUNTY OF _____, ss :

Before me, _____, a _____, in and for said county and State, on this _____ day of _____, 191—, personally appeared _____ and _____, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in prosecuting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

NOTICE TO INDIANS.

This is your last chance in connection with William B. Mathews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remained in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 420 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. Pat Harrison, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at _____ Miss., on the _____ day of _____, 1912.

ALEXANDER P. POWELL,

No. 106 Fourth Avenue, Laurel, Miss.

Office: Room 420, Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of Sept. 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 408, and Hon. Oliver A. Phelps, room 619, Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in

Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows." The treaty, furthermore, provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me. It is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thomas L. Crews, and William B. Matthews, attorneys of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians, and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than \$2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article treaty of 1830. Meetings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. Harrison, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the Territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter he banded over 4,000 of these claimants together and became their representative and legal adviser.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders and that he is confident Congress will give assent to the recommendations of the subcommittee.

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, December 13.

The bill introduced in the House last session by Representative Harrison, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. Harrison said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquired rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized. Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty.

"The Oklahoma Choctaws were permitted by act of Congress in 1881 to sue the United States Government, in which suit they recovered from the Government \$8,000,000 for damages done to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, suggest, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriors displayed their heroism under Jackson at New Orleans."

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., October 28, 1913.

MR. COLUMBUS OVERMAN,
Deater, Kans.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of \$2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

_____,
_____, 1913.

HON. ALEXANDER P. POWELL,

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830, between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to _____, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of \$2.50.

Witness:

MEMORANDUM OF EVIDENCE.

In the matter of _____, Mississippi Choctaws.

Full name, _____.

Post-office address, _____.

When and where were you born? _____.

Is there any official record of your birth or baptism? If so, state where.

Father's name, _____.

If living, state post-office address. _____.

If dead, state date and place of his death. _____.

Mother's maiden name, _____.

If living, state post-office address. _____.

If dead, state date and place of her death. _____.

When and where were your parents married? _____.

Is there any record of the marriage? If so, state where. _____.

What was the name of your father's father? _____.

When did he die, and where? _____.

What was the name of your father's mother? _____.

When and where did she die? _____.

What was the name of your mother's father? _____.

When and where did he die? _____.

What was the name of your mother's mother? _____.

When and where did she die? _____.

What is the name of ancestors who received land or script under the treaty of 1830? _____.

How can you prove your descent from him or her? _____.

Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information. _____.

Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? _____.

Have you ever made settlement on any lands in Oklahoma? If so, describe same. _____.

Where were you denied enrollment? _____.

Have you any documents proving your pedigree? Where are they? If so, attach or submit them. _____.

Are any of your relatives now on the rolls of the Choctaw? _____.

Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

| NAME. | ADDRESS. |
|-------|----------|
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |
| ----- | ----- |

Are any of your relatives now on the rolls of the Choctaw-Chickasaw Tribe as a Mississippi Choctaw? If so, give names and address and number on roll. _____.

If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. _____.

STATE OF MISSISSIPPI, _____, County of _____.

_____, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true to the best of h— knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 191—.

_____, Notary Public.

Mr. FERRIS. Now, the estimated expenses of collecting he deducts, which he says will be \$150,000, which leaves them the pitiful sum of \$3,094,223.

Mr. SNYDER. He hasn't got it yet.

Mr. FERRIS. Not yet, and they never should get it. I know no committee will ever countenance such a performance as that for a minute. But he does do—they come before Congress and try to create doubt and confuse the minds of the Members so they will not do what they ought to do, give the Oklahoma people their money.

Mr. DILL. Has he any contracts with these Indians that are provided for in this bill?

Mr. FERRIS. No.

Mr. DILL. Then if this legislation passed he would not get anything?

Mr. FERRIS. No. These are the regularly enrolled people that are to get this money direct. It is these outside people brought here by perjured convicts' testimony, witnesses who can neither read or write, without conscience, soul, or decency to tell the truth on any subject, that he has contracts with.

Mr. HARRISON. Do they represent any Indians already identified by the Dawes Commission or by McKinnon? I do not think they do.

Mr. FERRIS. They say they do. I have it right here. Let me read what they say. They claim to represent over 2,000 indigent Indians.

Mr. CARTER. Let me ask the gentlemen, did Mr. Ballinger state in his testimony that he represented those people?

Mr. FERRIS. Let me pause long enough to say that I do not attempt to throw the slightest shadow upon the distinguished and able gentleman from Mississippi or any of his people. They are warm-hearted, lovable people, and would not do a wrong if they knew it. And I know the gentleman from Mississippi does not approve of this performance; but let me urge of him, in deference to his good name, and in deference to his ability, honor, and standing in this House, if he does not think he is treading on awfully dangerous ground to be continually fighting in the same trench with this band of wolves and hyenas that would rob our people of the last dollar they had? And I say to you, Mr. Chairman, that the Oklahoma Indians will never have a moment's peace as long as they have a mite to their names or a dollar in their pocket but what some attorney will be trying to filch and rob them of it. And I think that a people who for nearly 100 years have been faithful, law-abiding citizens, who have served both in the Army of the Union and in the Rebellion, that it is time they have their peace and be free from this persecution, and the only way to do it, my friends, is to give them their money that they are entitled to.

Do you know, gentlemen of the committee, that at the time Congressman Carter and Senator Owen came to the Congress they could not sell their own lands? The Indians of the Five Civilized Tribes have been, most of them, well educated for 50 years, and it is very humiliating to them. It is wrong. This provision ought to be rewritten, and it ought to direct the Secretary of the Interior to do exactly what the Atoka agreement says they will do and give them every cent of their money. That is what ought to be done. The Atoka agreement, which caused the Indians to let the white

settlers come in there—they only agreed to the Atoka treaty when Congress agreed to distribute their money when it was paid in. The Curtis bill which vitalized this—I have it here—carried a provision—section 17, as I recall—directing that within a year after the money was collected it should be distributed to them. It is their money. We do not ask, as I am informed in the language in the bill, that we are fearful that there may be some of our own people that will need something later on; but, gentlemen, we do ask that this payment be made, and if it is changed at all it ought to be increased. I know it is not your wish that these Indians suffer longer.

I want to say to my friend, Mr. Harrison, that the Indians of Oklahoma for nearly 100 years beckoned to his people to come over to Oklahoma and help build up that new State, but they remained behind. They would not come, and they will not come now. He does not propose to have them come. He is not in favor of having them come now. He wants to lug some of the money from our Indians who went out on the frontier and took the hardships back to Mississippi and give it to his own people, so that they in turn can give 40 per cent of it to these attorneys.

Mr. HARRISON. The gentleman is mistaken about my wanting to give it to the attorneys. I think you can write a provision in there that will prevent that.

Mr. FERRIS. That is iridescent dream, like ships that pass in the night. We have tried to choke off these attorneys before and have failed. They are getting fees all the time at the Indian Office that they would not get if we could stop it.

Now just let me say three or four words more. Four Secretaries of the Interior have said that these people shall not be enrolled while they live in Mississippi; that they are not entitled to be enrolled under the law or the facts. The Federal court said the same thing; the Supreme Court said it when they dismissed their case on their own motion. When the appellant dismisses his own case he assumes and accepts the judgment of the Federal court, as he did in this case, and it becomes a final judgment just as effectually as though the court had rendered a decision.

Mr. HARRISON. Isn't it purely a question of jurisdiction?

Mr. FERRIS. No; the appellants dismissed their own case. The appellants, I repeat, dismissed their own case. The attorneys for the appellants dismissed their case.

Mr. HARRISON. That is very true, but the court held they did not go into the merits of the proposition.

Mr. FERRIS. Of course they did not, because the attorneys for the appellants did not give them a chance to, and as Congress also said Judge Clayton, the Federal judge, had final jurisdiction.

I repeat, four Secretaries of the Interior have held that these people had no rights, beginning with James Rudolph Garfield, Secretary of the Interior when I came to Congress; later Mr. Ballinger, who was the next Secretary, and later Walter Fisher, and next Secretary Lane, who is the present Secretary, in the strongest kind of a letter last year and again this year.

The CHAIRMAN. Didn't Secretary Hitchcock also pass on this question?

Mr. FERRIS. Perhaps he did, but that was before I came to Congress. And Congress itself, by the solemn act of April 27, 1906, says these rolls shall be forever closed March 4, 1906. Is there no time when these people can have their peace? Is there no time that these people can be through trying this fourteenth article?

Now I beg your pardon for taking so much of your time. I have all the records here and would like to go over them with you.

Mr. CARTER. How long were these rolls held open for the Mississippi Choctaws?

Mr. FERRIS. From 1830 up until 1890 every Indian who came from Mississippi was enrolled. There is no question about that at all, for that period of 60 years, and then from 1890 to 1907, a period of 17 years, there was a body created by Congress to determine who should and who should not be enrolled. Now will you gentlemen, after 60 years of the rolls being free and easy and absolutely open, and after 17 years of holding them open as a judicial body to pass upon it, will you yet hold these rolls open longer? And more than that, will you continue to hold the money away from the Indians that Congress has solemnly agreed to give them?

Mr. CARTER. Let me ask another question. What time was necessary for a native Choctaw to be on the reservation in order to be enrolled?

Mr. FERRIS. I have not that in mind.

Mr. CARTER. It was June 28, 1898. How much time after that could the Mississippi Choctaw come upon the reservation and be enrolled?

Mr. FERRIS. He was given the first six months and a year after that.

Mr. CARTER. Until March 4, 1907.

Mr. FERRIS. He was given to the 4th of March 1907?

Mr. CARTER. Yes.

Mr. DILL. How long has this money it is proposed to pay to these Indians been available for payment?

Mr. THOMPSON. The money is available—perhaps not all of it yet. There are several million dollars here now available for payment.

Mr. DILL. How long is the money that is proposed to be paid by this legislation been available?

Mr. FERRIS. Some 9 or 10 years.

Mr. DILL. Has it been drawing interest?

Mr. FERRIS. Yes; part of it has, and part of it has not. I also desire to incorporate the report of Secretary Lane on this same proposition last year.

REPORT OF THE SECRETARY OF THE INTERIOR ON THE HARRISON BILL (H. R. 12586).

THE SECRETARY OF THE INTERIOR,
Washington, January 8, 1915.

MY DEAR MR. STEPHENS: I have the honor to refer herein to a communication of August 12, 1914, from Hon. C. D. Carter, then acting chairman of the Committee on Indian Affairs of the House of Representatives, with which was inclosed a copy of H. R. 12586, entitled "A bill to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date of September 27, 1830." He also referred to H. R. 4536 and requested that I consider the two bills together and make a report thereon.

Upon examination of H. R. 4536 I find that said bill is identical with H. R. 19213, introduced by Mr. Harrison of Mississippi in the Sixty-second Congress, second session, upon which last-mentioned bill the department submitted to your committee a

report dated July 2, 1912. H. R. 12586, introduced in the present Congress by Mr. Harrison, is a similar bill to the above-mentioned bills, except that in said H. R. 12586 an additional paragraph is included in section 2 to provide for the enrollment of all persons who were identified as Mississippi Choctaws by the Dawes Commission in its report of March 10, 1899, commonly known as the McKennon roll, and of all persons identified as Mississippi Choctaws by the Dawes Commission from March 10, 1899, to March 4, 1907, whose identification was approved by the Secretary of the Interior, but whose names did not appear on the final citizenship rolls of the Choctaw and Chickasaw Nations.

The claims of Mississippi Choctaw Indians to recognition as citizens of the Choctaw Nation of Oklahoma and to share in the property of said nation are based upon article 14 of the treaty of September 27, 1830 (7 Stat., L. 335). Pursuant to the terms of the treaty, a large number of Choctaws were transferred from Mississippi to the country west, later known as Indian Territory. These Choctaws who so removed and their descendants now constitute the main body of what is known as the Choctaw Nation. There were, however, a considerable number of Choctaws who remained behind in Mississippi, some of them under the provisions of article 14 above mentioned.

Said article 14 provided that the persons who claimed thereunder should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any part of the Choctaw annuity. The Indians who remained behind under the provisions of said article 14 received either land in Mississippi or scrip, which gave the applicants the right to enter public lands in certain Southern States. A part of said scrip, however, was later commuted by a money payment. Some of the fourteenth-article claimants later made their way West and joined the main body of the tribe in the Indian Territory. The Choctaw Council by various acts recognized the right of said absentee Mississippi Choctaws to remove to the Nation, and actually invited them to do so.

Under the provisions of the Atoka agreement with the Choctaw and Chickasaw Tribes contained in the act of Congress of June 28, 1898 (30 Stat. L., 495), the supplemental agreement contained in the act of July 1, 1902 (32 Stat. L., 641), and later acts of Congress for the purpose of carrying out the provisions of said agreements, the claims of individual Mississippi Choctaw Indians to be identified and to be enrolled as entitled to share in the property of the Choctaw Nation were fully considered by the Commission to the Five Civilized Tribes and by the department after full hearing, at which the claimants had ample opportunity to present all the evidence which they could procure in support of their claims. Very few claimants were able to prove descent from an ancestor who received or applied for benefits under the provisions of article 14 of the treaty of 1830.

The history of the Dawes Commission enrollment work relative to Mississippi Choctaw claimants is very fully set out in a communication of April 14, 1914, from William O. Beall, at one time secretary of the commission to the Five Civilized Tribes. A copy thereof is inclosed for your information.

For your further information as to the history of the Mississippi Choctaw claims and of the department action in the preparation of the final rolls there is inclosed a copy of department letter of July 2, 1912, to the chairman of the Committee on Indian Affairs of the House of Representatives.

Judge William H. H. Clayton in his decision in the case of Jack Amos *v.* The Choctaw Nation, a copy of which may be found in the appendix of the annual report of the Commission to the Five Civilized Tribes for the fiscal year ended June 30, 1901, said that no treaty or acts of the Choctaw Council or of any officer of the Choctaw Council since the treaty of 1830 could be cited, or at least he had not found them, whereby any right or privilege had been conferred, granted, or recognized in or to a Mississippi Choctaw so long as he remained away from his people, and that no right was recognized or conferred upon such absent Indian except upon the condition that he should remove to the nation, and the right was not to be consummated or enjoyed until actual removal.

Mississippi Choctaw Indians who, while the opportunity was theirs under the privileges accorded them refused to emigrate with the tribe to the new country west, and who never shared in the burdens and hardships of the pioneer life incident to the establishment of the new tribal government west of the Mississippi, have at this late date (now that the tribal property of the Choctaw Nation made valuable by the emigrants is being divided per capita among the enrolled recognized citizens of the nation) no equitable right to share in said property.

With respect to the persons who were identified by the Dawes Commission as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898 (30 Stat. L., 495), but who failed to remove and make settlement in the Choctaw-Chickasaw

country, as required by the act of Congress of July 1, 1902 (32 Stat. L., 641, secs. 41, 42, 43, and 44), it may be said that, irrespective of their unfortunate condition of poverty and ignorance, there is no ground, legal or equitable, for holding the Choctaw and Chickasaw Nations responsible for the failure of said identified persons to comply with the law as to removal and settlement. No obligation rested upon the United States to provide means for the removal of such Indians.

Referring to the class of claimants whose names were contained in an identification roll submitted by the Commission to the Five Civilized Tribes on March 10, 1899, but never approved by the Secretary of the Interior, your attention is invited to the fact that the commission soon recognized the inaccuracy and incompleteness of that roll and requested the department to disregard it and to return the same to the commission. In order that there might be no doubt as to the standing of said roll, it was disapproved by the department on March 1, 1907. The larger part of the persons whose names were contained in that disapproved roll were afterwards placed on the approved identification rolls, and those who complied with the law as to removal and settlement were enrolled on the final rolls of Mississippi Choctaw Indians.

In the investigation and examination of Mississippi Choctaw claims made in 1900 and the years following by the Commission to the Five Civilized Tribes every effort that was possible to be made was made by said commission to reach all persons who had any equitable claim to recognition as Mississippi Choctaws, and especially to find those who were full-blood Choctaw Indians.

H. R. 4536 and 12586 in effect provide, so far as the Mississippi Choctaw claimants are concerned, a general reopening of the rolls of the Choctaw Nation, necessitating a review of all the cases which had been adversely decided by the United States courts, the Department of the Interior, and the Choctaw and Chickasaw Citizenship Court, as well as the consideration of claims not heretofore presented or considered, and empower the Secretary of the Interior to determine the rights of the claimants upon such evidence as may be produced by the applicants, without regard to any adverse judgment or decision heretofore rendered by any court or commission to the Five Civilized Tribes, or the Department of the Interior, and without regard to any condition or disability heretofore imposed by any act of Congress.

The records of the department show that Mississippi Choctaw claimants have been to an unusual extent the victims of numerous extortionate contracts, and the correspondence in many cases indicates that contracts were obtained through misrepresentations as to the facts, and in some cases that such contracts were obtained from claimants who believed that the persons obtaining the contracts were Government agents. Your attention is invited to the report of Inspector McLaughlin, of this department, which report appears in print in the Congressional Record of July 10, 1914, commencing on page 13022.

Referring to section 9 of said bills, I am of the opinion that, in view of the large amount of tribal property yet to be disposed of and of other matters affecting the tribes, it would be inadvisable to abolish the tribal organization of the Choctaw and Chickasaw Nations at the present time.

In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.

Very truly, yours,

FRANKLIN K. LANE.

HON. JOHN H. STEPHENS,
*Chairman Committee on Indian Affairs,
House of Representatives.*

Secretary Ballinger on February 12, 1910, opposed the reopening of the rolls. Writing the Senate Committee on Indian Affairs, he said:

In conclusion, I am constrained to believe, and therefore recommend, that the rolls be not opened up, but that proper legal authority be given the Secretary of the Interior to place upon the rolls those Indians (about 52 in number) whose applications were approved by the Commissioner to the Five Civilized Tribes and were transmitted to Washington before the 4th of March, 1907, but did not reach the department until after the rolls were closed; and, furthermore, that proper authority be given the Secretary of the Interior to examine and place upon the rolls the minor orphan children incompetents, and Indians in incarceration whose claims were not presented in due time for adjudication. I am informed that this class numbers about 200. No

one seems to have taken the responsibility of presenting the claims of this class for consideration. They could not look after their own interests. (See S. Doc. No. 1139, 62d Cong., 3d sess.)

Assistant Secretary Samuel Adams on July 2, 1912, reported against the enrollment of the Mississippi Choctaws. After reviewing their case at length, he stated: "In fact, it may be urged by the tribes that responsibility if any, rested upon the United States instead," and concluded as follows: "In view of the fact stated above, I am of the opinion that the bill (referring to the Harrison bill to enroll the Mississippi Choctaws) should not be enacted into law."

Assistant Commissioner of Indian Affairs Meritt, in recommending this payment while before the subcommittee on December 20, 1915, made the following statement:

Inasmuch as a \$100 per capita payment was made to the enrolled members of the Chickasaw Nation under the act of August 1, 1914, at which time no payment was made to the enrolled members of the Choctaw Nation, it is therefore recommended that the enrolled members of the Choctaw Nation should be paid \$100 per capita more than the amount provided for the enrolled members of the Chickasaw Nation. These payments would be made from the tribal funds belonging to the Choctaw and Chickasaw Nations and would not be a tax on the Federal Treasury.

STATEMENT OF HON. W. W. HASTINGS, REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA.

Mr. HASTINGS. It is perfectly apparent, Mr. Chairman and gentlemen of the committee, that I can not go into any extended argument on this question of citizenship at this time. However, Mr. Ferris and Mr. Thompson have dealt with the question so elaborately that I think it entirely unnecessary. I might say to the committee, however, for the benefit of the record that I would like to ask in advance the privilege of inserting in the record an argument which I have prepared upon this question.

The CHAIRMAN. Without objection it may be inserted.

(The argument referred to is as follows:)

The question under consideration is not a difficult one, nor will it be necessary to consume much time in its discussion. It is proposed by this amendment to direct the Secretary of the Interior to pay to the enrolled members of the Choctaw Tribe, entitled under existing law, \$200 per capita out of their own moneys, and the Chickasaws \$100 per capita out of their funds. They should be paid more—the Choctaws \$300 and the Chickasaws \$200 per capita.

The statement of the Commissioner of Indian Affairs, found on pages 336 and 337 of the hearings before the committee, in justification of the item under consideration, shows that there is to the credit of the Choctaws tribal funds aggregating \$7,432,353.24 and that there is to the credit of the Chickasaws tribal funds amounting to \$1,922,110.48, or a total of \$9,354,463.72 in both funds. The justification further invites attention to the additional property owned by the Chickasaw and Choctaw people, including unsold lands and other property. It is estimated that the entire value of their property approximates \$31,503,954.95.

There are 20,799 enrolled members of the Choctaw Tribe entitled to share in this distribution and 6,304 Chickasaws. A per capita payment of \$100 was made to the members of the Chickasaw Tribe a little more than a year ago, which is the reason for the payment to the Choctaws now of \$100 more than to the Chickasaws.

The members of the two tribes have an undivided equal interest in and to the lands and funds of both tribes, being separated only for political purposes. A per capita payment of \$200 to the Choctaws would aggregate \$4,159,800, and \$100 to the Chickasaws would amount to \$630,400, and to both Choctaws and Chickasaws \$4,790,200. Hence, it will clearly be seen that \$300 could be paid to the Choctaws and \$200 to the Chickasaws, which would only require \$7,600,500, leaving a balance of \$1,753,963.72 in the Treasury, in addition to more than \$22,000,000 worth of property not converted into cash.

When the Dawes Commission was created by the act of March 3, 1893, the Choctaw people had their own government with about as much sovereignty as a State of the Union. They had their own constitution and laws, their own governor, their own courts, and their own legislature. They made, executed, and enforced their own laws, appropriated their own money, and conducted their own schools. Railroads were built through the Indian Territory, towns sprang up, and white people from almost every State in the Union came among them. Finally, the Choctaws yielded to the pressure of the Government and signed a treaty at Atoka on April 23, 1897 (30 Stat., 495), providing in detail for the allotment of their lands among the enrolled members of the tribe, the making of the rolls, the disposition of town sites, and in fact an adjustment of all their relations with the Government of the United States. This agreement looked to the members of the Choctaw Nation becoming citizens of the United States and the creation of a State out of the lands held by the Five Civilized Tribes.

The act of March 3, 1893 (27 Stat., 612, sec. 16), creating the Dawes Commission, stated that it was—

“To enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.”

The members of the Choctaw Tribe accepted these promises and their lands were allotted. Almost 19 years have elapsed since this treaty was ratified. A very large percentage of the Choctaws have died, but with the exception of a small per capita payment of \$50, none of their moneys have been disturbed. The members of the Choctaw Tribe were allotted large areas of land. They had to build houses upon their allotments, clear up their fields, place fences along section lines, and otherwise improve their farms. They are greatly in need of a distribution of their own money, in order to accomplish these purposes. The Government can not justify itself in longer withholding a partial distribution.

The supplemental agreement ratified by the act of July 1, 1902 (32 Stat., 641), section 14, promises a distribution of the moneys per capita (p. 391) among the members of the tribe, when their allotments should be made and their property disposed of. They now have more than \$9,000,000 to their credit, and certainly this amount should be distributed among their own members. There is really no argument whatever against the distribution of this money, but every argument in its favor. One-fourth of the entire membership of the tribe is now dead and never received any part of their money. In my judgment, it is a legislative crime against them to longer withhold it.

CITIZENSHIP QUESTION.

The only argument urged against the distribution of this money is that certain Mississippi Choctaw claimants to citizenship should be provided for, that the money hereinabove referred to as being Choctaw tribal funds, is a trust fund, and that the claimants to citizenship have some legal right thereto. It is to this question that I desire to address myself.

Many Members of Congress and good lawyers throughout the United States do not understand the citizenship question among the Five Civilized Tribes. They think it is a question of inheritance. This is a mistake. It requires three things to constitute citizenship in any of the Five Civilized Tribes:

1. You must be an Indian of the tribe by blood.
2. You must be a recognized enrolled member of the tribe.
3. You must be a resident of the tribe.

A great many people think that it is only a question of blood. However, many people of Choctaw and Cherokee blood reside in numerous States throughout the Union, but they are not members of the tribe. They are not residents of the tribe, and even if they are of the full quantum of Indian blood they are not entitled to enrollment. This question has been decided by every court to which it has been presented.

The promise of a patent by article 2, treaty of 1830 (7 Stat. L., 335), to the Choctaws provided that the lands granted the Choctaws should be theirs “as long as they exist as a nation and live on it.”

“ART. 2. The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it.”

And article 3 of said treaty is as follows:

“In consideration of the provisions contained in the several articles of this treaty, the Choctaw Nation of Indians consent and hereby cede to the United States the entire country they own and possess east of the Mississippi River; and they agree to

remove beyond the Mississippi River as early as practicable and will so arrange their removal that as many as possible of their people, not exceeding one-half of the whole number, shall depart during the falls of 1831 and 1832, the residue to follow during the succeeding fall of 1833; a better opportunity in this manner will be afforded the Government to extend to them the facilities and comforts which it is desirable should be extended in conveying them to their new homes."

The patent executed by President Tyler in 1842 contained a similar provision, and is as follows:

"That the United States of America, in consideration of the premises and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted and by these presents do give and grant unto the said Choctaw Nation the aforesaid 'tract of country west of the Mississippi' to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended 'to be conveyed' by the aforesaid article, 'in fee simple to them and their descendants, to inure them, while they shall exist as a nation and live on it,' liable to no transfer or alienations, except to the United States or with their consent."

Article 14 of the Choctaw treaty of 1830 (7 Stat. L., 335) gave the adult Choctaws who remained in Mississippi 640 acres of land, children over 10 years of age 320 acres, and children under 10 years of age 160 acres. They were made citizens of the United States and of the State of Mississippi. All could have accepted land and some did. They were recognized as citizens of the State under the laws of Mississippi. About 15,000 moved west under the treaty of 1830 and 4,180 remained. They could easily be identified up to 1842. Between 1833 and 1855, 3,400 moved to the Choctaw Nation and became members of the tribe. Congress later provided for a payment to those Mississippi Choctaws who remained behind, and 3,585 received scrip, entitling them to locate upon public lands in the States of Alabama, Arkansas, Louisiana, and Mississippi. This scrip was transferable and in lieu of the second half of the scrip, Congress appropriated and paid these Mississippi Choctaws \$872,000, conditioned upon their first removing to the Choctaw Nation in the Indian Territory. When they removed, they could have remained there and have been identified as citizens of the Choctaw Nation; but with their removal from the Choctaw Nation they abandoned their citizenship, disconnected themselves from their tribe, and were no longer members of the tribe, and have no legal claim whatever to being enrolled as members of the tribe.

The Choctaw Nation has dealt generously with these people, and up to the time when the lands were finally allotted, they voluntarily admitted all Indians of Choctaw blood as members of the tribe; but Congress insisted upon a termination of their tribal government and the allotment of their lands and a final settlement of their affairs. This could not be done without first settling the question as to who should be enrolled as members of the tribe.

The act of June 28, 1898 (30 Stat., 495), section 21, empowered the Secretary of the Interior to make a final roll of the citizens of the Five Civilized Tribes; and another provision of this same section specifically authorized the commission to make a roll of those Mississippi Choctaws entitled to citizenship under the fourteenth article of the treaty of 1830.

A provision in the Indian appropriation bill approved May 31, 1900, provided for the enrollment of the Mississippi Choctaws if they made bona fide settlement in the Choctaw Nation prior to the final approval of the rolls.

Section 41 of the supplemental agreement with the Choctaws and Chickasaws approved July 1, 1902 (32 Stat., 641), provided for the enrollment of the Mississippi Choctaws at any time within six months after their identification as Mississippi Choctaws by making bona fide settlement within one year in the Choctaw Nation.

Section 21 of the act of June 28, 1898 (30 Stat., 495), contained a provision making the rolls final when approved by the Secretary of the Interior, as follows:

"The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent."

The Indian appropriation bill approved March 3, 1901 (31 Stat., 1077), contained a provision making the rolls of the Dawes Commission of the Five Civilized Tribes final when approved by the Secretary of the Interior, as follows:

"The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent."

Section 2 of the act of April 26, 1906 (34 Stat., 138), provided that the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March, 1907,

and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date, as follows:

"*Provided*, That the rolls of the tribes affected by this act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

It will be seen that the first Choctaw agreement was made in 1897, and ratified by an act of Congress approved June 28, 1898, and that the enrollment proceeded from that time in 1898, until March 4, 1907, or a period of about nine years, and that provision was made for the identification and enrollment of such Mississippi Choctaws who chose to remove and permanently locate and become citizens of the Choctaw Nation, later to be admitted as a part of the State of Oklahoma. Such Indians as availed themselves of these provisions were enrolled. Those remaining in Mississippi were not enrolled.

Now, those opposing this provision providing for a partial distribution of this money are attempting to assert that the Mississippi Choctaws and their descendants in the State of Mississippi are entitled to enrollment as members of the Choctaw Tribe and to participate in the distribution of the money. Their contention is not tenable. Every court, commission, secretary, or committee investigating this question has decided against them.

1. The Supreme Court in the Eastern Cherokee case (117 U. S. 288) held that the North Carolina Cherokees could not live apart from their tribe and share in the benefits of the funds and common property of the tribe. The court, after reviewing the treaties relating to the same, concluded by saying:

"If Indians in that State (North Carolina) or in any other State east of the Mississippi wish to enjoy the benefits of the common property of the Cherokee Nation in whatever form it may exist they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation and he readmitted to citizenship as there provided. They can not live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation. Those funds and that property were dedicated by the constitution of the Cherokees and were intended by the treaties with the United States for the benefit of the united nation and not in any respect for those who had separated from it and become aliens to their nation. We can see no just ground on which the claim of the petitioners can rest in either of the funds held by the United States in trust for the Cherokee Nation."

2. The Dawes Commission in the Jack Amos case held that the Choctaws residing in Mississippi were not entitled to enrollment without removal to the Choctaw Nation as follows:

"This historical review of the acquisition of this territory by the Choctaw Nation and its subsequent legal relations to it makes it clear, in the opinion of this commission, that the Mississippi Choctaws are not under their treaties entitled to all rights of Choctaw citizenship except an interest in the Choctaw annuities and still continue their residence and citizenship in Mississippi." (H. Doc. 274, 55th Cong., 2d sess.)

3. The Federal Court, through Judge Clayton, affirmed the decision of the Dawes Commission in the Jack Amos case and held that the Mississippi Choctaws residing out of the tribe were not entitled to be enrolled:

"In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But by the fourteenth article of the treaty provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi in the event that, because of the intolerance and persecutions of the whites which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes, and thereafter exercise with them in their own country the privileges of citizenship, they could do so except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

"When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 3, had just agreed that they should all go. The ink was not yet dry in article 2, whereby the condition was placed in this grant to the lands that they were to live upon or they should be forfeited, and that no privilege of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly located nation. Understanding these conditions, the latter clause of article 14 was penned:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

"In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word 'remove' as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give to every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced, and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the 'privilege of a Choctaw citizen' therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their Nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

"As an evidence that the Choctaw people themselves took this view of the question attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and, until the past two or three years, have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen." (Cong. Rec., Jan. 8, 1915, vol. 52; pt. 2, pp. 1242-1245.)

4. An appeal was perfected to the Supreme Court of the United States and dismissed by the appellants. (190 U. S., 873.)

5. Congress by section 2 of the act of April 26, 1906 (34 Stat., 137), with all the information before it, ordered the rolls closed.

6. Secretary Ballinger on February 12, 1910, opposed the reopening of the rolls. Writing the Senate Committee on Indian Affairs, he said:

"In conclusion, I am constrained to believe, and therefore recommend, that the rolls be not opened up, but that proper legal authority be given the Secretary of the Interior to place upon the rolls those Indians (about 52 in number) whose applications were approved by the Commissioner to the Five Civilized Tribes and were transmitted to Washington before the 4th of March, 1907, but did not reach the department until after the rolls were closed; and, furthermore, that proper authority be given the Secretary of the Interior to examine and place upon the rolls the minor orphan children, incompetents, and Indians in incarceration whose claims were not presented in due time for adjudication. I am informed that this class numbers about 200. No one seems to have taken the responsibility of presenting the claims of this class for consideration. They could not look after their own interests." (See S. Doc. No. 1139, 62d Cong., 3d sess.)

7. Assistant Secretary Samuel Adams on July 2, 1912, reported against the enrollment of the Mississippi Choctaws. After reviewing their case at length, he stated: "In fact, it may be urged by the tribes that responsibility, if any, rested upon the United States instead," and concluded as follows: "In view of the fact stated above, I am of the opinion that the bill (referring to the Harrison bill to enroll the Mississippi Choctaws) should not be enacted into law."

8. The report of the subcommittee of the Indian Committee on January 2, 1915, reported against the reopening of the rolls in a lengthy report. (Report on H. R. 12586; Cong. Rec., Jan. 8, 1915, vol. 52, pt. 2, p. 1247.)

9. Senator Williams, on June 19, 1914, admitted on the floor of the Senate that the Mississippi Choctaws had no legal right to enrollment. On this date he said, as shown on page 10716 of the Congressional Record:

"I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them."

Continuing, Senator Williams says:

"So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion. * * * I am not talking now,

however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be.”

10. The present Secretary of the Interior, Hon. Franklin K. Lane, reported January 8, 1915, against the reopening of the rolls and reviewed this entire question at length, concluding in the following language:

“In view of the facts as presented to me, I am of the opinion that no legislation should be enacted for the reopening of the rolls of the Choctaw Nation for the benefit of the Mississippi Choctaw claimants.” (Cong. Rec., vol. 52, pt. 2, p. 1246.)

11. Congress, by a provision in the Indian appropriation bill last year, 1915, after extended hearings before the committee and after extended debate upon the floor of the House, provided for a partial distribution of this money in language similar to the provision in this bill.

12. The present Assistant Commissioner of Indian Affairs, before the House Indian Committee (hearings on the Indian appropriation bill, pp. 336, 337), recommended he provision providing for a per capita payment to the Choctaws and Chickasaws.

Thus you will see that the Choctaw people are asking not for money from the Government, but to have their own money paid them. Certainly this is a reasonable request. The Government promised it to them. It is theirs. They are in very great need of it. Many of them have long ago gone to their reward. Others are old and decrepit and diseased. Congress should do justice to them and give them this money.

Now, every person making an argument before the Indian Committee and before Congress in favor of the enrollment of the Mississippi Choctaws, makes it admitting that the Mississippi Choctaws have no legal rights, makes it admitting that they did not remove to the Choctaw Nation, and makes it admitting that they are residents of the State of Mississippi, are citizens of that State, and of the United States.

Everyone must admit that the Choctaw Nation has been more than generous with them, and all must admit that all the Choctaws who removed to the Choctaw Nation and became bona fide settlers there before the rolls were closed and remained there, were enrolled.

Everyone making an argument in their behalf, makes it admitting that their enrollment was provided for by section 21 of the act of June 28, 1898, and provided for by the act of May 31, 1900, conditioned only upon their removing to the Choctaw Nation and permanently locating there, and provided for by the act of July 1, 1902, similarly conditioned.

Surely the Indian Committee will not longer delay the final settlement of Choctaw tribal affairs. It has now been too long delayed. This money should not only be paid, but Congress should at once provide for the disposition of the coal lands and other tribal property belonging to the Choctaw and Chickasaw people, and all their money should be prorated among them.

It is generally known, and it appears in the records, that a great lobby has been organized to secure the enrollment of the Mississippi Choctaws and that contracts have been secured aggregating millions of dollars. Interested attorneys have made all sorts of speeches and arguments looking to a delay in the payment of the Choctaw money and urging the reopening of the rolls. Surely Congress will follow the decisions of the courts, the Dawes Commission, the Secretaries of the Interior, and the Committees of Congress who have given extensive hearings to this question, rather than the pleadings of interested attorneys who will be enriched by the reopening of the rolls.

Almost 19 years have elapsed since the first Choctaw agreement was entered into in 1897. If the question of citizenship is again reopened,

a settlement of it will not be reached within the next quarter of a century.

As a final word, I beg the Members of Congress to at least give a small measure of justice to the Choctaw and Chickasaw people and provide for a partial distribution of their funds now.

Mr. Harrison based his argument for the enrollment of the Mississippi Choctaws upon four grounds:

First. Upon the fourteenth article of the treaty of 1830; and it has been shown that the Dawes Commission and the United States Court in the Jack Amos case decided against his construction of this article.

Second. He states that Senator Owen while attorney for the Mississippi Choctaws insisted that they should be enrolled. We have shown that Senator Owen in extended hearings before the Senate Indian Committee (pp. 74-108, 645-661) stated that great generosity has been shown the Mississippi Choctaws and that the rolls should now be closed, giving his reasons in detail why they should not be reopened. In other words, he makes the opposite contention to that of Mr. Harrison.

Third. He contends that the Eastern Cherokee case, reported in 202 U. S. 101, supports his contention. An examination of that case shows it does not support Mr. Harrison's argument, and that it was not a suit over the lands of the Cherokees west, or the proceeds thereof, nor for a division of their trust funds. On the other hand, the Cherokee case reported in 117 U. S. 288 is a case in line and is against the contention of Mr. Harrison.

Fourth. He states that Judge Townsend in an ex parte decision held that the Mississippi Choctaws were entitled to be enrolled without removing to the Indian Territory, now Oklahoma. This was when the Choctaw Nation was not represented, and later, in the case of *Ikard v. Minter*, which was affirmed by the Indian Territory Court of Appeals in an opinion written by Judge Gill (4 Ind. T. Repts., 214), after a full hearing and after the matter had been argued and briefed on both sides, Judge Townsend held that the Mississippi Choctaws were not entitled to be enrolled. Hence, it will be seen that the law is against Mr. Harrison, the decision of every court is against him, and the report of every committee of Congress is against him, as well as the report of every Secretary of the Interior.

Now, gentlemen of the committee, the records of the Indian Office show there is to the credit of the Choctaw tribal funds in round numbers about \$9,000,000; that added to their unsold property, which when converted into cash will approximate something like \$31,000,000.

The CHAIRMAN. What does that consist of?

Mr. HASTINGS. It consists of unsold tribal lands and coal lands in the Choctaw Nation, which added to the moneys which they have in the Treasury to the credit of the tribe will make this amount.

The CHAIRMAN. They are deriving quite a royalty from the sale of coal, are they not?

Mr. HASTINGS. They are deriving an annual royalty now upon the sale of coal.

Mr. SNYDER. About how much?

Mr. HASTINGS. I think about \$250,000. But I may be mistaken as to the amount.

There are on the Choctaw tribal rolls 20,799 persons, and upon the Chickasaw tribal rolls 6,304. Now, you will notice that this amendment provides payments of \$200 to the Choctaws and \$100 to the Chickasaws. The reason of this is that a year or more ago you provided for a per capita payment of \$100 to the Chickasaws, and this difference is in order to even them up, as those tribes have an equal undivided interest in and to the land and funds, the two tribes being separated only for political purposes.

Now, gentlemen, I can not go into this case like I would like to, but a great many people do not understand the question of citizenship. I might say I represented the Cherokee Tribe for 20 years in citizenship matters, and I feel therefore some familiarity with it. It takes three things to constitute citizenship in one of those tribes, and they are the same in each. I want to correct an erroneous impression on this question. Nearly every Member of Congress, nearly every lawyer outside of Oklahoma, thinks it is a question of inheritance. That is a mistake. You must have three things to constitute citizenship in one of the Five Tribes. First, you must be an Indian by blood; second, you must be a member of the tribe; and, third, you must be a resident of the tribe. Now, that has been decided by every court and every commission that has ever passed upon this question. Prior to June 10, 1896, the tribes passed upon their own questions of citizenship, but Congress, by the act of June 10, 1896, took that jurisdiction away and gave it to the Dawes Commission. Now, let me remind you, gentlemen of the committee, at that time we were in no State. We were political orphans in the Five Civilized Tribes. The Dawes Commission was not sent there to render a decision in our favor or against us, but it was sent there to render a fair and equitable decision, and to fairly and equitably administer affairs; and, gentlemen of the committee, certain members of the Dawes Commission were great lawyers, splendid lawyers, men who had paid special attention to these questions and thoroughly understood the purpose of this act of June 10, 1896, and thousands upon thousands of people applied for citizenship in the Five Civilized Tribes, and those citizenship questions have all been settled. I might say that in the Cherokee Tribe there were 50,000 people claiming to be entitled to enrollment as citizens in that tribe, and only 283 individuals were admitted; so you can see the vast amount of fraud that attends this matter of applying for citizenship in those tribes.

The Dawes Commission was created by the act of March 3, 1893. The first citizenship jurisdiction as above stated was given them by the act of June 10, 1896; additional jurisdiction was given them under the act of June 7, 1897; additional jurisdiction was given them under the act of June 28, 1898, under the act of May 31, 1900, and under the supplemental agreement of July 1, 1902.

As has been stated by Mr. Ferris, every unbiased tribunal that has passed upon this question has decided adversely to the contention of the Mississippi Choctaws. In other words, the Supreme Court of the United States in the Cherokee case reported in 117 U. S., 288, decided against them, holding that the Cherokee Indians who resided in North Carolina and had not removed to the Cherokee Nation should not be enrolled as members of the Cherokee Nation west, and were not entitled to participate in the distribution of their trust funds. Mr.

Harrison calls attention to what is known as the eastern Cherokee case (202 U. S., 101). Gentlemen, that case does not decide what Mr. Harrison claims for it. I have not time to analyze it, but it does not go into the question of citizenship west. It does not go into the question of the right to the Cherokee lands west; it does not go into the question of the Cherokee trust funds west, but the Cherokee case reported in 117 U. S. did go into that one question. The eastern Cherokee case in 202 is a decision on what the Government of the United States owed the Cherokees under the treaty of 1835, made in Georgia with the Cherokees and not paid to them at that time, and had nothing whatever to do with the Cherokees west; it has nothing to do with their lands or the proceeds of the lands of tribal funds. It was for a balance due under the treaty of 1835. The question of residence of citizenship was not involved.

The only other question that I have got time to answer was what Mr. Harrison said about Senator Owen. It is true that Senator Owen for a long time was representing the Mississippi Choctaws. He was their attorney. He made numerous arguments and filed many briefs before the courts and committees; and let me say, he frankly admits every court disagreed with him, every commission disagreed with him, every Secretary of the Interior disagreed with him, every authority before whom he went disagreed with him and held to the contrary, and Senator Owen himself, I want to say in justice to him, has stated this a number of times before the Senate Committee on Indian Affairs and on the floor of the Senate. He said:

I was the attorney of the Mississippi Choctaws who were enrolled by the Choctaw-Chickasaw agreement of 1902. I represented them from 1896 to 1906 and devoted my time to their interests for 10 years.

Now, here is what I wanted to call your particular attention to:

No Choctaw in Mississippi or elsewhere not on the approved rolls of March 4, 1907, has any legal or equitable right to enrollment or to any further hearing.

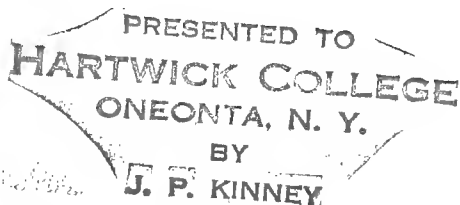
Mr. NORTON. Where is that statement made? What is the date in the Senate?

Mr. HASTINGS. I will look it up and give it to you. I took it from a speech of Hon. W. H. Murray, Member of Congress, in the House on April 24, 1914.

The CHAIRMAN. Without objection you may insert that at this point if you desire.

NOTE.—Senator Owen, before the Senate Committee on Indian Affairs, on January 18, 1915, pages 74 to 108 of the printed hearings, and on February 5, 1915, pages 645 to 661 of the hearings, stated at great length why he thought the Mississippi Choctaws should not be enrolled.

Mr. HASTINGS. I am sorry I have not any more time, but the question has been thoroughly covered. I have a large number of authorities that I will insert in the record with the permission already granted by the committee.



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INDIAN APPROPRIATION BILL

HEARINGS

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

OF THE

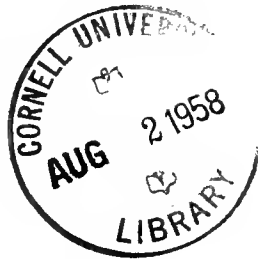
HOUSE OF REPRESENTATIVES

U.S. Congress
ON

SENATE AMENDMENTS TO

H. R. 10385

PART 5



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Alpa. 4

PRESENTED TO
HARTWICK COLLEGE
ONEONTA, N. Y.

BY
J. P. KINNEY



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COMMITTEE ON INDIAN AFFAIRS.

SIXTY-FOURTH CONGRESS.

JOHN H. STEPHENS, Texas, *Chairman.*

CHARLES D. CARTER, Oklahoma.

THOMAS F. KONOP, Wisconsin.

CARL HAYDEN, Arizona.

LEWIS L. MORGAN, Louisiana.

WILLIAM H. MURRAY, Oklahoma.

DENVER S. CHURCH, California.

CHARLES M. STEDMAN, North Carolina.

WILLIAM J. SEARS, Florida.

C. C. DILL, Washington.

JOHN N. TILLMAN, Arkansas.

HARRY L. GANDY, South Dakota.

W. W. VENABLE, Mississippi.

PHILIP P. CAMPBELL, Kansas.

PATRICK D. NORTON, North Dakota.

SAMUEL H. MILLER, Pennsylvania.

STEPHEN WALLACE DEMPSEY, New York.

HOMER P. SNYDER, New York.

ROYAL C. JOHNSON, South Dakota.

FRANKLIN F. ELLSWORTH, Minnesota.

BENIGNO C. HERNANDEZ, New Mexico.

JAMES WICKERSHAM, Alaska.

●

JAMES V. TOWNSEND, *Clerk.*

PAUL N. HUMPHREY, *Assistant Clerk.*

INDIAN APPROPRIATION BILL.

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Tuesday, April 4, 1916.

The committee met at 10 o'clock a. m., Hon. John H. Stephens (chairman) presiding.

The committee had under consideration the amendments to H. R. 10385.

There was present before the committee Mr. E. B. Meritt, Assistant Commissioner of Indian Affairs.

The CHAIRMAN. The committee will come to order. We have under consideration this morning the amendments to H. R. 10385. The first amendment appears on page 3, line 5, "and to remain available until expended: *Provided.*"

I would like to ask Mr. Meritt—we had this amendment in the bill as it was reported to the House, and it was subject to a point of order and was stricken out. Now, the Senate put that provision on there again—that is, amendment No. 1. Now, if we take that provision into the House, it is subject to a point of order. What is the necessity for that language "and to remain available until expended"?

STATEMENT OF MR. E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

MR. MERITT. Mr. Chairman, we would like very much to have that amendment in the bill for the reason that this appropriation provides for irrigation construction. It is difficult to keep these appropriations within the fiscal year. It is sometimes necessary to use the appropriations for a series of years, and that is the reason we would like to have it remain available. We should also have an available balance to meet emergencies that may arise.

MR. KONOP. So that if you did not complete the project within the year the amount lapses into the Treasury unless this provision is in there?

MR. MERITT. Yes, sir.

MR. CARTER. Is it customary to have that in irrigation appropriations?

MR. MERITT. Yes, sir.

MR. CARTER. Do you always have it in irrigation appropriations?

MR. MERITT. Yes, sir; this appropriation has been continued available until expended for a number of years.

MR. HAYDEN. The primary reason for making appropriations available until expended is that there should be a considerable bal-

ance on hand in the irrigation fund to take care of damages by flood and other unforeseen casualties.

Mr. MERITT. Yes, sir; those things are constantly arising—breakages and things of that kind—and there is constant necessity for new construction.

The CHAIRMAN. It is just for emergencies, then, as I understand it, that you use the fund?

Mr. MERITT. Largely, and also for general irrigation work.

Mr. KONOP. What I understand is that they want to use the fund after the expiration of the fiscal year, and that is the reason you would like that provision in there?

Mr. MERITT. Yes, sir.

The CHAIRMAN. The next amendment is on page 3, line 22:

The provisions of sections twenty-one hundred and forty and twenty-one hundred and forty-one of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the Act of January thirtieth, eighteen hundred and ninety-seven (Twenty-ninth Statutes at Large, page five hundred and six), and the possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction.

Mr. HAYDEN. Does the bureau ask for this amendment?

Mr. MERITT. Yes, sir. The necessity for that legislation is explained on page 5744 of the Congressional Record of March 28. It will very materially broaden the laws relating to liquor in the Indian country and be very helpful to the bureau in the suppression of the liquor traffic.

Mr. HAYDEN. How does it come that beer was not mentioned heretofore?

Mr. MERITT. Beer was not included in the provisions of sections 2140 and 2141 of the Revised Statutes.

Mr. HAYDEN. Then, this is merely to close up a loophole?

Mr. MERITT. Yes, sir.

Mr. MURRAY. It makes it easier to get evidence.

Mr. CARTER. It makes it prima facie evidence. It makes the finding of whisky in the possession of a person prima facie evidence of its introduction.

Mr. MURRAY. It operates just like the case of a man who is found with goods recently stolen in his possession.

Mr. JOHNSON. That is, it shifts the burden of proof onto the defendant.

Mr. KONOP. I absolutely object to this provision that a man charged with an offense shall prove his innocence, when the law and the Constitution of this country provide that he shall be proved guilty.

The CHAIRMAN. Is there a statement in the hearings in the Senate on this matter? If so, what page is it on?

Mr. MERITT. The liquor item is discussed on page 6 of the Senate hearings and page 29 of the House hearings.

The CHAIRMAN. Is it a full statement?

Mr. HAYDEN. Can you not insert that extract from the Congressional Record in the hearings?

Mr. MERITT. Yes, sir; I can do that.

The CHAIRMAN. Without objection that may be inserted here.

Mr. MERITT. The Congressional Record contains the following:

Mr. GRONNA. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. On page 3, line 22, it is proposed to amend the bill by changing the period after "\$150,000" to a colon, and adding the following:

"*Provided*, That the provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506)."

Mr. GRONNA. Mr. President, section 2139 of the Revised Statutes of the United States was amended on July 23, 1892, so as to include therein the prohibition of the sale of beer and similar intoxicants to Indians. On January 30, 1897, this act was further amended so as to prohibit the sale of extracts, bitters, or any other article which produces intoxication to Indian wards of the Government. Section 2140 of the Revised Statutes provides method of enforcing the prohibition against the introduction of liquors into Indian country. By some oversight sections 2140 and 2141 were not changed at the same time that 2139 was. It is therefore proposed to perfect these two sections of the Revised Statutes by including in their provisions the prohibition against beer and other liquors so that the purpose of Congress in keeping liquor away from the Indians and out of the Indian country may be fully effective.

Mr. SUTHERLAND. Where does the amendment come in?

Mr. GRONNA. On page 3, after the numerals "\$150,000." It simply has reference to enforcing the prohibition law in the Indian country.

Mr. ASHURST. Mr. President, I have given this amendment some considerable attention. I have examined the statute. I see no objection to it. I think it would be a salutary provision. It simply provides that no intoxicating liquor, malt, vinous, or spirituous, shall be brought into the Indian country on an Indian reservation. I see no objection to the amendment.

Mr. SUTHERLAND. Let me ask the Senator from North Dakota why he put it in as a proviso? That would seem to make it a limitation upon the appropriation of \$150,000. It is not in any manner connected with the appropriation. It does not affect the use of the money. It seems to me the Senator ought to offer it as an independent provision of the bill.

Mr. GRONNA. I agree with the Senator from Utah, and I ask unanimous consent to strike out the word "*Provided*" and let it be an independent provision.

Mr. WALSH. Mr. President, as to the amendment of the Senator from North Dakota, I am in entire accord with the desire of the Senator to have this fault in legislation corrected; but really an appropriation bill is not the proper place in which to carry legislation of this character. Does not the Senator feel that it would be easy to put through a separate bill amending the provision of law and have the legislation enacted in an orderly way?

Mr. GRONNA. I will say to the Senator from Montana that this affects only Indian lands. It is, of course, clearly legislation; the Senator is correct in that, and it would be subject to a point of order if it is made; but the amendment is offered only for the purpose of perfecting the law, making it possible for the Indian Office to enforce the prohibition law on Indian reservations. I hope there will be no objection to it.

Mr. WALSH. The Senator will understand I have no objection at all to the amendment, and it is not my purpose to raise a point of order, but it is rather unfortunate to have such provisions in the midst of an appropriation bill, where one searching the statutes would scarcely expect to find them, and where, in the indexing of the statutes, it would, in all reasonable probability, be overlooked. One would naturally go to the penal statutes, to the subject of crimes, to find a statute of this kind, and not look for it in an appropriation bill. I would not make the exception, except that I can not conceive that there would be any difficulty at all in putting through a bill intended to correct this defect in legislation.

The VICE PRESIDENT. Where is it offered? The Secretary does not understand where it is offered.

Mr. GRONNA. Strike out the word "*Provided*" and insert it as a new section, as suggested by the Senator from Utah.

The VICE PRESIDENT. After the appropriation or before?

Mr. GRONNA. After the appropriation.

Mr. ASHURST. Let it be a new paragraph instead of a new section.

The SECRETARY. After line 23, page 22, insert:

"The provisions of sections 2140 and 2141 of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897 (29 Stat. L., p. 506)."

The VICE PRESIDENT. The amendment will be agreed to without objection.

Mr. OWEN. Mr. President, on page 3 of the bill there is a provision "for the suppression of the traffic in intoxicating liquors among Indians," for which there is appropriated \$150,000. That expenditure is made comparatively ineffective by the requirement under the law of proving that a person found in possession of intoxicating liquors has violated the law relating to introducing liquors across the State line. I now propose an amendment that the possession by a person of any intoxicating liquors in the country where the introduction is prohibited, shall be prima facie evidence of unlawful introduction. This legislation is described by the administrative officers in Oklahoma, especially where we have great difficulty with that feature.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 3, after line 22, after the amendment already agreed to at that point, it is proposed to insert:

"The possession by a person of intoxicating liquors in the country where the introduction is prohibited shall be prima facie evidence of unlawful introduction."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. KONOP. You say beer was not included in the statutes?

Mr. MERITT. Beer was not included in sections 2140 and 2141 of the Revised Statutes.

Mr. KONOP. Then in the prosecution of a man for introducing beer on an Indian reservation you could not convict him under the old law?

Mr. MERITT. We probably could not destroy the beer under sections 2140 and 2141. This law also makes the possession of intoxicating liquors prima facie evidence of unlawful introduction. That is a very important provision and makes it much easier to convict a person for introducing liquor on an Indian reservation.

Mr. KONOP. Suppose you went a little further and presumed him guilty?

Mr. MURRAY. We have got that law in Oklahoma, and a number of other States have it. It is the only way in the world to keep down the loopholes.

The CHAIRMAN. We will take up the next matter. The next is amendment No. 3, page 4, line 10, strike out \$350,000 and insert "\$400,000: *Provided.*"

Mr. HAYDEN. Why do you want this extra \$50,000 for the care of destitute Indians?

Mr. MERITT. That increase, Mr. Chairman, is absolutely necessary, if we are to continue to maintain the hospitals that have already been provided by Congress and also to take care of the sick Indians of the country. Congress has during the last two or three years materially increased the number of hospitals, and necessarily it has resulted in increased cost of administration, and we very much need this \$400,000.

Mr. CARTER. Mr. Meritt, for the current year you only have \$300,000, haven't you?

Mr. MERITT. We are providing in this item for two or three sanatoriums which we have been providing for out of general appropriations heretofore.

Mr. CARTER. And we have provided for some hospitals out of the other appropriations?

Mr. MERITT. Yes, sir.

Mr. CARTER. \$300,000 is the appropriation now for the year ending June 30, 1915. You had \$300,000, and when you came before the committee in December you had an unexpended balance from that amount of \$71,433.83.

Mr. MERITT. We are just completing some hospitals, Mr. Carter, that will increase the cost of administration.

Mr. CARTER. I understand; but this was your appropriation for the year ending June 30, 1915.

Mr. MERITT. Yes, sir.

Mr. CARTER. You had no uncompleted hospitals to care for out of that appropriation?

Mr. MERITT. We are just completing six new hospitals now.

Mr. CARTER. When did you begin them?

Mr. MERITT. We began them last year—the first part of this fiscal year.

Mr. CARTER. You did not have to use any of this \$300,000 for the year 1915?

Mr. MERITT. No, sir.

Mr. CARTER. For the building of those hospitals?

Mr. MERITT. No, sir.

Mr. CARTER. You built other hospitals, though, at that time, and you had \$71,000 left.

Mr. MERITT. But the fact that we have these 12 additional hospitals will very materially increase the cost of health administration among Indians.

Mr. CARTER. You mean it will take more for maintenance?

Mr. MERITT. Yes, sir.

Mr. CARTER. Well, the House has allowed \$50,000 for that.

Mr. MERITT. That will not be enough. We need fully \$400,000 for that work.

Mr. CARTER. That will mean an increase in the appropriation of 33½ per cent.

Mr. MERITT. Yes, sir. The health conditions of the Indians is deplorable, Mr. Carter, and we are trying to improve their conditions. We are spending more money now than we did three or four years ago.

Mr. CARTER. How much was that item when it first went into the bill?

Mr. MERITT. Something like \$25,000. But 20 per cent of the Indians of the country have tuberculosis and probably 30 per cent have trachoma.

Mr. CARTER. Now, when we give you \$350,000 we give you over \$1 a head for every Indian that you have jurisdiction over.

Mr. MERITT. Yes, sir.

Mr. NORTON. Mr. Meritt, this appropriation of \$400,000—is any part of it used for rations?

Mr. MERITT. Very little of it, if any.

Mr. NORTON. It is used for medical supplies and medical attendance chiefly?

Mr. MERITT. Yes, sir; and the maintenance of hospitals.

Mr. NORTON. And the maintenance of hospitals. Well, it appears that as the Indians are becoming more civilized they require more care and attention. Their standards of living become higher, somewhat like the whites?

Mr. MERITT. Yes, sir.

Mr. NORTON. You say a few years ago this item amounted to only \$25,000?

Mr. MERITT. Yes, sir; because the Government did not attempt to assist the Indians in their health work. They did not provide them with hospitals. They simply allowed them to die with tuberculosis and grow blind with trachoma. We are trying to improve those conditions, and it costs a good deal of money to reach these Indians located in 26 different States all over the western country.

Mr. NORTON. The Indians have increased along the lines of civilization in that respect as much as the whites have, have they not? When we recall that not very long ago the average man had his tooth pulled out by the blacksmith and now requires a high-priced dentist, it is not surprising that the Indians should improve.

Mr. MERITT. We have dentists at the different schools who attend to the teeth of the children; and we have physicians to go to the various reservations and treat the eyes of the Indians and attend to their other medical needs.

Mr. CARTER. How many hospitals have you?

Mr. MERITT. We are providing for six additional hospitals by this appropriation.

Mr. CARTER. How many have you?

Mr. MERITT. We have probably 30 additional hospitals, small hospitals at the various reservation boarding schools.

Mr. CARTER. What I want to know is how many hospitals have you now in operation altogether?

Mr. MERITT. Between 50 and 60 hospitals.

Mr. CARTER. And how many building?

Mr. MERITT. There are building at this time six additional hospitals.

Mr. CARTER. That would give you about 56 hospitals?

Mr. MERITT. About 60 hospitals.

Mr. CARTER. For 300,000 Indians?

Mr. MERITT. Yes, sir.

Mr. CARTER. That would be about a hospital for every 600?

Mr. MERITT. We need a hospital on practically every Indian reservation in the United States where they have an Indian population of over 1,000.

Mr. CARTER. Well, I need a hospital at my home, Mr. Meritt, but unfortunately I can not have it; and we have got to use some judgment for the Government funds, the same as we do for our own. Now, don't you really think that \$350,000 perhaps—\$1.25 or \$1.50 apiece—will care for every Indian on the reservation and ought to be sufficient?

Mr. MERITT. Could the committee give us \$375,000 instead of \$400,000? We will try to get along with that amount.

Mr. CARTER. Now, you have some other hospitals that are maintained out of tribal funds, haven't you?

Mr. MERITT. We have a few; yes, sir.

Mr. CARTER. In addition to these hospitals that you want in the \$400,000 appropriation?

Mr. MERITT. Yes, sir.

Mr. CARTER. You build a great many hospitals out of tribal funds, do you not?

Mr. MERITT. We build a few; not very many.

Mr. CARTER. You built one for the Choctaws and Chickasaws, didn't you?

Mr. MERITT. Yes, sir.

Mr. CARTER. Out of tribal funds?

Mr. MERITT. Yes, sir; at a cost of \$50,000. We also built one for the Kiowa and Comanche Tribes out of tribal funds at a cost of \$40,000. We built three hospitals up in the Sioux country out of tribal funds costing from \$25,000 to \$35,000 each.

Mr. KONOP. I would like to ask a few questions. On each of these reservations there are physicians provided, aren't there?

Mr. MERITT. Yes, sir.

Mr. KONOP. Government physicians are they?

Mr. MERITT. Yes, sir.

Mr. KONOP. Now, do they get pay out of this fund here when they take charge of these hospitals?

Mr. MERITT. We pay some of the physicians out of this fund, and other physicians are paid out of the support funds for the agency or for the school.

Mr. KONOP. Now, do they get any extra compensation when they take charge of a hospital on an Indian reservation?

Mr. MERITT. We usually pay a physician more when he is in charge of a hospital than we do when he has simply a small practice on an Indian reservation.

Mr. KONOP. So when the sum that you get for the physician—the particular appropriation—is not sufficient, you take out of this \$400,000 and make up the salary of this physician?

Mr. MERITT. It is not intended to use any of this appropriation for increasing salaries, Mr. Konop.

Mr. KONOP. I do not mean increasing salaries, but you say they get a little more when they take charge of a hospital. Now, if we do not provide enough in the appropriation when we appropriate for the particular agency, for the physician, do you take that excess out of the \$400,000?

Mr. MERITT. This appropriation is so worded that we can use it in almost any way that the Secretary of the Interior may deem proper in medical work.

Mr. KONOP. Do you also get extra physicians for these hospitals, besides those that are on the Indian reservations?

Mr. MERITT. Yes, sir; we have a physician in charge of each hospital.

The CHAIRMAN. We will take up the next amendment, amendment No. 4, page 4, line 13, strike out "\$15,000" and insert "\$17,500: *Provided further.*"

Mr. HAYDEN. That goes in connection with amendment No. 5, which provides that the existing law shall be changed by increasing the limitation of expenditure on the construction of hospitals from \$15,000 to \$17,500.

Mr. MERITT. Yes, sir; but we are more anxious to have amendment No. 5 than amendment No. 4. Hereafter we can bring the hospitals within \$15,000; but amendment No. 5 is absolutely necessary because the comptroller has recently rendered a decision after we had constructed a hospital which increased the charge out of this appropriation. Prior to that decision we had been using another appropri-

ation to pay the cost of supervising the construction of these hospitals.

Mr. HAYDEN. I remember about that.

Mr. MERITT. I would like to impress upon the committee the fact that this amendment No. 5 is very important, and the bureau will be embarrassed very much if this amendment is not included in the Indian bill as finally passed.

Mr. KONOP. You could not complete those hospitals then if the amendment No. 5 is not included?

Mr. MERITT. No, sir.

Mr. CARTER. Now, we put a provision in the other bill just like this, that the hospital should not exceed in cost \$15,000 to build, under this paragraph; yet the department violated that law, which Congress passed, and provided a hospital for \$500 more than Congress said it should cost.

Mr. MERITT. There was no intention of violating the law, Mr. Carter. This was new work for the bureau, and we got plans for hospitals that brought them just within the \$15,000. In order to get these hospitals constructed for \$15,000 we had to accept a lump-sum bid for the construction of several of them.

Mr. CARTER. Well, in the future you will try to confine yourself to \$15,000?

Mr. MERITT. Yes, sir.

Mr. CARTER. If we let you have this \$2,500 extra for the hospitals already under construction, you will not come back here next year and want a similar appropriation?

Mr. MERITT. No, sir.

The CHAIRMAN. This comes out of the \$400,000 lump sum anyway?

Mr. MERITT. It does not call for any addition appropriation.

The CHAIRMAN. The next amendment is No. 7, on page 5, line 11, insert the words "to be immediately available."

Mr. MERITT. That amendment, which will be found on page 121 of the Senate hearings, is necessary, Mr. Chairman, because we have the hospital in the Choctaw and Chickasaw country practically completed at this time, and we need funds to carry on the work of the hospital between now and July 1. Otherwise the hospital will stand there unoccupied.

The CHAIRMAN. Have you patients to go into the hospital?

Mr. MERITT. Yes, sir.

The CHAIRMAN. How are you taking care of those patients now?

Mr. MERITT. We have not opened the hospital yet.

The CHAIRMAN. I understand, but if you do open, have you got the patients?

Mr. MERITT. There is no question about the patients. There are a great many Indians in the Choctaw and Chickasaw country who will be glad to avail themselves of the opportunity furnished by this hospital.

The CHAIRMAN. What is the capacity of the Choctaw hospital?

Mr. MERITT. About 40.

The CHAIRMAN. How many are there willing to go into the hospital at the present time?

Mr. MERITT. We will have no trouble in filling the hospital to its capacity.

Mr. CARTER. Mr. Meritt, you say it will be necessary to have this immediately available, because you can not operate that hospital. Haven't you funds on hand already for that?

Mr. MERITT. We have not funds for the operation of this particular hospital.

Mr. CARTER. Well, but you have funds for the operation of hospitals, and this is one of them?

Mr. MERITT. This hospital was constructed out of tribal funds.

Mr. CARTER. I understand. I am not speaking of construction; I am speaking of maintenance and operation. This hospital could be maintained just the same as other hospitals out of that fund.

Mr. MERITT. That other fund is practically hypothecated at this time. The appropriation is so small that we have difficulty at the end of the year to maintain the hospitals on the small appropriation allowed by Congress.

The CHAIRMAN. The next amendment is on page 6, line 1, amendment No. 8, insert the words "and for tuition of Indian children in public schools, \$1,550,000: *Provided.*"

Mr. HAYDEN. These amendments 8 and 10 restore the language in the bill to the same form that it was when it was reported by this committee.

Mr. DILL. We had quite a good deal of trouble up here in the House with Mr. Mann about that. I am very much interested in seeing money provided for these Indian children, and Mr. Mann first struck the whole thing out as to the amount, and then he agreed to this latter provision.

Mr. HAYDEN. What does the bureau think about it?

Mr. KONOP. What he objected to was the tuition of Indian children in public schools. That was the part Mr. Mann objected to. That was stricken out, and the Senate, I see, has reinserted the provision.

Mr. MERITT. This item was discussed on page 20 of the Senate hearings and page 46 of the House hearings. In answer to Mr. Hayden's question I will say that the bureau and the department would like to have the item read exactly as amended by the Senate. That would be in accordance with the estimates.

Mr. CARTER. Now, Mr. Meritt, the House put in \$100,000 to be used for public schools. Now do you provide for the use of any part of it?

Mr. MERITT. We do not believe there should be a limitation, because we want to gradually get the children into the public schools. We now have between 8,000 and 10,000 children out of school, and if we could use this appropriation for paying tuition of Indian children in public schools without limitation it would be economy, because it would only cost about \$30 a year per pupil; whereas to maintain them in our schools costs approximately \$200 a year. It would be good administration and more Indian children could be placed in schools if you would allow this item to go through as it passed the Senate.

Mr. CARTER. You think you can educate more children in public schools than you can in the Government schools?

Mr. MERITT. Yes, sir; and we believe the education received in the public schools will be equally as beneficial to the Indian children.

Mr. CARTER. None of this is used for the Five Civilized Tribes?

Mr. MERITT. No, sir.

Mr. CARTER. They have a specific appropriation?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Where is this used?

Mr. MERITT. All over the country, outside of the Five Civilized Tribes.

Mr. DILL. How much was paid out last year for Indian children, if you know, in public schools?

Mr. MERITT. We had a limitation of \$20,000 on the amount last year. We have complaints from all over the country because we have not funds sufficient to meet the tuition of Indian children in public schools.

Mr. DILL. I am in sympathy with giving the department all the money it wants for this purpose, but I am simply trying to get information here—Mr. Mann raised a point of order against it on the floor, and then later came back and agreed to the \$100,000—I am simply trying to get such information as will enable us to get past him again.

Mr. HAYDEN. Would you use \$100,000 for this purpose?

Mr. MERITT. I think we could, if we were given a free hand.

Mr. HAYDEN. Will you?

Mr. MERITT. We will, if you will permit us to have this appropriation.

Mr. NORTON. Mr. Meritt, if you are given a free hand in this matter, do you have in mind the probable fact that some insistent demands will be made upon you by local authorities having charge of public schools for the payment of large tuition fees for the use of public schools by Indians?

Mr. MERITT. We limit the amount that we will pay for tuition in public schools.

Mr. NORTON. Is that a limit that applies in all sections of the country?

Mr. MERITT. Yes, sir.

Mr. NORTON. What is the limit?

Mr. MERITT. It is between 10 and 15 cents a day.

Mr. KONOP. Most of the States have a limit on that, which provides a certain amount of tuition in public schools, where a pupil goes to the public schools that does not belong there. I think it is in the neighborhood of \$30 a year, \$2 a month or something like that.

Mr. MERITT. It is between \$2 and \$3 a month for tuition.

Mr. NORTON. Of course, I am very much in favor of giving the department a free hand in this matter, and I think it is one way of getting the Indian children into the public schools and getting rid of the care of the Indians.

Mr. DILL. I think it is a very important item, and I think it is the best thing that could happen to the Indian to get him into the white schools.

Mr. MERITT. That is what we hope to do gradually.

The CHAIRMAN. The next amendment is No. 11, on page 7, line 22:

All moneys appropriated herein for school purposes among the Indians may be expended without restriction as to per capita expenditure.

Mr. MERITT. Discussion of this item will be found on page 26 of the Senate hearings and page 58 of the House hearings. This amendment, Mr. Chairman, is a very important one, as we can not educate

the Indian children in nonreservation Indian schools at the limitation now prescribed by law, namely, \$167 per capita per annum.

Mr. HAYDEN. This language has been carried in the Indian bill for a number of years?

Mr. MERITT. Yes, sir.

Mr. CARTER. You can educate them in some schools, but not in a great majority of them?

Mr. MERITT. Yes, sir. Where we have a large enrollment we can keep the cost down to that amount, but at the small nonreservation schools it costs a good deal more than \$167 per capita.

Mr. CAMPBELL. Mr. Meritt, would this language authorize you to use a greater per capita in those California schools than is being used under the appropriation which the House made?

Mr. MERITT. The cost per capita in the California schools has been exceedingly high. That cost, however, is limited by the appropriation; and putting this item in would not necessarily increase the cost per capita.

Mr. CAMPBELL. That is what I am inquiring about, whether or not this language would nullify the language used in the bill as it passed the House.

Mr. MERITT. No, sir; because the appropriation necessarily limits the amount or cost per capita at those two schools.

Mr. CAMPBELL. But this authorizes you to use out of this million and a half dollars.

Mr. KONOP. To make up the balance.

Mr. CAMPBELL. To make up the balance.

Mr. MERITT. No, sir; that is not the intention at all. We could not use the million and a half to supplement any appropriation for nonreservation schools.

Mr. CAMPBELL. This says "all moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure." That is a pretty broad authorization.

Mr. MERITT. But we could not use this \$1,550,000 to supplement a specific appropriation for nonreservation schools. Neither the auditor nor the comptroller would permit us to do that if we were so inclined.

Mr. HAYDEN. Permit me to direct attention to the provisions on line 16, page 6:

That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

That would prevent the use of any funds for the California schools.

Mr. CAMPBELL. Well, I knew that was what we had provided in the bill, but whether or not this language was intended to neutralize or nullify that was what I was wondering about.

Mr. HAYDEN. This language was in the bill as reported from this committee, was stricken out on a point of order in the House, and restored in the Senate.

Mr. KONOP. Mr. Meritt, will you please state again why you want this provision? I did not get that exactly.

Mr. MERITT. There is a provision of law in the statute books which limits the cost of any one pupil to \$167 a year.

The first provision limiting the per capita cost to \$167 was contained in the act of May 31, 1900 (31 Stat. L., 221, 246). The last time this provision was contained in the Indian appropriation act was April 30, 1908 (35 Stat. L., 70, 72), when it was made permanent legislation.

Mr. KONOP. That is out of this \$1,550,000?

Mr. MERITT. Out of any appropriation at any school, regardless of whether it is a nonreservation boarding school or a reservation boarding school. We find that it is practically impossible at some of our smaller nonreservation schools to keep the cost within that limit on account of the increased cost of living during the last 10 years. That law was passed more than 10 years ago, and conditions have very materially changed since the old law was passed, and this proviso that is carried in the bill, amendment No. 11, is the same amendment that has been carried in the Indian appropriation bill for a number of years.

Mr. NORTON. In the existing law?

Mr. CAMPBELL. Carried in the appropriation bills?

Mr. MERITT. It is in the Indian appropriation bill, but it is from-year-to-year legislation.

Mr. NORTON. Would it not be well, Mr. Meritt, to repeal the provision limiting the per capita expenditure to \$167 or make this provision here permanent law?

Mr. MERITT. We have endeavored a number of times, before the Indian Committees of Congress, to make this permanent law by inserting the words "herein or hereinafter," but the committees have always stricken out the word "hereafter."

Mr. KONOP. Supposing we raised the limit to \$175. Would that be sufficient?

Mr. MERITT. No, sir; we would like to have the limit at least \$200.

Mr. NORTON. That would not cover it then—\$200—because your expenditure in many cases is considerably more than \$200 per capita.

Mr. MERITT. Yes, sir; we find that at the smaller nonreservation schools the cost per capita is more than \$200 a year.

Mr. HAYDEN. I think, however, it would be a good thing to have some per capita amount as the basis of your estimates to the committee.

Mr. MERITT. This objection might be made to naming the amount, Mr. Hayden; at the large nonreservation schools now we keep the cost down to practically \$167, but at the smaller nonreservation schools it is impossible to keep it down to \$167. If we named a specific amount, the superintendents of nonreservation schools might gradually work up the per capita cost to \$200.

Mr. CAMPBELL. When you do not keep it down to \$167 where do you make up the deficiency from?

Mr. MERITT. We have specific appropriations for these nonreservation schools.

Mr. CAMPBELL. Yes; but the appropriation is made on the per capita basis of \$167 per pupil?

Mr. HAYDEN. Not always.

Mr. CAMPBELL. That is the intention.

Mr. HAYDEN. But if you look through the hearings, at a number of these large nonreservation schools you will see that we have

allowed in this bill appropriations greatly in excess of \$167 in certain cases.

Mr. CAMPBELL. Only in a limited number of cases, such as Carlisle and some of the more important schools.

Mr. HAYDEN. That is the case in all of the California schools?

Mr. CAMPBELL. Well, at Chilocco and Haskell they are all based on the basis of \$167, are they not?

Mr. MERITT. The larger nonreservation schools are.

Mr. CAMPBELL. No, then, if you can not maintain those schools at \$167 for the current year, out of what fund will you make up the deficiency?

Mr. MERITT. At some of the larger reservation schools we have farms, and those farms produce quite a nice income, and we are enabled to use the income from those farms to supplement the appropriations.

Mr. CAMPBELL. You are not authorized to use that without an appropriation, are you?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Under what law, or what authority?

Mr. MERITT. Under the ruling of the comptroller we can use proceeds from the farms of our Indian schools for the benefit of the school, because the produce from those farms is the result of Indian labor.

Mr. CAMPBELL. Now, for example, at Chilocco there are about 700 acres of hay there. Can that hay be sold and the money used without an appropriation by Congress?

Mr. MERITT. Yes, sir. We raise a good many cattle at that school, and these are sold and the proceeds used for the benefit of the school.

Mr. CAMPBELL. We require every other department and bureau of the Government to cover their money into the Treasury and pay it out on specific appropriations. Do the auditors of the Interior Department permit that practice generally by the Indian Office?

Mr. MERITT. That has been the practice of the Indian Office for a great many years. That is known as Class IV funds, and we can use those funds for administrative purposes.

Mr. CAMPBELL. What check is there on those funds?

Mr. MERITT. We require the superintendent to submit an account of the expenditure of every dollar of this money to the Indian Office, and it is checked up in the Indian Office and also by the auditor.

Mr. CAMPBELL. Does Congress ever have any notice of it?

Mr. MERITT. I do not know that the accounts are submitted to Congress; but it has been well known that that has been the practice for a number of years.

Mr. HERNANDEZ. Does that apply to grazing fees?

Mr. MERITT. No, sir; that would not apply to grazing fees on the reservations. This question would only apply to a nonreservation Indian school.

Mr. HERNANDEZ. Grazing fees are accounted for in the same way?

Mr. MERITT. We are required to deposit grazing fees from the reservations in the Treasury of the United States.

Mr. CAMPBELL. Then, as a matter of fact, the law fixing the per capita at \$167 does not govern the bureau in the expenditures for the education of Indian children in nonreservation schools?

Mr. MERITT. The law has not applied for a number of years, Mr. Chairman, for the simple reason that there has been carried in the Indian bill this proviso, or language similar thereto, which for that year repeals the act limiting the per capita to \$167.

Mr. CAMPBELL. But this refers to moneys appropriated herein. This does not refer to the income of the schools for their labor on farms or dairies or any other source of income that they might have.

Mr. MERITT. No, sir; this applies to appropriations carried in the Indian bill.

Mr. CAMPBELL. Does it apply to this \$1,550,000?

Mr. MERITT. It would apply to this extent, that if this amendment was not carried in the bill, we could not expend over \$167 per capita at any of the reservation boarding schools provided for out of this general appropriation.

Mr. CAMPBELL. Now, could you use any of this \$1,550,000 at Chilocco?

Mr. MERITT. No, sir; not a dollar of it.

Mr. CAMPBELL. Is any of it used at Carlisle?

Mr. MERITT. No, sir; you could not use any other fund, except the appropriation provided for that school, in addition to the money that may be derived from the production on the school farm.

Mr. MILLER. What is this \$167 a year used for?

Mr. MERITT. There was a law passed a number of years ago providing for that limitation on the per capita expenditure.

Mr. MILLER. I mean the item; what does it include?

Mr. MERITT. It includes board for the children, their clothing, and medical attention.

Mr. MILLER. That is all I want to know. That amount is little enough. I have an institution that takes \$195—an institution for the feeble-minded.

Mr. MERITT. I think you will find that the average cost in universities will be over \$300 at this time, and they are not getting any better instruction in some of those schools than we are giving at some of our nonreservation Indian boarding schools.

Mr. CARTER. The next amendment is No. 12, page 8, line 17, an increase of \$75,000.

Mr. NORTON. Just a moment before we pass this matter. I want to make an inquiry. Now, Mr. Meritt, when a specific amount is appropriated for a certain boarding school, is it not the common thing that practically an amount equal to the amount specifically appropriated is taken out of other funds and used for the school for its support?

Mr. MERITT. We can only use the specific appropriation for the support of that institution. We can not supplement that out of general funds.

Mr. HAYDEN. Well, there is one way that you can.

Mr. NORTON. Now, just let me call your attention to the case of the Fort Totten boarding school. The specific appropriation for that was \$68,500 in 1915, was it not?

Mr. MERITT. For the support and education of 400 Indian pupils and for pay of superintendent the amount was \$68,500.

Mr. NORTON. This is not one of the cases, but it simply illustrates what Mr. Campbell brought out, and it is this: Now, for the support of that school \$947 was used out of Indian-school transporta-

tion funds, which is not included in the specific appropriation of \$68,500.

Mr. MERITT. I should have stated that that transportation fund is for the transportation of all Indian children to the schools.

Mr. NORTON. And there was also at that school \$740.85 used for the support of the school out of miscellaneous receipts, class four, which I understand is to include the sale of products raised at the school.

Mr. MERITT. That is the fund that Mr. Campbell just a moment ago called to the attention of the committee.

Mr. NORTON. And there was \$375.37 used for the support of the school out of Indian money the proceeds of labor.

Mr. MERITT. That is the produce of the farm.

Mr. NORTON. What is class four, miscellaneous receipts?

Mr. MERITT. There is very little difference between those funds. They are both products of the farm. Mr. Campbell, I should have called your attention to the fact that there is one appropriation for the transportation of Indian children of about \$82,000 which may be used by the nonreservation schools. That is used for all the nonreservation schools for transportation of Indian children.

Mr. CARTER. The next item is on page 8, line 17, amendment No. 12, increasing the amount of \$425,000 to \$500,000. What is the necessity of that additional money, Mr. Meritt.

Mr. MERITT. This item is discussed on page 28 of the Senate hearings, and page 60 of the House hearings. This increase we feel is necessary for the reason that Congress during the last two or three years has very materially increased the appropriations for industrial work among Indians; and it is for the purpose of carrying on this work for which Congress has heretofore provided that we are asking for this increased appropriation of \$75,000—\$500,000 is the amount asked for by the department in the estimates.

Mr. CARTER. Evidently, Mr. Meritt, there was not a very good showing made for the \$500,000, because the House committee cut it down to \$425,000.

Mr. MERITT. We thought we submitted a strong justification for this item both before the House and the Senate committees.

Mr. CAMPBELL. I would like to just ask this: Mr. Meritt, there have been two or three tribes of Indians who have had their representatives here since the appropriation bill was out of the committee. There were very many intelligent Indians among them who appeared here. In answer to questions by members of the committee these Indians stated—some of them—that they lived within a short distance of where the farmer was, and that they never had seen the farmer and did not know what he did; that he had never done anything for them. They said the same thing about the doctors; that women and children were sick and they could not get the doctor; they could not get anybody.

Mr. CARTER. Give him the names of those tribes, Mr. Campbell. I remember that matter.

Mr. CAMPBELL. They were the Blackfeet, Chippewas, and Flatheads. Now, all members of the committee got the idea that the Indians were getting very little out of this \$425,000. It is a splendid organization, a good front, but the Indian did not seem to be the beneficiary, according to what the Indians said about it.

Mr. MERITT. We have three physicians on the Blackfeet Reservation and have recently completed a hospital for those Indians. The conditions have been bad on that reservation, but are now materially improved.

Mr. CAMPBELL. The complaint was almost universal, in regard to the farmers, that they never saw the farmers; that they never had any instructions from him. Some of them admitted that they had seen him; that he came along and told them how to dig post holes, or something of that sort, but gave them no such instruction as would be of value to an Indian who really wanted to learn how to make a living out of the soil.

Mr. NORTON. I will say, further, Mr. Meritt, in connection with the statement made by Mr. Campbell, that they represented to the committee here that these farmers spent most of their time in the office instead of doing field work; that they spent a good deal of their time acting as chauffeurs for the superintendent and caring for the needs of himself and his family; that they spent a good deal of their time in doing work in the office that they thought should be done by some one else; that the doctors spent most of their time in joy riding and hunting and fishing, instead of caring for the Indians. And these men appeared before the committee from the Blackfeet Tribe and the tribes in Minnesota and seemed to be very sincere in their complaints.

Mr. CAMPBELL. These complaints were not voluntary. They were not a bad lot of Indians at all. They simply admitted that these conditions existed in the reservations.

Mr. CARTER. They were, rather, elicited on cross-examination.

Mr. MERITT. We would be very glad to have specific cases of that kind.

Mr. CAMPBELL. I think you will find it in the testimony.

Mr. MERITT. Our farmers have been given specific instructions that they must get out among the Indian farmers and not remain at the agency and do clerical work.

Mr. CAMPBELL. For one, I would not feel like increasing this amount, in view of what the committee has been informed is really being done with this money. It was shown that everything was taken care of nicely about the homes of the employees on the reservation; the white employees had all the help they needed, but that the Indian was neglected at almost every turn; that his welfare was a matter of secondary consideration.

Mr. MERITT. We have given our farmers specific instructions that they must not spend their time at the agency doing clerical work, but must get out among the farmers—the Indian farmers—and show them how to farm to the best advantage.

Mr. CAMPBELL. Now, the Indians say that no such thing is done, and that they are getting—I think the question was asked what benefit was the Indian getting from the appropriation that is made for keeping up the agency? The answer was, nothing.

Mr. MERITT. Well, I think an answer of that kind is entirely wrong.

Mr. CAMPBELL. Then, on cross-examination the question was asked, what is the blacksmith doing for the Indian? Well, once in a while they would admit that the blacksmith did do some little work. The question was asked, what is the carpenter doing? The answer

was, that they never saw him. The question asked, "What is the farmer doing?" "He never has been out to my place." "How far do you live?" "Six miles." And so on. They stated that they never had any suggestion from him. They knew in a general way that there was a farmer, but they never saw him, and so on, with the doctor. And it does seem as though there is lack of organization that gets down to the results of spending this money so as to give a benefit to the party for whom it was appropriated.

Mr. MERITT. I think we should measure these things by the results obtained. During the last two years the Indians have farmed from 10 to 20 per cent more land than they ever farmed before. The Indian fairs have shown a wonderful increase in the work of Indian farmers. Even at the white county fairs the Indians during the last two or three years have taken prizes in competition with the white farmers, and there has been a wonderful industrial awakening among the Indians of the country.

Mr. CAMPBELL. We had here large farmers, Indians. They had never had any sort of suggestion from this farmer, and from the way they talked about their work they could probably give information to the farmer. They seemed to know exactly what to do. They were large stock raisers. They raised a large wheat acreage and oats and had a great many cattle.

Mr. NORTON. One Indian who appeared here—Mr. Smith—from the Fort Berthold Indian Reservation stated to the committee that he had something like a thousand acres of crop in, as I recall it. He had a large acreage anyway. He had a thrashing machine of his own, with which he did his own work and the work of some of his neighbors, but last fall the agency were to provide a thrashing machine for the Indians, and put in an order for a separator, but they did not secure that separator until long after the proper time for the thrashing, until the snow was upon the ground; that during the time they were waiting for the separator to arrive, the Indian agency had an engine, a steam engine, and Mr. Smith was doing thrashing for the Indians generally on the reservation, and his engine broke down. He wanted to have the use of this engine from the agency, but the superintendent intelligently, it would seem—probably I should not use that term except facetiously—refused to permit him to use this engine, and as a result he was laid up with his machine for several days. That is one condition that was complained of there. Other members of the tribe with him stated that they had never seen the Indian farmer for years come out to their section of the country—that is, on the Fort Berthold Indian Reservation—where, I believe, the Indians are in as high a state of civilization as any Indians in the country. Now, I would like to ask this, Mr. Meritt—I would like to have Mr. Campbell give his attention to this: Don't you think it is a fact that some of your inspectors who are long in the service become, so to say, "ossified," and do not recognize conditions that ought to be corrected, and that they slide over, or white-wash, conditions that ought to be reported adversely?

Mr. CAMPBELL. They write a nice report and all that without seeing the farms, without seeing the farmer in connection with the Indians, and simply gloss over the thing.

Mr. MERITT. We recognize that condition, and for that reason we asked two years ago for an appropriation for six inspectors, and

we have now in the service five new inspectors who have not heretofore been connected with the service.

Mr. NORTON. Would it not be a pretty good plan to change these inspectors frequently?

Mr. MERITT. We have assigned them to districts, and when they are in that district so long that they can not see any faults or discover bad conditions, and have become, as you say, "ossified," so far as the work of that district is concerned, we will transfer them to some other district and have a new man go into their district.

Mr. CARTER. The next amendment is No. 13, page 8, line 19:

Provided further, That no money appropriated herein shall be expended on or after January first, nineteen hundred and seventeen, for the employment of any farmer or expert farmer at a salary of or in excess of \$50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State in which his services are to be rendered, or by the president or dean of the State agricultural college of an adjoining State: Provided, That this provision shall not apply to persons now employed in the Indian Service as farmer or expert farmer: And provided further, That this shall not apply to Indians employed or to be employed as assistant farmer: And provided further.

Mr. HAYDEN. Was this amendment drafted or requested by the Indian Office?

Mr. MERITT. No, sir; it was put in the Indian bill on the motion of Senator Gronna, of North Dakota. If the amendment will be of any help in improving the personnel of the farmer service, we have no objection to it.

Mr. HAYDEN. Will you refer to where it was discussed in the Congressional Record?

Mr. MERITT. It is discussed on page 640 of the Senate hearings and on page 5270 of the Congressional Record.

Mr. KONOP. You do not oppose that amendment or favor it?

Mr. MERITT. If the committee thinks it is a good item of legislation, we have no objection to it.

Mr. CARTER. The next amendment is No. 14, page 10, line 2, strike out the words "one permanent warehouse" and insert "three permanent warehouses."

Mr. HAYDEN. What is the opinion of the bureau about that amendment?

Mr. MERITT. This item was discussed on page 169 of the Senate hearings and on page 71 of the House hearings. We feel that we should have three permanent warehouses during the next year. Two years ago Congress cut the number down from five to three, and it would be a rather radical change to cut the number still further down to one.

Mr. KONOP. Now, it seems that the Indian appropriation bill as it passed the House—that is, as it passed the committee before it went through the House—had three in, did it not?

Mr. MERITT. The Indian bill as it passed the House carried one permanent warehouse.

Mr. CARTER. The report of the committee had two, did it not?

Mr. MERITT. I think it was made one on the floor of the House, Mr. Carter.

Mr. HAYDEN. As the bill was reported to the House it contained three permanent warehouses.

Mr. KONOP. I think there was some discussion on the floor of the House wherein two of the permanent warehouses did not do much business. There was some discussion about that, and that was the reason why on the floor of the House they talked of cutting down the number to one.

Mr. CARTER. The next amendment is No. 15, page 11, line 7, increasing \$8,000 to \$10,000.

Mr. HAYDEN. Why do you need an additional \$2,000 for the judges of the Indian courts?

Mr. MERITT. This item will be found on page 30 of the Senate hearings and on page 95 of the House hearings. We find that these Indian judges are helpful to us in maintaining law and order on the Indian reservations, and these Indian judges keep in touch with the Indians on the reservations, and they feel that they have a part in the administration of Indian affairs.

Mr. KONOP. How much did you estimate for that?

Mr. MERITT. \$10,000.

Mr. KONOP. And we cut it down in the committee to \$8,000?

Mr. MERITT. Yes, sir.

Mr. KONOP. It seems to me that the reason for that cut was because there was an unexpended balance, which indicated that you would not need more than \$8,000 for the coming fiscal year.

Mr. MERITT. We will need the full \$10,000 for the next year.

Mr. CARTER. Well, Mr. Meritt, how much did you have last year?

Mr. MERITT. We had \$8,000 last year.

Mr. CARTER. Why is it you need \$2,000 more now? We have got to have a better reason than that you just need it.

Mr. MERITT. We have had \$10,000 for a number of years for this work.

Mr. CARTER. But the mere fact that you have had it, Mr. Meritt, is not any justification.

Mr. MERITT. We have requests from a number of superintendents for additional Indian judges.

Mr. CARTER. I notice on page 95 of the House hearings you report an unexpended balance of \$702.94 out of this item.

Mr. MERITT. Yes, sir.

Mr. CARTER. Now, that was made up on December 1, several months after the fiscal year had ended. All of the judges must have been paid by that time, so you had an actual balance of \$702.94. It does not seem to me that a very good showing is made for an increase of \$2,000.

Mr. MERITT. The request is made for the \$2,000 increase based on the requests of the superintendents for additional judges on the reservations. On some reservations we have no Indian judges now because of the lack of an appropriation.

Mr. KONOP. What do you mean by judges. Justices of the peace?

Mr. MERITT. Indians who are selected to serve as judges in the Indian courts. We will be satisfied with the amount allowed by the House, \$8,000.

Mr. CARTER. The next amendment is No. 16, page 12, line 2, strike out \$90,000 and insert \$100,000.

Mr. HAYDEN. What is that extra \$10,000 for?

Mr. MERITT. That is an appropriation for determining the heirs of deceased Indians. Discussion of this item will be found on page 256 of the Senate hearings and on page 103 of the House hearings.

Mr. HAYDEN. This appropriation is for \$100,000. It has only been \$90,000 in the past.

Mr. MERITT. No, sir; we have had \$100,000 in the past, but the House cut it down to \$90,000.

Mr. HAYDEN. You had a large unexpended balance.

Mr. MERITT. We had an unexpended balance, but we want to increase the force in the field, which will take up the entire appropriation. We have at this time about 30,000 cases undetermined in the field, and this full appropriation can be used. This is not a gratuity appropriation. It is reimbursable, and the Indians themselves pay for this work.

Mr. CARTER. Well, it is an appropriation to be reimbursed, and it is reimbursed at a certain per capita?

Mr. MERITT. Yes, sir; and we find that the cases determined by this force are sufficient to cover the expense. We would also like to have out of this appropriation \$25,000 instead of \$20,000 available for office work.

Mr. HAYDEN. That is amendment No. 17?

Mr. MERITT. Yes, sir. That will make the work more balanced.

Mr. CARTER. That is really an appropriation over which this committee has no jurisdiction.

Mr. MERITT. This committee has taken jurisdiction over this matter for two or three years.

Mr. CARTER. But that appropriation really ought to go to the Committee on Appropriations.

Mr. HAYDEN. I suggest that in your estimate next year you take it to the Committee on Appropriations and leave it out of the Indian bill.

Mr. CARTER. The next amendment is No. 18, page 12, line 7, strike out \$90,000 and insert \$100,000. The next is No. 19, page 12, line 11, strike out the word "heir" and insert the word "heirs."

The next is amendment No. 20, page 12, line 12, insert the words "of the value of \$250 or more, or to any allotment."

Mr. MERITT. We do not want to charge a fee of \$15 for determining the heirs to property that is not worth more than \$250.

Mr. CARTER. Amendment No. 21, page 13, line 2, "regardless of their competency."

Mr. MERITT. Under the act of June 25, 1910, section 1 (36 Stat. L., 855, 856), we are not permitted to partition an estate wherever the heirs are incompetent, and we would like to have that legislation amended.

Mr. CARTER. This just gives you the right of partition where the heirs are incompetent?

Mr. MERITT. Yes, sir; or where some of them are competent and some are incompetent.

Mr. CARTER. The next is amendment No. 22, page 13, line 7, "or order of extension of the trust period set out in said patent." What justification have you for that, Mr. Meritt?

Mr. MERITT. That is necessary for the reason that we have extended the trust period on allotments on some of the reservations.

The President, under the act of June 21, 1906 (34 Stat. L., 326), has authority to extend the trust period, and it is for the purpose of including those allotments within this legislation.

Mr. CARTER. You want the trust period to terminate not according to the terms of the original patent but in accordance with the period set out in the extension of the patent?

Mr. MERITT. Yes, sir; to place all the allotments on the same basis.

Mr. CARTER. The next is amendment No. 23, page 13, line 11, increasing the amount from \$300,000 to \$400,000. What justification have you for that?

Mr. MERITT. This item was discussed on page 34 of the Senate hearings and on page 107 of the House hearings. This appropriation is for the purpose of encouraging industry and self-support among the Indians. It is reimbursable. We estimated for \$500,000; the House cut it down to \$300,000, and the Senate committee allowed \$400,000. We would like to have at least \$400,000. We use this appropriation for purchasing cattle for Indians, for buying farming implements for them. It is one of the most important items in the Indian bill for getting the Indians started on their allotments.

Mr. CARTER. Last year you had \$600,000.

Mr. MERITT. Yes, sir.

Mr. CARTER. And out of that you had an unexpended balance of \$32,000.

Mr. MERITT. There was a small unexpended balance.

Mr. CARTER. Mr. Meritt, can you give the committee any information as to how far this is going in the way of costing the Government?

Mr. MERITT. I think that this is one appropriation that will ultimately reduce the gratuity appropriations by Congress.

Mr. CARTER. But ultimately—can you give the committee any idea as to the time we are going to be called on to keep appropriating this large sum for industrial work?

Mr. MERITT. I think we ought to keep on making these appropriations for a number of years to come, so that every Indian who has been given an allotment may have some farming equipment so that he can cultivate his allotment.

Mr. CARTER. This is not only farming equipment, but it is used principally for buying tribal herds.

Mr. MERITT. That has been the use heretofore, but hereafter a very much larger part will be used for buying farming implements for individual Indians.

Mr. HAYDEN. In other words, you have completed the purchase of tribal herds?

Mr. MERITT. We have not completed it, but we have bought tribal herds where they are most urgently needed on the reservations.

Mr. CARTER. Now, \$567,000 was expended in 1915, and I notice \$421,000 was expended for live stock.

Mr. MERITT. Yes, sir.

Mr. CARTER. And only \$67,000 for machinery, etc. How many more of these tribal herds does the bureau contemplate purchasing?

Mr. MERITT. We do not expect to buy very many more tribal herds.

Mr. CARTER. But how many?

MR. MERITT. There is need for three or four tribal herds, I should say; and after that we can devote more money to the individual Indians.

MR. KONOP. Now, Mr. Meritt, on page 100, right in this connection, I want to ask you something about that amendment No. 142, for the purchase of pure-bred dairy cattle for the Oneida Indian School, Wisconsin, \$10,000. Don't you usually take that money for the Oneida Reservation out of the lump-sum appropriation?

MR. MERITT. We did not ask for that amendment on page 100, amendment No. 142. That was put in by the Senate without our request.

MR. KONOP. What is your opinion about that amendment?

MR. MERITT. If the committee wants to give us the appropriation, we can use it to advantage on the reservation.

MR. CARTER. The next amendment is No. 34, page 14, line 17:

That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation and that the allottee, by reason of old age or other disability, can not personally occupy or improve his allotment or any portion thereof, such lands or such portion thereof, may be leased for a period not exceeding ten years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior.

MR. HAYDEN. This committee has favorably reported a bill introduced by Mr. Dill, which is now on the House Calendar, covering this identical language.

MR. MERITT. You will find this item discussed on page 5747 of the Congressional Record. I think this legislation would be very helpful to the Indians on reservations where we have irrigable land. Under existing law we can not lease it for a longer period than five years, and some of the tenants will not go on the land and level it and get it in good condition for a short leasing period. We feel it would be helpful both to the white tenants on Indian lands and to the Indians themselves to be allowed to rent the lands for a longer period than five years.

MR. HAYDEN. My only regret is that the amendment does not go further and allow the leasing of allotments under Indian irrigation projects where the allottee is physically able to do the work but is too lazy to do it, thus allowing areas of land to remain idle without contributing anything toward the upbuilding of the project. It seems to me that the way to handle that situation would be to lease that kind of an allotment, and instead of giving the lazy Indian the money, use it for the benefit of the tribe.

MR. KONOP. Why not strike out the phrase "by reason of old age or other disability"? Then it would cover any case.

MR. HAYDEN. We have to go further than that and provide in the cases I have mentioned that the Indian should not get the money, because it is very bad policy to lease an allotment and give the Indian the money without his doing any work. It is bad for the Indians.

MR. DILL. Please give the committee your view in regard to amendment 24 on page 14 of the bill, which reads:

That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation and that the allottee, by reason of old age or other disability, can not personally occupy or improve his allotment or any portion thereof, such lands or

such portion thereof may be leased for a period not exceeding 10 years under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior.

Mr. MERITT. We are in favor of that legislation and think it will be very helpful to us in leasing irrigable lands.

Mr. DILL. You recommended that legislation and the committee reported the bill, and it is now on the calendar of the House?

Mr. MERITT. Yes, sir.

Mr. DILL. The bill I originally introduced was sent to the Indian Bureau and the Indian Bureau recommended that it be amended to practically this form, and we complied with that recommendation and reported it out of the committee.

Mr. MERITT. Yes, sir. The bureau will be very glad to secure the legislation, and we think it will be very beneficial to the Indians.

Mr. CARTER. The next amendment is No. 25, page 15, line 15:

That section two of the act approved March second, nineteen hundred and seven (Thirty-fourth Statutes at Large, page twelve hundred and twenty-one), entitled "An act providing for the allotment and distribution of Indian tribal funds," be, and the same is hereby, amended so as to read as follows:

"That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior."

Mr. MERITT. Mr. Chairman, this item is discussed on page 130 of the House hearings and page 539 of the Senate hearings. It is very beneficial legislation, and it is legislation that we have been trying to get for a number of years. Under the act of March 2, 1907 (34 Stat. L., 1221), at this time we can pay to competent Indians and also to old and decrepit Indians their pro rata share of tribal funds, but to the noncompetent able-bodied Indians we have no authority to pay out their share of the funds in the Treasury of the United States. We feel that we should treat all the Indians alike. Noncompetent able-bodied Indians can make good use of this fund on their allotments, and we should not have our hands tied so that we can not pay them money to their credit in the Treasury.

Mr. CARTER. Mr. Meritt, what do you intend to do? What you want us to do is to permit you to pay the funds out to the able-bodied Indians also?

Mr. MERITT. Yes, sir.

Mr. CARTER. Does this language do that?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. It says "mentally" incapable.

Mr. CARTER. It says "mentally or physically incapable."

Mr. MERITT. That would cover noncompetent but able-bodied Indians. That would reach a class we can not reach under existing law.

Mr. KONOP. Under existing law you can pay out to the competent ones?

Mr. MERITT. Yes, sir.

Mr. KONOP. But you want to use the money for the benefit of the incompetent ones?

Mr. MERITT. Yes, sir. This legislation would not apply to the Five Civilized Tribes or the Osage Indians or the Chippewa Indians. There is special legislation applying to them.

Mr. KONOP. Do I understand that under the general law now, if there is an incompetent Indian anywhere, you can not use his funds now in the Treasury for his benefit?

Mr. MERITT. Yes, sir.

Mr. KONOP. So this provision would give you that power?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next is amendment No. 26, page 16, line 5:

For reimbursing Indians for live stock which has been heretofore or which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, \$100,000, said amount to be immediately available and to remain available until expended.

What page of the Senate hearings is that discussed on?

Mr. MERITT. Page 513. This item was included in our estimates, and it is for the purpose of taking care of stock afflicted with dourine. It is discussed in the House hearings beginning on page 137. We very much need this appropriation.

Mr. NORTON. I think the appropriation is all right. In reading the hearings in the Senate it seemed that some of the gentlemen discussing the matter seemed to be of the opinion that dourine was a disease of cattle. Of course that is not so. It is a disease of horses.

Mr. KONOP. I do not know about this. There was nothing provided in the House bill at all for this purpose, was there?

Mr. MERITT. We requested this appropriation before the House committee, but I believe that the House bill did not carry the item.

Mr. KONOP. Do you propose, if there is any stock or horses that die from these contagious diseases, that this money should be spent to replenish the herds, to buy new horses?

Mr. MERITT. No, sir. Where an Indian horse is afflicted with this dourine, of course that horse may transmit the disease to other Indian horses; and we intend to destroy that horse and reimburse the Indian.

Mr. HAYDEN. This is in line with the appropriations made in the Agricultural appropriation bill for the destruction of diseased animals.

Mr. MERITT. Yes, sir; and we are cooperating with the Department of Agriculture, but they have no funds to enable them to pay for horses killed on Indian reservations.

Mr. CARTER. The next amendment is No. 27, page 16, line 13:

For the payment to Charles J. Kappler for the work of compiling, annotating, and indexing the third volume of Indian Laws and Treaties, the sum of \$2,000.

Mr. HAYDEN. What about that?

Mr. MERITT. We did not ask for that item, Mr. Chairman. The discussion of it appears on page 497 of the Senate hearings.

Mr. KONOP. Who requested Mr. Kappler to compile this volume?

Mr. MERITT. Mr. Kappler at one time was clerk of the Senate Committee on Indian Affairs, and he compiled two volumes of the laws and treaties, and it is for the purpose of bringing up to date the Indian laws that this third volume was compiled. I believe it was done at the suggestion of at least one member of the Senate Committee on Indian Affairs.

Mr. NORTON. Now, Mr. Meritt, this book is not copyrighted, Kappler's Laws and Indian Treaties?

Mr. MERITT. No, sir.

Mr. NORTON. Does he derive any revenue from the sale of this work?

Mr. MERITT. I believe that the volume may be obtained from the Government Printing Office, the superintendent of documents, for \$3 a volume.

Mr. HAYDEN. But Mr. Kappler does not get any royalty out of it, does he?

Mr. MERITT. I do not think so.

Mr. HAYDEN. All Mr. Kappler would get is the \$2,000?

Mr. MERITT. That is my impression.

Mr. NORTON. When Mr. Kappler prepared this work was he clerk of the Committee on Indian Affairs, receiving compensation for that service?

Mr. MERITT. No, sir; certainly not when he prepared this last volume. He has been practicing law in this city. He has not been connected with the Senate Committee on Indian Affairs for quite a number of years.

Mr. NORTON. I do not see any proper justification for that item.

Mr. CARTER. This committee has no jurisdiction over it. The Committee on Printing has jurisdiction of that.

Mr. KONOP. It would appear from that memorandum on pages 497 and 498 that he was really requested to do this.

Mr. NORTON. Do you know any reason why this should be paid to Mr. Kappler?

Mr. MERITT. I believe that Mr. Kappler should receive some compensation for the work performed. The volume is extensively used by members of the House and Senate Indian Committees, as well as by the Indian Office and employees of the Indian Service, and we find it is very helpful to have these laws and treaties compiled.

Mr. CARTER. It is a good thing, and he ought to be paid, but what he ought to do is to go to the proper committee for it.

Mr. NORTON. Mr. Meritt, do you know, so that you can inform this committee, whether Mr. Kappler prepared this work for the members—for members of Congress—while he was not employed by the Government?

Mr. MERITT. He was not employed by the Government at the time he compiled this work.

Mr. NORTON. That does not so appear in the hearings.

Mr. KONOP. He was employed by the Government when he compiled the first two volumes. Now they want him to compile a third volume and bring the laws down to date.

Mr. CARTER. When was he clerk of the Senate Committee on Indian Affairs?

Mr. MERITT. Probably 10 years ago.

Mr. CARTER. When did he begin this compilation of laws and treaties?

Mr. MERITT. In 1904, I believe, was when it was printed. This volume, however, was compiled within the last two or three years, and Mr. Kappler was not in any way connected with the Government service.

Mr. CARTER. The next amendment is No. 28, page 16, line 16:

Section nine of the act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, page four hundred and fifty), is hereby amended so as to read as follows:

"That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian Service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of \$5,000, shall accompany their bids with a certified check, draft, or cashier's check, payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, or by an acceptable bond in favor of the United States, which check, draft, or bond shall be for five per centum of the amount of the goods, supplies, transportation, and so forth, as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder, or the sureties on his bond, shall forfeit the amount so deposited or guaranteed to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft, check, or bond so deposited shall be returned to the bidder."

Mr. HAYDEN. Does the bureau ask for this legislation?

Mr. MERITT. Yes, sir; and it is justified on page 618 of the Senate hearings. We are simply asking that the act of March 3, 1875 (18 Stat. L., 450), section 9, be broadened so that we may accept bond or cashiers' checks. Under existing law bidders hesitate to put up certified checks to be held for several weeks, and if we have this law we would probably get more bids on Indian goods.

Mr. CAMPBELL. Now, if the committee has no objection, Mr. Hayden and Mr. Hernandez are more familiar with New Mexico, and I suggest that we let them get through with Mr. Meritt first.

Mr. CARTER. The next amendment is No. 29, page 18, line 4, strike out the words "in all, \$131,900," and insert "for the purchase of land adjacent to the school property, \$3,500; in all, \$135,400."

Mr. HAYDEN. What justification have you for that, Mr. Meritt?

Mr. MERITT. The discussion of this amendment appears on pages 123 and 124 of the Senate hearings. We want to buy some additional land for the school farm at Phoenix. There is an available tract of land that we can buy to advantage and we would like to have this small appropriation for that purpose.

Mr. HAYDEN. Is this the land that Superintendent Brown requested the bureau to purchase?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. What are you going to use that land for?

Mr. MERITT. For a school farm.

Mr. HAYDEN. In addition to the school farm?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. You think it desirable that this appropriation be included in the bill?

Mr. MERITT. Yes, sir; we need this appropriation for that school. We are trying to emphasize industrial features at all of these non-reservation schools, and if we have this land it will enable us very materially to increase our industrial work there. We can also raise products for the schools.

Mr. KONOP. How many acres are there in this tract?

Mr. MERITT. Less than 10 acres. It is irrigable land, right near the city of Phoenix.

Mr. HAYDEN. It is \$350 an acre?

Mr. KONOP. Isn't that a pretty big sum of money to pay per acre?

Mr. MERITT. Land adjoining the city of Phoenix—irrigable land—is very high. Some of it is worth anywhere from \$300 to \$500 an acre.

Mr. KONOP. Do you think it is a good business proposition to pay \$350 an acre for 10 acres of land?

Mr. MERITT. I think that we can make good interest on the investment on this land.

Mr. CARTER. Mr. Hernandez, do you want to ask any questions?

Mr. HERNANDEZ. Not on this item.

Mr. NORTON. That is 10 acres of land involved here?

Mr. MERITT. Something less than 10 acres.

Mr. HAYDEN. It does not appear in the Senate hearings—anything more than a mere mention of the matter. I wish you would put in the record what justification you have for the purchase. You merely made a request and it was acceded to by the Senate committee.

Mr. MERITT. The justification for purchase of additional land for the Phoenix school is as follows:

This school for 700 pupils has a farm of 240 acres. Much of it has an adobe soil so heavy that it is unsuited for the culture of vegetables needed for the proper and economical support of the pupils.

The superintendent has a verbal assurance for the purchase of a 9-acre tract of land adjoining the northeast corner of the school farm and between the school farm and the irrigation canal. This tract has a lighter soil, which is better suited to farming and gardening. It has a small cottage with trees about it, making an ideal location for the gardener's cottage, this employee to have charge of the orchards and gardens located in the northeast corner of the present school farm.

This tract is now on the market, and its estimated cost is \$3,500, or less than \$400 per acre. The statistical table of 1915 shows 160 acres of the present irrigated school farm valued at \$800 per acre.

Mr. CARTER. What about amendment No. 30, changing the spelling of the name "Truxton" for "Truxtun"?

Mr. MERITT. That change was made at the suggestion of Senator Lodge, page 5394 of the Congressional Record. Our spelling of that name is "Truxton."

Mr. HAYDEN. If we change the spelling, will the money go to the same school?

Mr. MERITT. I think it would be better to have it in accordance with our estimates.

Mr. CARTER. The next amendment is: No. 31, page 18, line 14, strike out "\$10,000" and insert "\$1,500."

Mr. HAYDEN. In the estimate you asked for \$20,000.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. But when we came to consider the matter before the committee we reduced it to \$10,000, because, as shown in your justification, you were not irrigating all of the lands that were available for irrigation. That was our reason for making that change. Now, why do you think it ought to be increased?

Mr. MERITT. The discussion of this item is found on page 47 of the Senate hearings and on page 154 of the House hearings. We asked for our estimate before the Senate committee, but they allowed only \$15,000. We are doing some splendid work along irrigation lines, as you know, Mr. Hayden, on this reservation, and the men in charge of the work thought we could use \$20,000, and they requested that much.

Mr. HAYDEN. I haven't any doubt about your ability to use the money, but it seems to me this rule ought to be followed in all irrigation. Congress ought not to appropriate additional sums to continue work when you are not making full use of the work that has already been done. When you make estimates hereafter for Indian irrigation you should make a showing each time why you need the additional money, particularly in case you have not irrigated all the land under canals at the present time.

Mr. MERITT. We will try to get along with the amount allowed by the House, Mr. Hayden.

Mr. CARTER. The next is amendment No. 32, page 18, line 16, strike out "\$20,000" and insert "\$25,000." That is a reimbursable item.

The next amendment is no 33, page 19, line 25, strike out the words "and to remain available until expended."

What was that for, Mr. Meritt?

Mr. MERITT. This was an irrigation appropriation and we wanted this appropriation to remain available until expended, for the reason requested in connection with the general appropriation. But this construction work must always be done within the fiscal year in which it is authorized.

Mr. HAYDEN. Mr. Meritt, why did the Senate change this language?

Mr. MERITT. Senator Smoot, on the floor of the Senate, objected to these items being continued beyond the fiscal year. (Page 5395, Congressional Record.)

Mr. HAYDEN. But a number of other appropriations are made available until expended.

Mr. MERITT. He said that, as a general rule, it was bad legislation, and he thought we ought to limit the appropriations to the fiscal year in which they were made.

Mr. HAYDEN. When this item was reported from our committee the language "to remain available until expended" was included. It passed the House that way and went out on a point of order made by Senator Smoot in the Senate.

Mr. MERITT. We would like to have our estimate in the item as carried in the bill as it passed the House.

Mr. HAYDEN. For the same reasons as have been given for all other irrigation items?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next is amendment No. 34, page 20, line 3:

For the construction, by the Indian Service, of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotments on the Gila River Indian Reservation, Arizona, as recommended by the Board of Engineers of the United States Army in paragraph two hundred and seventeen of its report to the Secretary of War February fourteenth, nineteen hundred and fourteen (House Document Numbered Seven hundred and ninety-one), \$200,000, to be immediately available and to remain available until expended, reim-

bursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two).

Mr. HAYDEN. What is the justification for that?

Mr. MERITT. The justification is found beginning on page 181 of the Senate hearings, and beginning on page 175 of the House hearings.

Mr. HAYDEN. This was an item originally included in the estimate of the department.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. This committee reduced the amount of the estimate from \$200,000 to \$75,000, and changed the language to read "for commencing the construction," and so forth. That item is found on page 176 of the bill as reported by the committee and went out on a point of order in the House. The only matter in controversy between this committee and the Senate is whether the entire amount ought to be appropriated or whether you can get along with a sum to commence the work and then obtain an appropriation at the next session of Congress to complete the dam. What have you to say on that point?

Mr. MERITT. We would prefer, of course, to have the entire amount available for next year, because we feel that we can do cheaper construction work if the entire appropriation is available, rather than have it appropriated in small amounts.

Mr. HAYDEN. But, as a matter of fact, you could get along if part of the money were allowed and the balance appropriated next December.

Mr. MERITT. Yes, sir.

Mr. KONOP. How is this reimbursable, Mr. Meritt?

Mr. MERITT. These Indians have quite a large reservation, and the lands of course are valuable, and ultimately the surplus lands will be disposed of, and the proceeds from the sale of those surplus lands will go toward reimbursing the Government for any moneys advanced for the benefit of those Indians.

Mr. KONOP. Will any of this land that is benefited by this irrigation system contribute toward the payment?

Mr. MERITT. It will be reimbursed as a tribal proposition, rather than be a charge on the individual allotments.

Mr. HAYDEN. The act to which reference is made here provides that if the Indian receives a patent in fee for his land, and then sells his land, that the charge construction remains against it, so that the purchaser will have to pay out any balance due to the United States?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. In pursuing your allotment policy you intend to give fee patents to the competent Indians on this reservation. When he obtains his patent and becomes a citizen, he is at liberty to sell his land; but if he has not paid the amount due, the purchaser will be required to pay it?

Mr. MERITT. Yes, sir.

Mr. NORTON. How is it that the House did not pass favorably on this \$200,000?

Mr. HAYDEN. The House committee passed favorably on \$75,000 to commence the work, with a limit of cost of \$200,000. Now, Mr.

Meritt, this appropriation is based on the same estimate made for the item found on page 16 of the bill as reported to the House, is it not? The House Committee on Indian Affairs reported to the House an item appropriating \$75,000 to begin construction of this dam within a limit of cost of \$175,000.

Mr. MERITT. This item, as amended, reads:

For beginning the construction by the Indian Service of a dam and the necessary canals and other irrigation works, and the purchase of rights of way and other property rights, and doing all things necessary for beginning the carrying out of a project to irrigate Indian lands on the Gila River Indian Reservation and private and public lands in Pinal County, Arizona, said dam to be built at a site above Florence, Arizona, \$175,000, to be immediately available and to remain available until expended: *Provided*, That the water diverted from the Gila River by said dam shall be distributed by the Secretary of the Interior to the Indian lands of said reservation and to the private and public lands in said county in accordance with the respective rights and priorities of such lands to the beneficial use of said water as may be determined by agreement of the owners thereof with the Secretary of the Interior or by a court of competent jurisdiction: *Provided further*, That the construction charge for the actual cost of said dam and other works and rights shall be divided equitably by the Secretary of the Interior between the Indian lands and the private and public lands in said project; and said cost as fixed for said Indian lands shall be reimbursable as provided in section two of the act of August twenty-fourth, nineteen hundred and twelve (Thirty-seventh Statutes at Large, page five hundred and twenty-two); but the construction charge as fixed for the private and public lands in said county shall be paid by the owner or entryman in accordance with the terms of an act extending the period of payment under reclamation projects, approved August thirteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and eighty-six): *And provided further*, That said project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said dam or carried in said canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said projects to be feasible.

Mr. HAYDEN. Based upon your estimate. This item went out on a point of order made by Mr. Borland of Missouri. The Senate has reinstated the item, except that the full amount is appropriated, \$175,000, instead of \$75,000 for beginning the work. I would like to ask in this connection whether it is necessary to have the full amount at this time, or whether you can get along with a part of it to begin the work.

Mr. MERITT. We can get along with a part of it, Mr. Hayden. We would prefer, of course, to have the full appropriation, but we can get along with part of the appropriation at this time.

Mr. HAYDEN. I notice that there is some difference in the language. On line 18, page 35, the original bill provided that this matter should be determined by a court of competent jurisdiction. Do you prefer to allow the Secretary of the Interior to make an arrangement without going into court, if you can?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. You think that is an improvement?

Mr. MERITT. Yes, sir; we are very anxious that this item shall be included in the bill exactly as it is drawn.

Mr. HAYDEN. This is more satisfactory to you than the House provision was?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. You have added a further provision on page 22, beginning at line 9, which was not in the House bill, to the effect that the project shall only be undertaken if the Secretary is satisfied that proper arrangements can be made.

Mr. MERITT. Yes, sir; that is for the purpose of securely protecting the interests of the Indians.

I would like to include in the hearing a letter from the Secretary of the Interior to the chairman of the Senate Committee on Indian Affairs regarding this item.

Mr. CARTER. Without objection, that will be done.

Mr. MERITT. The letter reads as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 24, 1916.

MY DEAR SENATOR: Further consideration has been given the amendment to the bill H. R. 10385 introduced in the Senate of the United States February 7, 1916, intended to be proposed by you, providing for the construction by the Indian Service of a dam and necessary controlling works across the Gila River near Florence, Ariz.

The proposed amendment is similar to the amendment referred to me by the chairman of the Committee on Indian Affairs of the House of Representatives of the United States under date of December 24, 1915, which was reported upon by me under date of January 21, 1916. The changes suggested in my report have been included in the amendment now under consideration. Since the submission of the report of January 21, 1916, the matter has been the subject of informal conference between representatives of this department and the Department of Justice, and it has been concluded that it would be a mistake, as far as the interests of the Indians and the United States in their behalf are concerned, to consider the building of this dam and necessary controlling works as an entity; and that if it should be appropriated for as such, the interests of the Indians would not only fail of being benefited, but adverse interests might be strengthened to such an extent that future developments in the Gila River Valley would be financially impracticable.

It has also been concluded that it would be of questionable propriety to undertake the expenditure of such a sum of money as is involved in the construction of the dam and necessary controlling works without suitable provision for the Government to receive the benefits of the public funds expended. I am advised that the dam site is upstream about 20 miles from the irrigable lands of the Indians for which it is proposed to divert a water supply, and by referring to the proposed amendment it is seen that there is no provision made for conducting the water to the Indian lands from the dam site. Consequently it is very apparent that under its provisions no actual benefit would accrue to the Indians without further appropriation of funds to construct a canal necessary to conduct water to the Indian lands; further, that the construction of the dam and the diversion of water thereby, and the subsequent use of such water upon lands in private ownership would so change existing conditions that as a practical matter the rights used by and needed for the Indians would be difficult of proper adjustment, and, as before mentioned, such action would probably prevent the ultimate development of the San Carlos storage project.

In view of these conclusions, the amendment as proposed does not meet my approval, and I recommend that it be not favorably considered by your committee or the Congress.

That a permanent diversion dam is an imperative necessity for the substantial development of that part of the State of Arizona is apparent from even a general understanding of the location and nature of the stream. Used in connection with a canal carrying water to the Indian reservations, the water supply for both Indian and white lands south of the river would be diverted at the same point, and during the time of low-water flow all of the water, which under existing conditions appears to be lost in seepage between the dam site and the reservation would be saved, which is a matter of great importance to the Indians. If such a dam be appropriated for as a part of a project intended to be complete in itself and independent of the proposed San Carlos storage dam, in which the Indians would be provided for and by which

they would secure their due proportion of the benefits, it would meet my approval. By reference to the report of the Board of Engineer Officers of the United States Army (H. Doc. 791, 63d Cong.), it is found that the work therein recommended and suggested is described in general terms only, and additional investigations toward the preparation of detailed estimates, plans, and specifications have been in progress, the results of which have not yet been filed. Therefore just what will be the ultimate development of the project of which this dam should be considered only a part, can not be stated, but it is understood to involve in addition to this dam a canal to convey water therefrom to the Indian lands on the south side of the river, about 20 miles below, and the construction of the necessary distribution system for said lands, the construction of a dam across the Gila River near Sacaton for the diversion of water to Indian lands on each side of the river and the extension of the existing Indian distributing system, and also the determination of what lands should be included within the project and negotiations with respect to water rights and repayments of the costs.

These are items which would constitute the flood-water system now under consideration, which as mentioned does not involve the construction of the San Carlos Dam, but which, of course, would be ready for inclusion in the larger project, should it be provided for later.

With this preliminary understanding, and in view of the delicate situation existing with respect to claims for water rights on behalf of the various parties in interest, a somewhat rough redraft of the amendment has been made and is herewith submitted by way of suggestion. This redraft was drawn with the idea of conforming as closely as possible to the amendment proposed by you. It enlarges the scope of the proposed agreement to show that the construction of the dam should be considered only as part of the work necessary so that the Indians will get some benefit by the expenditure of money to be provided. It provides that the water developed by the dam shall be distributed as may be determined by agreement or by a court of competent jurisdiction; also for the apportionment of construction charges and reimbursement to the United States of the costs of the project. It contains an additional proviso which I believe to be essential in any legislation affecting irrigation in this locality on the Gila River, to the effect that the project shall only be undertaken if the Secretary of the Interior shall be able to make or provide for what he shall deem to be satisfactory adjustments of the rights to the water to be diverted by said dam or carried in said canals, and satisfactory arrangements for the inclusion of lands within said project and the purchase of property rights which he shall deem necessary to be acquired, and shall determine and declare said project to be feasible.

The situation is such now that I feel it would be a serious mistake to make appropriations of money for this work without such legislation giving the Secretary of the Interior authority to make such negotiations and settlements of conflicting claims to water as he may determine to be necessary to insure the feasibility of the project. It is possible that he could take the action set forth in the proviso above were it omitted from the amendment, but without it there would probably be a great delay in negotiations and much loss of time in correspondence and reporting, and possibly loss of money by innocent investors in lands which may or may not be found to come within the benefits of the work proposed.

The provision that the water shall be distributed as may be determined by agreement with landowners has been added to the provision in the amendment which is the subject of this report, which required that the water shall be distributed as may be determined by a court of competent jurisdiction. The claims to water at this point are conflicting; there are claims inchoate as well as the Indian claims affecting the quantity of water available for distribution at this point. Were the construction of this dam to be arbitrarily deferred until the determination by a court of competent jurisdiction of the respective rights and priorities of claims to water from the Gila River, there is no telling when any benefit would accrue to anybody by the appropriation, and it is believed that just as satisfactory settlements can be made if the draft of legislation which I am sending you be enacted in lieu of that proposed. I recommend that the draft of legislation herewith proposed as a substitute amendment receive the favorable consideration of your committee and the Congress.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

HON. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

Mr. CARTER. The next item is amendment No. 36, line 18, page 22, strike out the words "for maintenance and operation of the Ganado irrigation project on the Navajo Indian Reservation, in Arizona, \$3,000, to be reimbursable and remain available until expended," and insert:

For extension of the Ganado irrigation project on the Navajo Indian Reservation in Arizona for the irrigation of approximately six hundred acres of land in addition to the area to be irrigated by said project, as authorized in section two of the act of August twenty-fourth, nineteen hundred and twelve, \$20,000; and for maintenance and operation of the project, \$3,000; in all, \$23,000, to remain available until expended.

Mr. HAYDEN. Your original estimate was \$23,000 for this work, and for the same reason, as stated before, this committee on the showing made did not feel justified in allowing the \$20,000. I understand that since that time you have submitted a further estimate to the Senate showing a justification for the \$20,000.

Mr. MERITT. We submitted a justification to the House committee, and it is found on page 182 of the House hearings. We also discussed the item before the Senate committee, and that is found on page 52 of the Senate hearings. Under the item as passed by the House we would not be able to do any additional construction work, but simply maintain the project.

Mr. HAYDEN. You think this addition is necessary?

Mr. MERITT. We feel that we can enlarge the project with some advantage to the Indians sufficient to justify us in asking for this appropriation.

Mr. KONOP. Mr. Meritt, I notice that in the Senate substitute the word "reimbursable" is omitted. Wouldn't that be a reimbursable item?

Mr. MERITT. We would be glad to see the item reimbursable.

Mr. KONOP. You would suggest an amendment to the Senate provision, wouldn't you?

Mr. MERITT. I would suggest on page 23, line 3, after the amount \$23,000, that the words be inserted "to be reimbursable, and."

Mr. KONOP. I was wondering whether or not in the hearings we could not insert, pertaining to some of these things, just what was said in the Senate hearings—insert that as part of our hearings.

Mr. HAYDEN. That is what he is going to do in this case.

Mr. MERITT. I had been referring to them.

Mr. KONOP. But some of these things are on page 400 and some of them are on page 100. I think if those justifications could be inserted in our hearings at the point they refer to it would be easier for us to handle the matter on the floor of the House.

Mr. MERITT. I will prepare a short justification for each one of these amendments, if that is agreeable to the committee.

Mr. KONOP. Why not cut out of the Senate hearings the pages that refer to each item?

Mr. MERITT. The hearings in the Senate cover 600 pages.

Mr. KONOP. I do not mean with reference to all of them, but some of the important ones. It would help us a good deal, and also refer to the justification—to the page in the Senate hearings.

Mr. MERITT. Very well.

Mr. NORTON. Mr. Meritt, I notice in the Senate hearings that Senator Curtis says he thinks this tribe of Navajo Indians should be

assisted, because they have always been self-supporting. Do you think that is a good argument to give this \$23,000 as a gratuity?

Mr. MERITT. The Navajo Indians are practically self-supporting. They gain their self-support very largely by raising sheep. They have no funds available for constructing irrigation projects, and necessarily the Government would be called upon to advance this money for this construction work if it is to be done.

Mr. HAYDEN. We can make it reimbursable by an amendment.

Mr. NORTON. What effect does a provision of this kind have, "to be reimbursable and to remain available until expended?"

Mr. MERITT. It makes it a charge upon the property of the Indians; and in the future, whenever that property is sold, when the surplus lands are sold, the Government will take out of those funds sufficient money to reimburse the money that has been advanced for their benefit.

Mr. NORTON. Has that ever been construed, that phraseology, to be reimbursable without stating it is reimbursable out of certain funds, or reimbursable out of money that may be in the Treasury hereafter belonging to the Indians?

Mr. MERITT. Yes, sir; that has been construed by the accounting officers of the Treasury Department, and they have in a number of cases reimbursed the Government out of funds that had been advanced for the benefit of the Indians.

Mr. HAYDEN. For instance, there are large deposits of coal on the Navajo Reservation. If that coal land is sold, or the coal itself is sold and the money placed in the Treasury to the credit of the Navajos, could money be taken out of that fund to reimburse the United States?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. If their timber was sold it would be the same way?

Mr. MERITT. Yes, sir.

Mr. NORTON. You think that phraseology is specific enough to entitle the Government to the repayment of this amount out of any funds or property that the Indians may have?

Mr. MERITT. That term has a well known meaning by the accounting officers of the Government, and I think it is sufficient to secure the Government when there are funds deposited to the credit of those Indians.

Mr. NORTON. That has never been tested in the courts, has it?

Mr. MERITT. No, sir.

Mr. KONOP. In amendment number 34, you say, "reimbursable as provided in section 2 of the act of August 24, 1912." There you particularize, you specify how it is reimbursable, according to the provisions of a certain act. I was wondering whether it would not be necessary to provide how this should be reimbursable.

Mr. MERITT. That was done for the simple reason that we have a specific law applicable to the Pima Reservation, that is not generally applicable to other reservations.

Mr. KONOP. That is in connection with the Pima Agency?

Mr. MERITT. Yes, sir.

Mr. CARTER. This would make it subject to the existing law.

Mr. MERITT. Yes, sir.

Mr. NORTON. I ask that that phraseology be submitted by the chairman of the committee to the Attorney General for construction.

Mr. HAYDEN. I think it is a very good thing to do that.

Mr. CARTER. Without objection that will be done.

Mr. KONOP. I think we should say, "reimbursable when any money of these Indians is in the Treasury."

Mr. NORTON. I think we should have the phraseology more specific than that, and I would like to have a ruling on that, because I see that that is used in several paragraphs of this and other bills.

Mr. MERITT. We have already reimbursed the Government in a number of cases under similar language.

Mr. NORTON. It would not be difficult to have the counsel of your department or of the Attorney General's office pass on that.

Mr. CARTER. I suppose we can get an opinion on that.

Mr. KONOP. In view of the fact that you have done this before, you might find something in the department wherein a ruling has been made on this question.

Mr. TILLMAN. Just ask the bureau to do that.

Mr. CARTER. Just ask the bureau to get a ruling from the Attorney General on this language, as to what it means. Will you do that?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 37, page 23, line 5:

That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be made by competent engineers the necessary examinations, investigations, and surveys for the purpose of determining the most suitable and practicable method or methods of constructing levees, revetments, or other suitable works sufficient to prevent the Gila River from further eroding and wearing and washing away its banks and from further overflowing its banks at any point in Graham County, Arizona. Said engineers shall also determine and report upon the most suitable, feasible, and practicable means of holding the said river within a fixed channel as it flows through said Graham County. Said Secretary shall submit to Congress the results of such examinations, investigations, and surveys, together with an estimate of the cost thereof, with recommendations thereon, at the earliest practicable date. The sum of \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigations, examinations, and surveys.

Mr. HAYDEN. What justification have you for that?

Mr. MERITT. That item was rather extensively discussed before the Senate committee, beginning at page 469 of the Senate hearings. As you know, Mr. Hayden, the Gila River is rather a wild river at some seasons of the year, and it overflows its banks and is destroying quite a large amount of valuable land. This river flows through the Pima Reservation.

Mr. HAYDEN. Not the Pima Reservation. This item is confined to Graham County, Ariz., and the San Carlos Indian Reservation is located in that county. All of this expenditure will be made for experimental work in connection with the San Carlos Reservation in that county.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. I do not doubt but what the work done there might be of benefit to other Indians along the Gila River.

Mr. MERITT. It would benefit the land both on the San Carlos and also on the Pima Reservation southwest of San Carlos.

Mr. HAYDEN. I will state for the benefit of the committee that the Secretary of the Interior recently directed his consulting engi-

neer, Gen. Marshall, formerly Chief of Engineers of the United States Army, to visit that country, on account of the fact that very large areas of very valuable land both in and out of the reservation have been washed away by the river. Gen. Marshall has a map of the country made back in the seventies which shows that the river was then confined to a very narrow channel. It is now more than a mile wide along the whole valley. I asked the general what he thought caused this widening of the channel. He said that he could not tell, unless perhaps it was due to the increase in grazing in that country. There are a great many goats and cattle on the Indian reservation and in the country adjacent to the river. They have eaten out the brush, and that has allowed the alluvial soil to wash away. As I understand it, the Secretary of the Interior intends to use this money for experimental purposes to see whether there is any possible way of controlling the stream. The Gila has a fall of about 12 feet to the mile, and when it is in flood it tears the whole country to pieces. Gen. Marshall told me the problem was a very interesting one to him, and that he would like to try to see whether anything could be done to save these lands.

Mr. CARTER. Mr. Meritt, has this kind of thing ever been done before?

Mr. MERITT. Not within my knowledge.

Mr. CARTER. Haven't you some of the same character of erosion in other reservations?

Mr. MERITT. Not to the extent that we have in Arizona.

Mr. CARTER. You have on the Red River, in the Chickasaw and Choctow Nations, some allotments that have been completely destroyed.

Mr. MERITT. Yes, sir.

Mr. CARTER. I have had several letters from allottees who say their lands are now in the Red River. Is there very much of that throughout the country?

Mr. MERITT. We have that condition existing up on the Missouri River in the Sioux country.

Mr. KONOP. Don't you think it is pretty hard to combat with nature?

Mr. MERITT. Yes, sir.

Mr. NORTON. How long is this river extending through Graham County?

Mr. HAYDEN. It extends about 50 miles through the Indian reservation and about 50 miles through the public lands on the same stream. The county is about 100 miles wide.

Mr. NORTON. Don't you think it is ridiculously extravagant to propose an expenditure of \$15,000 for some engineer to suggest how this river may be confined? It seems to me that an engineer in the employ of the Government, who knows his business, could tell in five minutes what should be done.

Mr. HAYDEN. I was of that opinion, Mr. Norton, until after I talked with Gen. Marshall. He told me that this is a problem that has never been worked out by any engineer in the United States service; that they have been working on navigable streams, where the fall is something like that of the Mississippi—4 or 5 inches to the mile, but when you come to a stream that has a fall of 10 or 15 feet to the mile it has to be handled in a different way. There are

devices that some people are trying to use on these streams—whether they are any good or not I do not know—called deflectors, that are supposed to protect the banks. This appropriation is purely for experimental purposes, as I understand it.

Mr. NORTON. Whom did you talk to about this?

Mr. HAYDEN. Gen. W. H. Marshall, ex-Chief of Engineers in the United States Army.

Mr. NORTON. He is an "ex"?

Mr. HAYDEN. He is at present consulting engineer to the Secretary of the Interior.

Mr. NORTON. Is he in the employ of the Government?

Mr. HAYDEN. Yes, sir.

Mr. NORTON. I would like to say to Mr. Marshall, or any other engineer in the employ of the Government, if they had not made a study of a project of this kind, it would be my opinion that they ought to be sent back to school, and if they recommend or ask for an appropriation of \$15,000 to do what this section proposes to do, it is to me ridiculous in the extreme. It is simply a wanton waste of public funds.

Mr. HAYDEN. I can only state that Gen. Marshall ranks as high as any engineering authority in the United States. He has occupied the most responsible positions under this Government. He tells me that in all of his experience he has found nothing that fits this condition.

Mr. NORTON. My private opinion publicly expressed is that—with all due respect to Mr. Marshall—if he recommended this he takes the same position that a great many other Government officials take, and that is that their main desire is to have the Treasury of the United States used as a grab-bag proposition. I shall oppose this thing anywhere I see it.

Mr. KONOP. What kind of lands are there along this Gila River there in that particular county, Graham County, Ariz.?

Mr. HAYDEN. I traveled along the upper Gila Valley this summer. It is an irrigated country. There are a number of canals taken out of the river to irrigate the valley. If I recollect correctly, there are three canals built by the Government out of some Indian appropriation. I was told that the headings of these canals were washed out this year, and large quantities of land that has been cleared and cropped by the Indians has been washed into the river.

Mr. KONOP. This land is valueless unless it is irrigated?

Mr. HAYDEN. Certainly.

Mr. KONOP. Do you think it is advisable for the Government to go into the proposition of irrigating land that is valueless without irrigation and then spend millions of dollars for controlling a wild river that is liable to wash it away?

Mr. HAYDEN. Well, the whole thing is this: If there can be found any inexpensive way of controlling a stream of this kind it would be well to ascertain it. If it is going to cost vast sums of money—more than the land is worth—of course we do not want to do it. Now, the purpose of this appropriation, as I understand it, is to experiment and see if there is any device in an engineering way that will control floods on streams of that kind.

Mr. NORTON. Well, now, I would like to say up in my State—in my district—there is a stream that leaves its banks often and de-

stroys a lot of property, farms and crops, and I suppose injures some other property on the Indian reservation, but I do not think it is advisable to try to devise any means or go into an investigation for controlling nature to that extent. I do not think it is possible.

Mr. HAYDEN. If it should turn out to be possible, though, by some device to control a stream of that kind it would be very valuable to the country, would it not?

Mr. NORTON. I suppose it would; but I doubt the advisability of trying to go into any work like that.

Mr. DILL. Would it not be better if this provision were so worded that this money could be spent only for devices that would be used and not for engineers to go out and work on it? I think Mr. Norton is right in his idea of giving engineers a job, but if it was provided that this money was to be spent for some sort of devices that might be tried I would not object to it.

Mr. KONOP. \$15,000 would not pay one one-hundredth part of the cost of controlling a river like that.

Mr. DILL. I am perfectly well aware of that.

Mr. CARTER. The next amendment is No. 38, page 24, line 24, strike out the words "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid."

Mr. HAYDEN. I would like to ask Mr. Meritt how much money the Indians now have to their credit in the Treasury?

Mr. MERITT. Only a very small amount. They only have \$12,000 at this time. Discussion of this item will be found on page 53 of the Senate hearings.

Mr. HAYDEN. That is \$12,000 received from the sale of mineral lands that you are asking us to use for a per capita payment of about \$2?

Mr. MERITT. We want to use that money for the purpose of buying cattle.

Mr. HAYDEN. Now, the San Carlos Apaches have an income, as I understand it, from grazing fees of between \$50,000 and \$60,000 a year, haven't they?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. What do you do with that money?

Mr. MERITT. We use it for educational purposes and administrative purposes, and also pay it out to buy cattle for the Indians, and we deposit a part of it to the credit of the Indians.

Mr. HAYDEN. If this language remains in the bill, and you really want to pay for the cost of this bridge right now, you could take the \$12,000 and pay it on the \$17,000. You could then take part of the \$60,000 that they receive from grazing fees each year and pay the rest of it, could you not?

Mr. MERITT. Yes, sir; but we believe this item should not be reimbursable, because it is on the main automobile highway, and the Indians do not receive sufficient benefit from it to justify the Government in making it reimbursable out of Indians' funds.

Mr. HAYDEN. This is the situation on the San Carlos Reservation. This bridge was constructed by an appropriation made reimbursable out of the funds of the Indians. A flood came along this year and washed around the ends of this bridge, making it necessary to build

three more spans. Now, the same rule ought to apply to this appropriation as to the original construction of the bridge. When the committee reported out the appropriation before, it did not contain this reimbursable item. It was agreed to on the floor of the House at the suggestion of Mr. Mann. Now, to answer this automobile argument:

The State of Arizona appropriated \$20,000 out of the treasury of the State to build a road across the reservation connecting with the counties adjacent thereto. The counties of Graham and Gila, on each side of the reservation, have appropriated out of their treasuries considerable sums of money to build roads and to maintain them. This great reservation, larger than the State of West Virginia, can not be taxed to build roads. The San Carlos Indians have an income of over \$60,000 a year, and I do not see why they should not do something to help construct the road system of my State. We can not come to the Government of the United States and ask for appropriations—gratuities out of the Treasury—because that would start a precedent and Congress would be asked to build roads and bridges all over the United States.

MR. CARTER. Do you think the Federal Government ought to build roads over Indian reservations out of the Federal Treasury—and bridges?

MR. MERITT. Where the Indians have no funds I think it is a proper charge against the Federal Treasury.

MR. CARTER. Do you think simply because the Indians have a fund in the Treasury, or have a reservation, or an unallotted reservation, that in that case the Federal Treasury ought to stand the expense of building their roads?

MR. MERITT. No, sir; I think the Indians should bear the cost of the improvements on their own reservation where it is for the benefit of the Indians; but where it is partly for the benefit of the white people I think the Indians should bear their portion only.

MR. HAYDEN. That is the case here. The white people have contributed as much as the Indians toward this construction.

MR. NORTON. Is this bridge of any particular use to the Indians? Couldn't they get along just as well without it?

MR. MERITT. They could get along without it, but it is of some use to the Indians; of some convenience to the Indians.

MR. HAYDEN. They might get along without it, but I will state that prior to the passage of the bill to construct this bridge, that three Indians were drowned in one year while trying to cross the river there. For three months it was impossible for a large part of the Indians to get to the agency at all.

MR. NORTON. Does this separate part of the Indians from the agency?

MR. HAYDEN. Yes; there is a settlement on the south side of the stream, and the agency is located on the north side of the stream.

MR. KONOP. What is this talk about this automobile business? Have they put an automobile road across the reservation?

MR. HAYDEN. This bridge lies between the county seat of Gila County and the county seat of Graham County. Anyone traveling between the county seats must cross the San Carlos Reservation. The counties and the State have contributed their full share toward

the construction of this road. It simply means that either appropriations must be obtained in this way, or else the State and the counties must assume the whole burden. And it does not appear fair to me to set aside an Indian reservation larger than some States in this Union from which not a cent of taxes for internal improvements can be raised unless Congress is willing to find a way to provide the funds for the Indians' share of this work. Otherwise the State must maintain roads for the Indians and they will pay nothing at all.

Mr. KONOP. Where did you get the land in the first place out there; didn't you get it from the Indians?

Mr. HAYDEN. If Congress is willing to permit the same policy to be pursued that was so successful east of the Mississippi, to wit, killing the Indians or driving them out of the country—if Congress will allow that policy to be carried out in Arizona we will not ask for any kind of an appropriation. But if the Federal Government is going to retain one-quarter of the land in my State for Indian reservations, Congress must take care of the wards of the Government and see that they do their share in providing for proper internal improvements and the upbuilding of my State.

Mr. KONOP. Over here on the Oneida Indian Reservation in Wisconsin, where the land has been allotted, they don't even tax the allotments.

Mr. HAYDEN. I am not asking that they be taxed by the State of Arizona; I am asking that they carry on their fair share of the burden by appropriations by Congress out of their funds.

Mr. CARTER. The next amendment is No. 39, page 25, line 3:

For preservation and repair of prehistoric pueblo ruins and cliff dwellings, under supervision of the Smithsonian Institution, Navajo National Monument, Arizona, \$3,000.

Mr. HAYDEN. This amendment is new to me. What justification have you for it?

Mr. MERITT. We did not ask for that amendment, Mr. Chairman, but the discussion of it is found on page 120 of the Senate hearings. Senator Smoot asked that that item be included in the Indian bill, at the request of the Smithsonian Institution.

Mr. HAYDEN. The Navajo National Monument is located within the Navajo Reservation—I think is close to the Utah line.

Mr. MERITT. It is very close to the Utah line, and the professors of the Utah University have done some research work there, and the Director of the Smithsonian Institution says that pueblo ruins and cliff dwellings are going to ruin for the lack of attention.

Mr. KONOP. I am in favor of this amendment very strongly.

Mr. TILLMAN. This is one of the wonders of the world, they tell me, and I think they ought to be preserved. This is a very modest and reasonable request.

Mr. HAYDEN. The only question is whether it is proper to put it in the Indian appropriation bill. The Smithsonian Institution is appropriated for by the Committee on Appropriations.

Mr. TILLMAN. At the same time this affects the Indian country and Indian history.

Mr. CARTER. We will take a recess now until 2 o'clock this afternoon.

AFTERNOON SESSION.

The committee reassembled at 2 o'clock p. m., pursuant to recess.

Mr. CARTER. The committee will come to order.

The next amendment is No. 40, page 25, strike out "\$10,000" and insert "\$30,000."

Mr. MERITT. We estimated \$40,000 for the purchase of lands for the homeless California Indians. Our estimate appears on page 191 of the House Hearings, but the item is discussed in connection with the appropriation for support of Indians in California, beginning at page 185. The House allowed us \$10,000 and the Senate increased the amount to \$30,000. It is discussed on page 71 of the Senate Hearings. We have in California at this time between 3,000 and 4,000 Indians who are without lands. We have recently sent a man to California to look up land that may be available for those homeless Indians, and we hope with a good-sized appropriation to accomplish something for them worth while.

Mr. KONOP. They have no reservation?

Mr. MERITT. They have no reservation and no lands. They have simply been living as trespassers on land owned by white people.

Mr. HERNANDEZ. What Indians are these?

Mr. MERITT. They are known as California Indians—several tribes scattered all over the State in both the northern part and the southern part. This is a very deserving appropriation, and we feel that we can accomplish very much more with an appropriation of \$30,000 or \$40,000 than with \$10,000.

Mr. KONOP. How do you propose to buy this land, in severalty or in a reservation?

Mr. MERITT. We are buying it in small tracts. We send this man into the community in which the Indians live, and he buys a small tract of land for those Indians.

Mr. KONOP. You mean for each individual, or each family?

Mr. MERITT. We buy it for the band and allow the Indians to go on the land and make their homes there. The title is reserved in the United States.

Mr. KONOP. Well, in other words, you are going to have little reservations for these Indians?

Mr. MERITT. Yes, sir; but we will not have a superintendent over them. We will simply buy the lands for them and let them be independent of the Government.

Mr. KONOP. Now wouldn't it be advisable to buy them lands in severalty and give to each Indian his land?

Mr. MERITT. After we have bought the land and the Indians show a disposition to cultivate it, we can allot them in severalty.

Mr. CARTER. Mr. Meritt, I notice in your last analysis made before the House committee you had an unexpected balance there of \$12,182.12.

Mr. MERITT. Yes, sir; but we have options on lands that will take up all of that money.

Mr. CARTER. How much land have you option on?

Mr. MERITT. During the last year we have purchased 17 tracts of land. This amounts to 1,734 acres.

Mr. CARTER. How much money did that cost?

Mr. MERITT. That land cost \$19,152.62.

Mr. CARTER. How did you spend all that money when the appropriation was only \$10,000 a year?

Mr. MERITT. There was money left over from a former appropriation.

Mr. CARTER. I notice that your analysis of expenditures shows only \$42.95 expended during the year ended June 30, 1915.

Mr. MERITT. We do not pay that money out, Mr. Carter, until after we get title to the land.

Mr. CARTER. Well, if you did not expend but \$42.95 in the year 1915, that certainly did not make a very promising showing for increasing the appropriation \$30,000.

Mr. MERITT. This man was only sent out there about a year ago, and he has options on these 17 different tracts of land, and before we can pay out that money the title must be investigated. Those titles to those tracts have not been investigated, and since this report was made we have undoubtedly paid out considerable money for the land.

Mr. CARTER. I notice in your justification that you present to the House you say that the purchase of lands, and for which you now have options, would entail an expenditure of approximately \$15,000?

Mr. MERITT. Yes, sir; between \$15,000 and \$20,000.

Mr. CARTER. Then there does not seem to be any necessity for an appropriation of \$30,000. You have \$12,000 left over, and then \$10,000 this year would make it \$22,000, and you only have obligations for \$15,000. That leaves you still \$7,000.

Mr. MERITT. Yes, sir; but we have a man out there buying lands, and we have between 3,000 and 4,000 Indians without lands.

Mr. CARTER. How much land have you bought out there since the appropriation has been running?

Mr. MERITT. We have bought land for about 12,000 Indians.

Mr. CARTER. How much land have you bought?

Mr. MERITT. Six thousand five hundred and ninety-three acres.

Mr. CARTER. How long has this appropriation been running?

Mr. MERITT. Four or five years.

Mr. CARTER. And how much land did you say you have bought?

Mr. MERITT. Six thousand five hundred and ninety-three acres. The total cost was \$144,470.

Mr. CARTER. How many Indians are located on that land?

Mr. MERITT. Two thousand four hundred and seventy-nine Indians.

Mr. CARTER. Do you know anything about whether they have made any use of the land?

Mr. MERITT. Yes, sir; the Indians are living on the land and are building homes on these various tracts.

Mr. CARTER. What kind of Indians are they?

Mr. MERITT. A good many of them are full-blood Indians.

Mr. CARTER. I mean what tribe do they belong to?

Mr. MERITT. They are many different tribes and bands.

Mr. CARTER. They are Mission Indians, are they not?

Mr. MERITT. Some of them are Mission Indians; yes, sir.

Mr. KONOP. Now, Mr. Meritt, you say they are building homes on these tracts of land?

Mr. MERITT. Yes, sir.

Mr. KONOP. What kind of houses do they build?

Mr. MERITT. Small shacks, usually located convenient to towns; and the men do day-labor work as well as making gardens, and the women do domestic work.

Mr. KONOP. Is this in southern California?

Mr. MERITT. No, sir; most of the money has been expended in northern California.

Mr. KONOP. Now, how do they locate these places where they build their shacks? Do they get into any trouble among themselves?

Mr. MERITT. No, sir; we have not had any reports of any trouble. They dwell together in peace and harmony. Before we bought this land they were continually having trouble, because they would squat on some white man's land and he would want to utilize it—either rent it or cultivate it—and he would compel the Indians to move on.

Mr. KONOP. What kind of land are you buying; is it pretty good land?

Mr. MERITT. It is fairly good land. The land has averaged \$21.93 an acre.

Mr. KONOP. There is no chance of us having to appropriate for irrigation ditches and systems in that country, is there?

Mr. MERITT. No, sir; this land is located in small tracts and appropriations will not be requested for that purpose.

Mr. KONOP. The land has enough water so that they can raise crops?

Mr. MERITT. A good deal of this land is in the northern part of the State, where they do not require irrigation.

Mr. CARTER. The next amendment is No. 41, page 26, line 3. Strike out "for support and education of ninety Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$16,530; for general repairs and improvements, \$3,600; for purchase of additional lands for school farms, \$1,500; in all, \$21,630," and insert in lieu thereof:

For support and education of one hundred Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$18,400; for general repairs and improvements, including purchase of additional land for school farm, \$8,000; for new school building, \$8,000; in all, \$34,400.

Mr. MERITT. Mr. Chairman, we justified this appropriation for the Greenville school on page 197 of the House hearings and page 77 of the Senate hearings. You will note that we are asking for an increased attendance there, and a request for a support fund of \$18,400, an increase of about \$2,000 over the amount heretofore allowed.

Mr. CARTER. What is the per capita cost there?

Mr. MERITT. The per capita cost of this school has been excessive.

Mr. CARTER. It amounts to \$279.60.

Mr. MERITT. Based on enrollment it amounts to \$240.23.

Mr. CARTER. No; that is not the per capita tax.

Mr. MERITT. No, sir; based on average attendance it amounts to \$279.62.

Mr. CARTER. Now, Mr. Meritt, in view of the fact that this school has such a high per capita tax, do you think it is the good economical thing to do to increase the attendance and attempt to build up a school that has such a high per capita?

Mr. MERITT. We have quite a large number of Indian children in northern California who are without school facilities. Because of the

small number of children provided for at this school the per capita cost has necessarily been high. If we can increase the attendance the per capita cost will be lowered, and we believe, in view of the fact that we have the children available for that school, and inasmuch as the school is now in operation it would be good administration to increase the enrollment so as to decrease the per capita cost.

Mr. CARTER. Now, you have a capacity there for 90 pupils, and yet last year you had only 61 average attendance.

Mr. MERITT. I might say, Mr. Carter, that we had to make a change at that school during the last year and put in a new superintendent there, and the showing made next year will be very much better than this showing.

Mr. CARTER. The new superintendent there is an experiment now, isn't he? You are just trying him out?

Mr. MERITT. He is a tried man in the service, and we know he will succeed. He has already demonstrated his ability.

Mr. CARTER. Do you think he will succeed in bringing that per capita cost below \$279?

Mr. MERITT. Yes, sir. We have written him and told him he must bring that per capita cost down.

Mr. CARTER. Why does this school cost so much more than other schools?

Mr. MERITT. Because it is quite a distance from the railroad, and it is rather cold up there in the winter time. There are very few pupils enrolled and necessarily it costs a good deal more to keep up the plant where there are only a few pupils enrolled.

Mr. CARTER. This is a nonreservation school, is it?

Mr. MERITT. Yes, sir.

Mr. CARTER. It is not on the reservation?

Mr. MERITT. No, sir; but it is convenient to quite a large number of Indians who live in that immediate community.

Mr. CARTER. What Indians live in that community?

Mr. MERITT. The northern California Indians.

Mr. CARTER. Are there any Indian reservations near it?

Mr. MERITT. There are some Indian reservations in the southern part of Oregon, the Klamath Reservation.

Mr. CARTER. But the Klamath Indians go to Salem, mostly, do they not?

Mr. MERITT. Some of them go to Salem and some of them attend this school.

Mr. KONOP. Now, Mr. Meritt, with a capacity of 90 pupils there, and there was an attendance of only 61, it would seem to me that there is no need for \$8,000 for a building that you ask for here, to provide for 61 pupils. Where are you going to get the other children from?

Mr. MERITT. We will have no difficulty in filling the school to its capacity, with the present superintendent.

Mr. KONOP. You have a capacity now of 90, and there are only 61 attending?

Mr. MERITT. I think the school at this time is filled to its capacity.

Mr. KONOP. It is now?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 42, page 26, line 14:

For the improvement and construction of roads and bridges on the Yuma Indian Reservation in California, \$10,000, to be immediately available.

What justification have you for that?

Mr. MERITT. The justification for that item is found on page 516 of the Senate hearings and on page 201 of the House hearings. We have allotted the Indians on that reservation irrigable lands, and we find that they need some money to construct roads.

Mr. CARTER. Have these Indians any money or lands?

Mr. MERITT. They have some surplus lands, but they have no money to their credit.

Mr. CARTER. You say they have some lands?

Mr. MERITT. Yes, sir.

Mr. CARTER. Why shouldn't this be made reimbursable, then?

Mr. MERITT. I would see no objection to making it reimbursable.

Mr. CARTER. The next amendment is No. 43, page 26, line 20; strike out "\$8,000," and insert: "including the purchase of such land as the Secretary of the Interior may deem proper, \$5,000."

What is the justification for that?

Mr. MERITT. This item is discussed on page 78 of the Senate hearings and is justified beginning on page 202 of the House hearings. We asked for \$10,000. The House cut the item down to \$8,000, and the Senate cut it down still further to \$5,000. If we are going to have only \$5,000, we can not purchase much land.

Mr. CARTER. What reason did you find for making that reduction? What reasons were presented for making that reduction?

Mr. MERITT. There was no very strong reason given for thus reducing it.

Mr. CARTER. Was that cut down by the Senate committee, or in the Senate?

Mr. MERITT. It was cut down by the Senate committee.

Mr. CARTER. What was the necessity for that language, "as the Secretary of the Interior may deem proper?"

Mr. MERITT. There are some Indians on the east coast of Florida that are separated from the regular band, and we want this money made available so that we can purchase land for them.

Mr. CARTER. You can not purchase much land for \$5,000, including the administration work that you have got to do.

Mr. MERITT. No, sir; we can not purchase much land. As I say, if we are going to purchase land, we will have to have at least \$10,000.

Mr. CARTER. You really could not purchase land to amount to anything for \$8,000, could you?

Mr. MERITT. No, sir.

Mr. CARTER. One of the members of this committee has a bill pending which he wants to have considered in due course, for the purchase of lands there.

Mr. MERITT. We have made a report on that bill.

Mr. HAYDEN. There are some very cheap lands in the State of Florida that can be bought, are there not?

Mr. MERITT. Yes, sir.

Mr. CARTER. But this thing of appropriating \$8,000 for administration and the purchase of land is really a joke, isn't it?

Mr. MERITT. Not a joke, because we can buy a small tract if we were given our estimate of \$10,000.

Mr. CARTER. How much did you use last year for administration?

Mr. MERITT. You will find a statement on page 202 of the House hearings. We expended about \$3,000 last year for those Indians.

Mr. HAYDEN. That is the reason why we only allowed \$8,000, because there was an unexpended balance of \$2,000.

Mr. CARTER. Then the Senate cut that to \$5,000, and yet required you to purchase land.

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Sears is here and he wants to take up the Florida item, and if the committee has no objection, we will hear him now.

This amendment is No 43, page 26, line 20.

What have you to say about this item, Mr. Sears?

Mr. SEARS. Mr. Chairman, I note that the Senate committee materially changed the item for Florida as passed unanimously by this committee and as also passed by the House after an explanation on my part.

This is not within a spirit of criticism, but I hardly understand why this radical change was made, and I refer to page 19 of the Senate report, which simply states that the change was made because as shown by the hearings before the House committee, on pages 202 to 209. This committee had this hearing before them and carefully went over the matter. I do not think the Senate committee desires to do the Seminoles of Florida an injustice, and I can not but believe that they have been misled.

I took this matter up with Senator Fletcher, from Florida, and he promised me that he would look after it, but before the Senate committee met he was called away and left on that trip to the South, and therefore I did not go before the Senate committee, first, because I did not believe it was necessary, as I was a member of the Indian Committee of the House and also resided in Florida, and feel that I am somewhat familiar with what the Seminoles of Florida need and what should be done, and I want to say a very small part has been done for them. This is not in a spirit of criticism of the department, but I must say that between 500 and 800 Seminole Indians, practically full bloods, without any assistance from the Government, except a paltry \$10,000 a few years ago, seem to go along from year to year without anyone actively taking their part.

Mr. NORTON. Do you not think it is a deplorable condition for 500 Indians to care for themselves?

Mr. SEARS. I will get to that, Mr. Norton.

I want to say, furthermore, that it is a pleasure for me to fight for the interests of the Seminoles of Florida, because for one thing I can truly say that no ulterior motive can be charged; no criticism can be made by my colleagues on this committee from other States, because not a single Seminole Indian can vote, and, so far as I know, as long as I stay in Congress, if it takes as long to remove their restrictions as it has in other cases, no Seminole Indian will ever live long enough to be able to vote for me. I simply state this in order that my motives may not be criticized.

I have introduced a bill, as this committee knows, for the purpose of purchasing lands for these Seminoles. I do not care to take up your time by going into the treaty of 1870 or 1873, in which I claim—as has been claimed before this committee repeatedly—that the Government morally, if not legally—and legally if they should remove at the present time to the State of Oklahoma or the West—

owes these Indians \$250,000, together with accrued interest. With that idea in mind, believing it would be better for the Government to properly take care of them in the home that they love and the State that they not only refuse to leave but that the Government of the United States could not make them leave—that it would be cheaper for us to take care of them there.

There is some spirit of criticism in the report by my good friend Mr. Campbell, the Indian agent in Florida. I know him too well to believe that this was intended as a criticism, and he was simply going by the report. After making an explanation to this committee I am glad to state that the committee practically unanimously voiced the sentiment that Mr. Spencer should be commended, instead of being condemned for his careful economical administration. I am just in receipt of a letter from Mr. Spencer, in which he states that during the present season he has been enabled to secure employment for these Seminoles, picking beans and packing tomatoes and working on truck farms, and they have made enough money out of that to practically keep them going throughout the year. There are times, however, when they really need some assistance, and it is the idea, and my idea, not to educate them up to the belief that this Government is going to feed them and care for them, regardless of any efforts on their part, but leave them to believe that they must rely largely on their own efforts for support; and only give them support when it is absolutely necessary. I may be wrong in this conclusion, but they have lived so many years under that system that I would like to try it a few years longer. The only difficulty right now, Mr. Chairman, is that Florida is growing more rapidly than any State in the Union. The lands are being purchased and these Indians are gradually being crowded out; and unless provisions are made by the purchase of a large tract of land to properly take care of them, I do not know where they will go next.

In 1880, when I first went to Florida, a small boy 7 years of age, the Indians had at that time forced south as far as Kissimee, and each year I have noticed with some regret that these Indians are being driven farther and farther south, because they will not mingle and mix with the white people. From Kissimee they were driven down around Fort Arbuckle, then to Fort Bassinger, and now they are down in the Everglades below Okeechobee. And that is the last stand of the famous Seminole Indians, the descendants of Osceola, and when we drive them out of there I do not know what is going to become of them, unless the Government purchases the lands in order that they may not be crowded out further.

MR. CAMPBELL. Is this agent looking over property with a view of the Government purchasing it for them?

MR. SEARS. I know nothing of that. The department has not advised me about that. I do know that the agent—this is from newspaper clippings—I do know that the agent is now trying to get the Indians, and aiding in getting the Indians, to locate on small tracts of land west of West Palm Beach. Now, that is, the Indians on the east side. The Indians on the west side have absolutely refused to come to the east side.

MR. CAMPBELL. Are there more Indians on the east side than there are on the west side?

Mr. SEARS. I should say that they were about equally divided. That is my recollection and advice. I do not know positively.

Mr. CAMPBELL. The questions that I raised in the subcommittee while the bill was being made were because I had been down there; I had seen the Seminoles; I had tried to get into consultation with them through interpreters, but they were wild as prairie chickens; but I found out that they were taking very good care of themselves. They were independent, proud, and the only thing they wanted was enough land to live on. They wanted to be let alone; they did not want a paternal supervision of them every time they turned around. They manufactured a great deal of stuff and sold it. They worked on their own initiative and were taking very good care of themselves. Those that I saw were far better looking than the wealthiest Indians probably in the world, and they looked better cared for. They were clean; they were not dissipated, and they looked like a self-respecting body of people. At that time there was very little attention being paid to them by the Government—I think nothing. The agent was appointed, I think, the following year, with a view of looking into the matter of acquiring lands for them. I think I suggested that in the committee following my visit down there. Now my idea in having an agent down there at all, or in having a representative of the department down there, was with a view of protecting those people. They were being driven out. The Everglades were being drained, and the inevitable result would be the removal of the Seminoles from where they were then living, and what I wanted was to have somebody to look out for their future, and make provision for land for them.

Now if this agent in three or four years has done nothing toward that, he has not commenced on the work that he was really appointed and suggested to do.

Mr. SEARS. I know nothing of the original plan of the employment of this agent. I know, as has been stated by the department, that it has been very very difficult for the white man to get the confidence of the Indians. Those Indians when they once know you they will talk to you, but they are very suspicious of the white man.

Mr. CARTER. They have good reason to be.

Mr. SEARS. There is not reason to go into that, because anyone who has read history can readily see that, like the animal, it has been instilled into them. But they are not treacherous, and they are honest. I have been told that there is possibly one or two cases of larceny among the Indians. I really do not believe that is true. But they are honest as the day is long. I saw a statement the other day in the paper to this effect—I do not know how true it is—that a trapper was going out hunting with an Indian, and said to him, "Are you not afraid to leave your gun in the wigwam?" The Indian laughingly replied, "Me no afraid; no white man within 50 miles; Indian no steal." [Laughter.]

It might be well along that line that we should try to civilize some of the white people instead of the Indians.

But times have changed since Mr. Campbell was there, and this agent has succeeded in getting some of these Indians to go to school. They tell me—and I saw this myself—that there is a superstition among these Indians that when an Indian learns to read the English

language he is disgraced, and for a time it was their custom to cut off one ear, showing to the tribe that he was trying to be untrue to his tribe and go to the white people. I saw several young Indians with their ears cut off. I asked a man why that was, and that is what he told me. Whether that is true or not, I do not know. But I do know this, that that superstition, if such is the case, has been overcome, and there are Indians now in the Fort Lauderdale school who have made good marks and are passing their examinations. There is some hesitancy, however, about permitting the girl Indians to go to this school because their dress is not in accordance with our dress.

Mr. CAMPBELL. They dress just like the men, do they not?

Mr. SEARS. Well, they dress like the Seminole Indian girls. They have their dress, but it is beads, and odd and peculiar, and it makes them more odd and more peculiar than other people. But, as I understand it, the boys have not objected to these Indians boys, because those that go to school dress like we do. And some of them are very good looking boys. They are bright, and Mr. Spencer has accomplished that change, which I think is a wonderful step. He had one boy sent out West—I think Mr. Meritt will verify this—but the boy got so homesick for Florida—you can not blame them for that; anybody that leaves Florida ought to get homesick, and most white people come back when they once go there. But he is now asking the department to let him educate the children. They can not take care of them in the public schools, because the white schools are somewhat crowded, and it was my idea in this bill that a school be established until this amalgamation that is now taking place is completed; and that these young Indians shall not grow up in ignorance, like those before them.

Mr. CARTER. That is what you wanted with the \$8,000?

Mr. SEARS. That is what we wanted with the \$8,000. And I said in that report I wanted to be absolutely fair, and I indorse Mr. Spencer's system of not spending too much money; and that I hoped, as far as I was concerned, that he would not give to the Indians except in absolute cases of need, when they were suffering, any of this \$8,000.

Now, I have no objection to the department purchasing a few acres of land if they want to, but in this report they practically state that all of this money is to be spent in the purchase of land.

Mr. CAMPBELL. My idea when the first appropriation was made—I have forgotten what year—do you recall what year that was?

Mr. MERITT. It was three or four years ago.

Mr. CAMPBELL. My idea then was that the \$10,000 should not be spent for land, but that arrangements should be made whereby a reservation should be set apart for those Indians.

Mr. SEARS. They have set apart 30,000 acres, but as I understand it—

Mr. CAMPBELL (interposing). 30,000 acres is not enough to do anything with, is it?

Mr. SEARS. No; and besides, it was a tract at a place where it was very difficult to get these Indians together, and I shall take pleasure in going over that tract myself when I return to Florida, and get time, and see whether it is suitable land for them.

Mr. CAMPBELL. While I think it is important that they should go to school, I think it is quite as important that they have a home.

Mr. SEARS. That is my idea and my contention.

Mr. CAMPBELL. And I think probably more important that they should have a home in their own way. They are, as I say, among the best looking Indians I have seen.

Mr. SEARS. Yes; they are strong people.

Mr. CAMPBELL. With good clean faces. They have an intelligent look. But they are afraid of us. I don't blame them for that, but I think we ought at least to provide a place where they can live unafraid but without being removed from their reservation.

Mr. CARTER. Manifestly, we can not purchase any land with \$5,000.

Mr. SEARS. Certainly not. The idea was not that the land be purchased with this \$5,000, but that arrangements be made that proper lands be located and surveyed, and get the arrangements made, and make a proposition to the Government as a result of the work that was done with this \$10,000.

Mr. CARTER. As Mr. Sears says, I think the only thing to do now is to provide for the education of a few of these Indians, and such little administration as is absolutely necessary.

Mr. CAMPBELL. I am not so particular about that as I am for getting homes for them.

Mr. SEARS. I want to make this suggestion. It is my hope and my desire to later in the spring or summer have some of the Seminoles of Florida make a visit to the Capitol and come before this committee, in order that the committee may see them as Mr. Campbell saw them. They are really an Indian in truth and in fact. This is no reflection on any other Indians, but simply to show you the Indian in his original state as he was back 100 years ago.

Mr. NORTON. May I inquire, Mr. Sears, if any of these Indians have acquired homes of their own?

Mr. SEARS. One of them is running a store and doing a good business. They are good traders. How they do it I do not know, but they do it.

Mr. NORTON. Isn't it a fact that a considerable number of these five hundred and odd Indians are self-supporting and able to take care of themselves?

Mr. SEARS. They are self-supporting, possibly, as you would say a band of gypsies would be. That is true; and the report of Mr. Spencer, the Indian agent there, shows that they are self-supporting, because he was criticized for only spending \$42 for hospital.

Mr. CAMPBELL. They are self-supporting because we are not doing anything for them. They are well clothed and well fed.

Mr. NORTON. Hadn't the department better let them alone?

Mr. CAMPBELL. We are not leaving them alone. We are taking their land away from them. The white people are going down there from Dakota and Kansas and settling on this land. They are draining the everglades and getting it away from these Indians, where they have been trapping and hunting, and they are about to take the last place where these Seminoles can make a living away from them.

Mr. NORTON. Do these Indians own their land?

Mr. CAMPBELL. They have been on there from time immemorial.

Mr. NORTON. This is not Government land?

Mr. CAMPBELL. No; it belongs to the State of Florida now.

Mr. NORTON. How was it, if I may inquire, that this 30,000 acres that you speak of, Mr. Meritt, was set aside for these Indians? What is meant by that?

Mr. MERITT. There were certain Government lands down there, Mr. Norton, but the Government has transferred its interest in most of the lands in the southern part of Florida to the State of Florida. We have set aside or purchased about 30,000 acres of land for the Seminole Indians. This land is located southwest of Lake Okechobee. The Indians, as was stated, formerly roamed over most of that southern part of Florida south of Lake Okcechobee, but that land is being drained, and has been sold to white people by the State of Florida, or sold to the big land companies, and the land companies have sold it to the white people, and that is the land the Indians formerly occupied. They have no title to the land; they simply occupied it.

Mr. NORTON. You say the Government purchased 30,000 acres?

Mr. MERITT. We purchased part of the lands, I think, and we set aside certain Government land for them. I think we have now about 30,000 acres of land for the Seminoles in southern Florida.

Mr. CARTER. Has the Government any public land in Florida?

Mr. SEARS. Yes; they still have some Government land in Florida. It is scattered over all the State, and no large bulk of it, but there are a good many acres of public lands down there.

Mr. NORTON. What is the character of this 30,000 acres of land?

Mr. MERITT. It is largely swamp land that they have been occupying for a great many years.

Mr. NORTON. How many of these Indians are there on that tract?

Mr. MERITT. More than half of the band, I think, is located in that part of the State. I do not know how many there are located on that particular tract of land.

Mr. NORTON. Does this 562 Indians that you give as the number of Indians that are in Florida include the men, women, and children?

Mr. MERITT. Yes, sir.

Mr. NORTON. Then, there are approximately 125 men?

Mr. MERITT. Yes, sir.

Mr. NORTON. Half of those are on this 30,000 acres?

Mr. MERITT. I believe there are more than half the Seminoles located in the southwestern part of the State of Florida. Quite a number of them, though, are over in the eastern part of the State near West Palm Beach.

Mr. NORTON. Now, if I may inquire further, what is the idea of the department in buying land out of an appropriation here of \$10,000 that is asked for by the department for these Indians? Do you plan to give the land, the title to the land, to these individual Indians in fee simple when it is purchased?

Mr. MERITT. No, sir.

Mr. NORTON. Or do you plan to keep this same reservation—reserve the right to the Government and have a superintendent there over those Indians?

Mr. MERITT. We estimated for \$10,000, and we thought that a good part of that money would be used in buying land for those Indians who are located near West Palm Beach. We realize that we could

not purchase very much land for that amount of money, but we intended to purchase as much as we could.

Mr. NORTON. What is the land worth an acre down there?

Mr. SEARS. It varies from \$10 an acre to \$100 an acre.

Mr. NORTON. Well, say your purchased 100 acres or 200 acres?

Mr. MERITT. We expected to purchase as much land as we could which was suitable for the purpose and get as many of those Indians in West Palm Beach located on that land as we could. We intended that the title to the land should be held in the United States; and at this time it is not our purpose to make individual allotments.

Mr. NORTON. You would not make individual allotments now?

Mr. MERITT. No, sir.

Mr. NORTON. You would allow them to live on the land as they desired?

Mr. MERITT. And use that land. Some of it is so fertile that they can make a living on 5 or 10 acres of it.

Mr. NORTON. That would necessitate a superintendent and an agency, would it not?

Mr. MERITT. It is not intended to establish a superintendent over them in the sense that we have superintendents in the western reservations.

Mr. NORTON. Have you any assurance that any of the poorer Indians, those who are really not able to take care of themselves— or that are not taking care of themselves—would go upon this land?

Mr. MERITT. It would be largely a matter of persuasion. Those Indians are wild, and, as has been stated, they have little confidence in the white man. Mr. Spencer has been quite successful in gaining their confidence and he has been successful also in getting employment for quite a large number of Indians on the farms, and also getting some of the Indian children into the public schools at Fort Lauderdale. We would have to persuade the Indians to move on this land. It would be largely a case of educating the Indian up to the point of getting him to occupy this land.

Mr. NORTON. Well, do I understand you to say that you think that if this land was bought it would not be necessary to have a superintendent down there to look after these Indians for all time hereafter or for a long time?

Mr. MERITT. No, sir; we would not expect to have a superintendent to look after this small band of Indians. We would get them located on this land and then let them take care of themselves.

Mr. SEARS. Those Indians can farm. Of course conditions are very different in Florida, when all you have to do is to put the seed in the ground and it grows.

Mr. NORTON. I can readily understand that the Indian who is running a store now, who dresses well now, and who has property now, might taken advantage of this land that might be purchased by the Government; but I can not well understand—probably I do not realize the situation—I can not well understand how you are going to get the poor indigent Indian, who, if any one, needs the care of this Government, he does, to go upon this land and improve it and better care for himself, without a superintendent to look after the lands and the Indians.

Mr. CAMPBELL. Mr. Norton, those Indians average up better than the Indians on any reservation that I have been on. And they have

had no superintendent; they have had no care by the Government or anybody else; they have been let alone in the everglades of Florida. They have taken care of themselves, and what I want to see done is that they shall have enough land in a reservation where they can go on in their own way, taking good care of themselves, breeding good Indians, bringing them up with good habits—as they have—and simply keep on just as they have been doing for the last 100 years. Protect them from the encroachment of the white man.

Mr. NORTON. Would you then be in favor of buying these small tracts such as could be purchased for \$10,000?

Mr. MERITT. No; not at all. That would not be practical.

Mr. NORTON. It occurs to me that it would be all right to hold a large tract of thirty or sixty thousand acres for them.

Mr. CAMPBELL. That is the only thing practical in my judgment. You will have to put those Indians on a reservation and let them live in common as they have been doing. You can not separate those Indians and put them on 10-acre tracts. You can not separate them from each other.

Mr. NORTON. May I further inquire from the gentleman from Florida, who is presenting this matter so ably—I understood you to make the statement that these Indians do not have the right to vote. Now, why have they not—why has not the Indian the right to vote in Florida who runs his store and provides for himself and his family, who is a good business man in the community?

Mr. SEARS. Mr. Norton, I will simply answer that by stating what has been drilled into me here, something about removing restrictions. I know they never have voted, and they are not considered citizens of the State of Florida.

Mr. NORTON. Isn't that the fault of your State laws, rather than the fault of any Federal law?

Mr. CARTER. Does your State law prohibit them from voting?

Mr. SEARS. No; it does not specifically prohibit them from voting. They are considered not citizens. They are wards of the Government. They are so considered by practical consent. I do not know that there is any statute on it.

Mr. VENABLE. The State laws of Mississippi do not prohibit the negroes from voting, but they do not vote.

Mr. NORTON. Well, what is the requirement for suffrage in your State?

Mr. SEARS. I would have to look at the statutes; I think they must be a male citizen at least 21 years of age, and reside in the State one year and in the county six months and in the town 30 days. Whether these Seminoles are citizens of the State or not I am not in a position to say.

Mr. CAMPBELL. They do not want to vote, do they?

Mr. NORTON. Yes; I was surprised at that statement. The Indian has a right to vote in my State, and it would seem strange to me that the Indian would not have a right to vote in Florida if they have no tribal relations.

Mr. CARTER. They are citizens of the United States.

Mr. SEARS. They are not considered citizens of the State in my State. There is no law on the statute books in the State of Florida prohibiting them from voting, but it is simply by practical consent.

Mr. CARTER. I think you are correct in that. An Indian is not a citizen of the United States until he is made so by statute. That is the legal status, unjustly, I think. Our Indians in Oklahoma had to have a law passed making them citizens of the United States after March 4, 1901.

Mr. SEARS. Mr. Meritt will correct me in this if I am wrong, but as I understand it the Government never has taken any control over the Indians of Florida.

Mr. MERITT. That is true.

Mr. NORTON. I am surprised that the gentleman from Oklahoma claims that the Indian is not a citizen of the United States when he severs his tribal relations.

Mr. CARTER. No; I did not make that statement. What I said was that all Indians in the United States are not considered citizens of the State and allowed the privilege of voting until they are made citizens of the United States by special act. That is so in the State of North Dakota, and it is so in the State of Oklahoma.

Mr. NORTON. Until they are made citizens of the United States by special act of what?

Mr. CARTER. Act of Congress, by which they are made citizens.

Mr. NORTON. But Indians are citizens of the United States who have severed their tribal relations.

Mr. CARTER. Well, the Supreme Court holds in relation to that that Indians are domestic dependent aliens, not entitled to vote. That is in the case of *Figami v. The United States*, cited here by Mr. Meritt. I think he will bear out that contention.

Mr. SEARS. I do not want to take up much more of your time along the line suggested by Mr. Campbell. I have introduced a bill, as I stated, for the purpose of purchasing lands where these Indians are now living, the majority of them. There are four townships where these Indians live. None of this land is owned by the State of Florida. I have put in my bill, not exceeding \$5 an acre. I believe the legislature will meet us fairly on the proposition. I do not know what the legislature of the State of Florida will do, but if I get a bill through, it is up to them and not up to me. I will have done my duty. This land is selling for a great deal more money, as stated by Mr. Meritt, where the individuals own it. You can not buy it for less than \$25 to \$100 an acre, and I really believe the Legislature of the State of Florida would meet us half way and let us have it at a little less than that. But it would take an act of the legislature to do this.

Mr. CARTER. Mr. Sears, you do not want anything about that put in this bill?

Mr. SEARS. No, sir; but simply to explain my position.

Mr. CARTER. What you want in this bill is to permit that money to be used for the schooling of such Indians as they can get in the school at this time, and for their maintenance in cases of dire necessity?

Mr. SEARS. Yes; that is true. I think we should give those people some educational advantages. We are giving it to the white people and I think we should give it to the Indians.

Now, I want to say, Mr. Chairman, that I have no fight to make with the department. Mr. Sells has been very nice to me, and has stated he would cooperate with me; but I am on the ground, coming from Florida, and I want to cooperate with the department, and I

have no objections to this bill if they will make it \$8,000, if it is the idea of the committee that this little work may go on, until my bill can get consideration. So I will be glad if you will put in there \$8,000, not exceeding \$1,000 or \$2,000 to be spent for land.

Mr. CAMPBELL. I would not spend 1 cent of that \$8,000 for land. It is wholly impracticable to buy small tracts of land, for those Indians, as you know.

Mr. SEARS. I was simply stating my personal opinion. That is up to the committee, but I do think it is unfair to those Indians to cut it down to \$5,000, with practically all of that \$5,000 to be spent for 100 or 200 acres of land. And I think it is a matter of rank injustice that those Indians have only \$6,000 or \$8,000 for education and civilization.

Mr. NORTON. I think it ought to be \$10,000 if it was anything.

Mr. SEARS. But I understand you can not raise it. I made it \$8,000, Mr. Chairman, because all the way through, if the committee remembers, where there was a balance to make the appropriation what it originally was, I made a fight to deduct that balance; and in order to be consistent, when I struck my own State, I voluntarily asked this committee to reduce it from \$10,000 to \$8,000, and make it the same I had asked it to be made with the other members of the committee.

Mr. NORTON. Mr. Meritt, what is the law, if you recall it, as to the citizenship of the Indian?

Mr. MERITT. The general allotment act of February 8, 1887, found in 24 Stat. L., 388, made all allotted Indians citizens. That law was changed by the act of May 8, 1906 (34 Stat. L., 182), which deferred citizenship until the issuance of a fee patent, or until the expiration of the 25-year trust. The Indians of the Five Civilized Tribes have had citizenship extended to them by special act of Congress. It has also been held that all the Indians of the Osage Nation are citizens. Indians who have not been allotted are ordinarily considered noncitizens.

Mr. CARTER. That does not comport with the statement you have just made. Your former statement was that the Indians who had been allotted and had been delivered a trust patent were citizens of the United States. Now, why do you say that all Indians who had been allotted are citizens of the United States? Which is correct?

Mr. MERITT. You did not understand my statement, evidently, Mr. Carter. I will make the statement over again. The allotment act of February 8, 1887 (24 Stat. L., 388), extended citizenship to all allotted Indians. That act was amended by the act of May 8, 1906 (34 Stat. L., 182), which deferred citizenship to Indians allotted after the passage of that last act, until the expiration of the trust period, or until a patent in fee was issued to an Indian.

Mr. CARTER. That is exactly it. Now, after that, you stated that all allotted Indians were citizens. Now, your first statement there is that all Indians who have been allotted and who have received a patent in fee are citizens. Now, then, your next statement was that all allotted Indians were citizens.

Mr. MERITT. No, sir; I think the record will not show that.

Mr. CARTER. Now, then, as a matter of fact, the only Indian who is a citizen, without special act of Congress, is an Indian who has received a trust patent under the present law.

Mr. MERITT. Under the present general law the Indian who receives a trust patent is a noncitizen until the expiration of the trusteeship.

Mr. CARTER. And very few have received trust patents?

Mr. MERITT. Quite a large number of Indians have received trust patents.

I submit a statement of appropriations made for the benefit of these Indians:

The act of August 5, 1894 (28 Stat. L., 303), contained an appropriation of \$6,000 for the support, civilization, and instruction of the Seminoles in Florida, one-half of said sum to be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians.

The act of March 2, 1895 (28 Stat. L., 892), contained a similar appropriation of \$6,000, one-half to be expended in the discretion of the Secretary of the Interior in procuring homes for said Indians.

The acts of June 10, 1896 (29 Stat. L., 337); June 7, 1897 (30 Stat. L., 78); July 1, 1898 (30 Stat. L., 586); and March 1, 1899 (30 Stat. L., 938), each contained a similar appropriation of \$6,000, one-half to be expended in the discretion of the Secretary of the Interior in procuring permanent homes for these Indians.

In the act of April 4, 1910 (36 Stat. L., 274), \$15,000 was appropriated for the relief of distress among the Seminole Indians in Florida, and for purposes of their civilization.

A similar appropriation of \$10,000 was made by the act of March 3, 1911 (36 Stat. L., 1063).

By the act of June 30, 1913 (38 Stat. L., 86), the unexpended balance of \$10,000 made in the act of March 3, 1911, was reappropriated and made available.

The annual report of the Commissioner of Indian Affairs for 1900, page 101, shows that a total of 23,061.72 acres had been purchased for the use of the Seminole Indians in Florida at a cost of \$13,355.52.

Mr. CARTER. The next amendment is No. 44, page 27, line 2, strike out "\$25,000" and insert "\$35,000."

Mr. HAYDEN. Why do you need that extra \$10,000, Mr. Meritt?

Mr. MERITT. We requested in our estimates \$35,000 for this item. The discussion is found on pages 79 and 82 of the Senate hearings. The justification will be found beginning at page 209 of the House hearings. We have expended quite a large amount of money—nearly \$1,000,000—for an irrigation project for the Fort Hall Reservation, and we now need this appropriation to build laterals to the Indian allotments. We are required within a limited time to make beneficial use of the water, otherwise the Indians may be in danger of losing their water rights.

Mr. HAYDEN. You had an unexpended balance last year from the appropriation of \$25,000 of \$1,759.12.

Mr. MERITT. Yes, sir.

Mr. KONOP. In your statement before the Senate committee you stated you were satisfied with the appropriation allowed by the House. You said, "We agree to what the House has allowed." That is on page 83.

Mr. MERITT. I do not recall making that statement.

Mr. KONOP. It says here, on page 83:

Mr. MERITT. Mr. Chairman, we agree to what the House has allowed.

Mr. MERITT. Mr. Chairman, we need this appropriation, but we will try to get along with the amount allowed by the House. We very much need the entire appropriation, however.

Mr. CARTER. The next amendment is No. 45, page 27, line 13:

That jurisdiction be, and is hereby, conferred upon the Court of Claims to hear, determine, and render judgment upon the claims, of whatsoever nature, both legal and equitable, of the following-named citizens of Idaho: Mrs. James Heatley and children, Abe Anderson, David Anderson, Neils Anderson, Chris. Wittinrich, W. H. Chester, William Williams, Fred Larsen, James W. Chester, Grant E. Barney, Joseph Nelson, John Swank, Mrs. Mattie M. Clement, Peter Anderson, Fred A. Rogers, George E. Tolmie, George W. Strong, Ira H. Hogan, Mrs. Donald Tolmie, Francis M. Merrell, junior, Charles C. Dewitt, John Boyd, Mrs. Abe C. Anderson, Lewis S. Pond, and L. S. Marriott, as to the amount of damages sustained as the result of the overflow of the land occupied by them and injury done to their improvements thereon held under possessory rights in connection with the construction by the Federal Government of the reservoir to provide storage water for the irrigation of lands belonging to the Indians on the Fort Hall Reservation in Idaho.

Mr. HAYDEN. Does the bureau recommend this legislation?

Mr. MERITT. No, sir; we submitted an adverse report on this item of legislation. Our report is found in a letter to Chairman Stephens, dated March 19, 1914.

Mr. CARTER. Is that letter very long?

Mr. MERITT. No, sir.

Mr. CARTER. Well, put it in the record.

Mr. MERITT. The letter reads as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1914.

HON. JOHN H. STEPHENS,

*Chairman Committee on Indian Affairs,
House of Representatives.*

MY DEAR MR. STEPHENS: In response to your letter of February 28, 1914, inclosing copy of H. R. 13635, a bill authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho, I have the honor to advise you that the files in this case were, on February 11, 1914, transmitted to the chairman of the Senate Committee on Indian Depredations, in accordance with his request.

Both the department and the Indian Office have reported on these claims on several occasions, and it has been held by both that all just claims for damages to lands and improvements within the Blackfoot Marsh reservoir site had been fully compensated.

I regret that I am unable to give you the full information requested, as the files referred to have not as yet been returned. However, there is inclosed a copy of the letter of February 11, to Mr. Borah, which gives a brief history of the case.

In this connection I deem it proper to call your attention to H. R. 1051 and H. R. 1052, proposing to appropriate money in settlement of the claims of Fred Larsen and Peter Anderson, respectively, two of the claimants mentioned in the bill you have submitted. The department is this day sending adverse reports on said bills upon a reference from the chairman of the Committee on Claims.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Mr. CARTER. Now, Mr. Meritt, what do you mean here by "possessory rights," on page 28?

Mr. MERITT. This is not an item submitted by us.

Mr. CARTER. What is meant by the words "possessory rights," there? I want that in the record. That is on page 28, line 3, "Held under possessory rights."

Mr. MERITT. They were simply in the possession of the land at that time without absolute title to the property.

Mr. HAYDEN. That is, they were squatters on the public land?

Mr. MERITT. I would not say that they were squatters exactly.

Mr. HAYDEN. From the language, it would appear that they did not have a fee title to the land in question.

Mr. CARTER. Is Mr. Hayden's statement correct, that they were squatters at that time?

Mr. MERITT. They may have been renters of Indian land. I would not like to call them squatters.

Mr. TILLMAN. They may have been claiming title to it. If a man has a possessory right, he may have an actual right not determined by law, or he may be a mere squatter.

Mr. CARTER. The next amendment is No. 46, page 28, line 11, strike out "in all, \$140,250," and insert "for barn, \$8,000; in all, \$148,250."

What is the necessity for that, Mr. Meritt?

Mr. MERITT. This item was discussed at page 125 of the Senate hearings. It was incorporated in the bill at the suggestion of Senator Curtis, of Kansas. We concurred in that amendment. We find that we have not sufficient barn facilities at this large Indian school at Lawrence, and if this barn can be constructed we can do away with the services of one man. As it is now, the horses are stabled in various little shacks over the school property.

Mr. CARTER. When did you find that out, Mr. Meritt?

Mr. MERITT. We have known that we need a barn for that school, but we were keeping the estimates down as much as possible, and we did not ask for this in our estimates.

Mr. CARTER. You did not ask for that in the estimates, and it was not presented to the House committee at all?

Mr. MERITT. No, sir; but we would be glad to have it included in the bill.

Mr. CARTER. The next amendment is No. 47, page 28, line 17:

For the construction of bridges across Big Soldier Creek and Little Soldier Creek, within the Potawatomi Indian Reservation, Jackson County, Kansas, \$10,000, to be expended under the direction of the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the county of Jackson satisfactory guaranties of the payment by the said county of Jackson of at least one-half of the cost of said bridges, and that the said proper authorities of the said county of Jackson shall assume full responsibility for and will at all times maintain and repair said bridges: *And provided further*, That any and all expenses above the amount herein named in connection with the building and maintaining of said bridges shall be borne by the said county of Jackson.

Mr. HAYDEN. Have these Indians any money to their credit in the Treasury?

Mr. MERITT. They have \$127,800. The discussion of this item will be found on page 124 of the Senate hearings.

Mr. CARTER. Is that on an Indian reservation?

Mr. HAYDEN. Yes, sir.

Mr. CARTER. What reservation is that?

Mr. MERITT. The Potawatomi Indian Reservation, in Jackson county, Kans..

Mr. CARTER. Have the Indians any surplus land?

Mr. MERITT. I think they have been allotted all their lands. This item was placed in the bill at the request of Senator Curtis.

Mr. HAYDEN. You did not recommend it?

Mr. MERITT. We did not recommend it, but we would be glad to see the item stay in the bill.

Mr. CARTER. That involves the question of the barn again, appropriating money out of the Treasury for bridges and things on the reservation, does it not?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. Is there any reason why it should not be made reimbursable?

Mr. MERITT. They have no surplus land, but I find that those Indians have in the Treasury \$127,800.

Mr. HAYDEN. Suppose we make it payable out of tribal funds instead of out of the Treasury?

Mr. MERITT. There is no objection to that.

Mr. CARTER. The next amendment is No. 48, page 29, line 24:

For reimbursement of Joseph Bradley, a member of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, for traveling and incidental expenses incurred by him as an authorized representative of said band while appearing before Congress and the Interior Department in January, February, and March, nineteen hundred and sixteen, \$250, or so much thereof as may be necessary, to be immediately available.

Mr. HAYDEN. Since when did Congress adopt the policy of paying Indian lobbyists?

Mr. MERITT. Mr. Chairman, this item was placed in the bill on the floor of the Senate, at the request of Senator Townsend, of Michigan, and the discussion is found on page 5746 of the Congressional Record. I might add that Mr. Bradley was in the city during the winter months, looking after the claims of certain Indians of Michigan, and he was here at his own expense, and it was thought fair that the tribe or the Government should pay the expenses of this Indian.

Mr. CARTER. The tribe does not pay it; it is paid out of the Treasury.

Mr. MERITT. Yes, sir.

Mr. CARTER. Was he the representative of the tribe?

Mr. MERITT. Yes, sir; he was here representing the tribe.

Mr. CARTER. Has this band of Chippewa Indians any money?

Mr. MERITT. They have a claim against the Government; and I would see no objection to making this item reimbursable.

Mr. CARTER. Well, have they any funds on hand at all?

Mr. MERITT. No, sir.

Mr. CARTER. None at all?

Mr. MERITT. No, sir.

Mr. CARTER. Is this next amendment the result of Mr. Joseph Bradley's lobbying at the Capitol?

Mr. MERITT. It is the result of his work here during the winter.

Mr. KONOP. I would like to ask a question. Was Mr. Bradley's contract with the Indians approved by the bureau?

Mr. MERITT. No, sir.

Mr. KONOP. He never made an application for a contract?

Mr. MERITT. He is not an attorney. He was here representing his tribe, without regard to the fact that he was not an attorney. Mr. Bradley is a Michigan Indian.

Mr. HAYDEN. Was he authorized either by the tribal councils or the bureau to come here?

Mr. MERITT. He has been coming here for several years in behalf of those Indians.

Mr. HAYDEN. How does it come that he does not have a bill in for previous years? He seems to be in a hurry to get his money this year.

Mr. MERITT. I think he now needs this money.

Mr. CARTER. The next amendment is No. 49, page 30, line 7:

That the act of June twenty-fifth, nineteen hundred and ten, entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," be, and hereby is, amended so as to read as follows: "That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River Band or other band of Chippewa Indians residing in the State of Michigan have against the United States; and such suit or suits as may be instituted hereunder shall, if the convenience of the court admit, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

"Sec. 2. That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court exceed in amount such sum or sums as may have been fixed therefor under the terms of any contract entered into between the Indians and their attorney in conformity with section twenty-one hundred and three and the following of the Revised Statutes of the United States for the prosecution of their claim."

Mr. CARTER. What is the amount of this claim?

Mr. MERITT. The amount has not been determined. This item was discussed on page 464 of the Senate hearings.

Mr. CARTER. They know how much they claim, do they not?

Mr. MERITT. No, sir; they do not claim any specific amount. They simply want the matter to go to the Court of Claims, and for that court to determine the amount.

Mr. CARTER. Can you give the committee any approximate estimate of what might be the amount of this claim—what the maximum amount is?

Mr. MERITT. I can not state definitely the amount that they claim. It covers a period of several years.

Mr. CARTER. Is it as much as \$50,000?

Mr. MERITT. Yes, sir; I should say it would amount to more than that.

Mr. CARTER. Would it be \$100,000?

Mr. MERITT. I think it would be between \$100,000 and \$200,000. That is my recollection.

Mr. CARTER. What is the basis for the claim, Mr. Meritt?

Mr. MERITT. We did not ask for this item; it was included in the bill at the request of a Senator. It is one of those general items submitting claims to the Court of Claims, and the Indians can, under this item, bring in all the claims they may have against the Government.

Mr. CARTER. It might amount to a million dollars?

Mr. MERITT. Yes, sir; but it is my understanding they do not have any such amount as that in their claim.

Mr. CARTER. Have they taken this claim up with the Indian Bureau?

Mr. MERITT. Yes, sir; they have discussed it with us. There is legislation now on the statute books which permits this tribe to go to the Court of Claims.

Mr. CARTER. There is legislation permitting that now?

Mr. MERITT. Yes, sir; but this is an amendment of that law. The law limits the amount that may be paid to attorneys to \$10,000, and that includes all expenses, and heretofore they have not been able to get an attorney to take this claim for that amount of money; and it is for the purpose of removing the limitation so that they can get an attorney to pay the expenses of the litigation and who will also get a reasonable fee in addition to being reimbursed for expenses.

Mr. CARTER. In what way does this language change the present law? I will read the present law:

That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim arising under treaty stipulations or otherwise with said band of Chippewa Indians.

Mr. KONOP. You will find that language right here on page 464 of the Senate hearings.

Mr. MERITT. The first part of the item of legislation, if I remember correctly, is not changed materially, but section 2 is changed.

Mr. KONOP. Read the section of the act that it is proposed to change there.

Mr. CARTER. This is from the Senate hearing on the bill, page 465, present session:

Senator PITTMAN (presiding). What is the pleasure of the committee on this amendment?

Senator GRONNA. Senator Lane proposes to have it go on as an amendment to the Indian appropriation bill.

Senator PAGE. He asked that it go on, as a personal favor to Senator Townsend. Personally, I have no objection.

Senator CLAPP. I would yield more to a Senator who is not a member of the committee, and I believe we should, than to members of the committee in a matter of that kind.

Senator PAGE. If we approve it I do not care to have the letter read.

Senator PITTMAN. It is agreed to?

Senator GRONNA. I have no objection to having it go on the appropriation bill.

Senator PITTMAN. It is agreed to.

Mr. MERITT. Section 2 of the act of June 25, 1910 (36 Stat. L., §29), reads as follows:

That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable, upon a quantum meruit for services performed, to be paid, and same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall be made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per centum of the amount of the judgment recovered, and in no event shall the aggregate exceed \$10,000.

They want to amend the law so that there will be no other limitation except as contained in the contract approved by the department.

Mr. KONOP. I do not think we ought to do that.

Mr. CARTER. The next amendment is No. 50, page 31, line 17, strike out "in all, \$61,675" and insert:

To gravel and improve the road leading from the school building to the south line of the reservation, \$1,000; to blast out and deepen the ditch and creek on said reservation, \$2,000; in all, \$64,675.

MR. MERITT. This item was included in the Indian bill at the request of Senator Clapp. We will be glad to see the item remain in the bill. The discussion is found on pages 493 and 501 of the Senate hearings.

MR. CARTER. The next amendment is No. 51, page 32, line 10:

Provided, That not to exceed \$60,000 of said amount, and the one-fourth interest on the tribal funds of the Chippewa Indians of Minnesota now to their credit in the Treasury to be used for the maintenance of free schools, shall be used for the compensation of employees in the Indian Service in Minnesota except for irregular laborers, and that the said Chippewas shall receive the preference in filling permanent positions in the service of the Chippewas of Minnesota where the compensation is paid from their tribal funds: *Provided further*, That not less than \$10,000 of said amount of \$185,000 may be used to furnish employment to the said Chippewas in building roads and making other improvements upon the Chippewa reservations in Minnesota for the benefit of the said Chippewas, and \$10,000, or so much thereof as may be necessary, to establish an electric light plant at the White Earth Agency, the boarding school there and the village of White Earth, Minnesota, said plant, or its proportionate share of expenses to be maintained by the residents of White Earth village under such rules and regulations as may be prescribed by the Secretary of the Interior.

What is the necessity for this, Mr. Meritt?

MR. MERITT. Mr. Chairman, we do not believe there is any urgent necessity for this amendment. It was placed on the bill by Senator Clapp at the request of a delegation of Indians from Minnesota. It is a limitation on the appropriation of \$185,000. We did not ask for it. We have no serious objection to it. The discussion will be found on pages 453-454 and 455 of the Senate Hearings.

MR. CARTER. The next amendment is No. 52, page 33, line 12:

That the Secretary of the Interior be, and he is hereby, authorized to convey by patent in fee simple to independent school district numbered one, of Mahanomen County, Minnesota, for the purpose of a demonstration farm in connection with the agricultural department of the public schools of said place, that certain tract of land which had been set apart for the now abandoned Mahanomen Indian day school; said tract being described as follows, to wit: West half of the southwest quarter of section eleven, township one hundred and forty-four north, range forty-two west of the fifth principal meridian, in Minnesota: *Provided*, That the purchase price of the property conveyed, which shall be not less than its appraised value, shall be divided equally among those members of the Pembina Band of Indians living on the date of passage of this act who were born prior to July twenty-first, nineteen hundred, but were not included on the allotment schedule approved on that date; appraisement of the property and payment of the proceeds to the said Indians to be under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That this shall not be construed to affect any rights involved in pending litigation.

MR. HAYDEN. What about that, Mr. Meritt?

MR. MERITT. That item is discussed on page 455 of the Senate hearings. It was included in the bill at the request of Senator Clapp.

MR. HAYDEN. Does the Indian Office approve of it?

MR. MERITT. We did not ask for it.

MR. HAYDEN. What is the idea of paying money to Indians who were not included on the allotment schedule of Indians in 1904?

MR. MERITT. I think Senator Clapp can explain this item better than I could.

MR. HAYDEN. You have no information on that subject?

MR. MERITT. We have no accurate information on the item.

Mr. CARTER. The next amendment is No. 53, page 34, line 10:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee for forty acres of land on the Nett Lake Indian Reservation in Minnesota, described as follows: South half of northeast quarter of lot one; north half of southeast quarter of lot one; south half of north half of northeast quarter of lot one; north half of south half of southeast quarter of lot one; south half of northeast quarter of northwest quarter; and south half of south half of north half of northeast quarter of northwest quarter, all in section nineteen, township sixty-five north, range twenty-one west of the fourth principal meridian, containing forty acres more or less; such patent to be in lieu of that authorized and directed in the act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page five hundred and ninety-one).

Mr. MERITT. This item is discussed on page 460 of the Senate hearings and on page 234 of the House hearings. There was legislation passed two years ago which directed the Secretary of the Interior to issue a patent to this Northern Minnesota Conference of the Methodist Episcopal Church to land which was at that time being used for agency purposes, and there are Government buildings as well as Indian homes on the land described in the act. We are asking that the legislation be amended so that they can get land that will not conflict with the land now occupied by the Government.

Mr. HAYDEN. The other description was erroneous?

Mr. MERITT. Yes, sir.

Mr. KONOP. I think that provision was in the House bill—on page 27 of the House bill—when we reported it to the House, but it must have been stricken out in the House on a point of order.

Mr. MERITT. The description of land here is satisfactory both to the Indian Office and to the Methodist Episcopal Church interested.

Mr. HAYDEN. This description must be different from the description in the House bill, because it is very much longer.

Mr. MERITT. Yes, sir; it is a different description. We have been in correspondence with the superintendent since the bill was up before the House committee, and we reached an agreement as to what land this church should have.

Mr. HAYDEN. Are you giving them more land than was originally proposed?

Mr. MERITT. No, sir; we are giving them 40 acres of land, the amount they had a right to under former legislation.

Mr. KONOP. But in the House bill here it says "patent in fee for 5 acres, to be legally described as the southeast corner of lot 1, section 19, township 65, north," etc.

Mr. MERITT. But the legislation now on the statute books authorizes and directs the Secretary of the Interior to give them a patent to 40 acres, and this description here gives them 40 acres.

Mr. HAYDEN. As I remember that case, we originally passed a bill granting them 40 acres of land. We have since reported to the House here a bill which provides that out of that particular 40 acres we would give them 5 acres. Now, you are going to give them 5 acres and 35 acres in addition.

Mr. MERITT. Yes, sir; we are going to give them 40 acres altogether, but we will give them land not now being used by the Government or occupied by Indians.

Mr. CARTER. The next amendment is No. 54, page 35, line 22:

The superintendent of logging upon the Chippewa Reservation in Minnesota is hereby authorized to expend not to exceed \$25,000, or so much thereof as may be necessary, from the amount derived from the sale of the pine timber of the Chippewas of Minnesota, in the payment of scalers, check scalers, as provided by the act of January fourteenth, eighteen hundred and eighty-nine (Twenty-fifth Statutes at Large, page six hundred and forty-two), and such clerks as he may employ. Any act not in conformity with this provision is hereby repealed. A detailed statement of all the expenses hereinafter incurred and paid from the tribal funds of the Chippewas of Minnesota shall be reported to Congress annually.

Mr. HAYDEN. Does the Indian Office approve that additional pay roll?

Mr. MERITT. We did not ask for this legislation. It was incorporated in the bill at the request of Senator Clapp. We interpose no serious objection to its enactment, if Senator Clapp desires it. The item appears at page 455 of the Senate hearings, but there was no discussion printed.

Mr. CARTER. The next amendment is No. 55, page 36, line 9, strike out all down to and including line 2, page 37, and insert:

Hereafter on ceded lands in the State of Minnesota embraced within the provisions of the law entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, the minerals in and mineral rights pertaining to any of the lands, the cession of which was provided for in said act, and for which the United States has not conveyed title, shall be and remain in and are reserved for the use and benefit of the Chippewa Indians in the State of Minnesota.

Mr. MERITT. This item will be found at page 233 of the House hearings and at page 457 of the Senate hearings. We would prefer that the amendment incorporated in the bill by the Senate committee should stay in the bill, rather than the provision in the House bill.

Mr. HAYDEN. I would think, Mr. Meritt, that the language adopted in the Senate is the same as in the Book of Estimates.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. We had before us a delegation of Chippewa Indians from Minnesota, and in talking the matter over with them they did not know whether there was any mineral up there or not. They said that they would be perfectly willing to pay out of their own funds to have a geological examination made to ascertain if there was any minerals, and if any mineral was found, the land could be reserved. It was at their request that we adopted this amendment.

Mr. MERITT. I think they changed their minds after the bill got over to the Senate. This amendment was included at the request of Senator Clapp.

Mr. HAYDEN. As a matter of fact, the House provision is better, for the reason that the Senate language clouds the title to all the lands belonging to these Indians in Minnesota. If any mineral is found on any of this land hereafter, it is reserved.

Mr. MERITT. It is simply reserved for the benefit of the tribe.

Mr. HAYDEN. I understand, but you do not know whether there is any mineral there or not, and you are clouding all the title by reserving it in this way. We should do as is done when Indian reservations are opened by providing for an examination by the Geological Survey. If any mineral is found, it is reserved; otherwise the

land may be sold. It seems to me the House policy is very much better than the Senate amendment.

Mr. KONOP. I think the matter was discussed quite a little on the floor of the House and finally it was concurred in unanimously.

Mr. MERITT. Well, we will be satisfied with either one.

Mr. CARTER. The next amendment is No. 56, page 37, line 13:

That the sum of \$6,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minnesota, beginning on the second Tuesday of July, nineteen hundred and sixteen, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, nineteen hundred and thirteen, and to pay the actual and necessary expenses of the delegates who attended the meeting of said general council, commencing June twelfth and ending June fourteenth, nineteen hundred and fifteen, at White Earth, Minnesota, and at Detroit, Minnesota, October fourth, nineteen hundred and fifteen, and also the necessary expenses of the members of the executive committee of said council when attending to the business of the tribe, and to pay the expenses to Washington, in January and February, nineteen hundred and fifteen, and in January, February, and March, nineteen hundred and sixteen, of the delegations of the Chippewa Indians of the State of Minnesota, appointed by the president of said general council pursuant to the resolutions of said general councils of August fourteenth, nineteen hundred and fourteen, and June fourteenth, nineteen hundred and fifteen, to present the affairs of said Indians of the State of Minnesota to the officials of the United States; said \$6,000 to be immediately available, and the expenses of said delegation to be paid by the Secretary of the Interior upon itemized accounts approved by the president of the executive committee of said council and certified to by the secretary of the council. The Secretary of the Interior may authorize an inspector, or special agent, or Indian superintendent, to attend future sessions of said general council and conventions to which delegates therefor are elected.

Mr. HAYDEN. Does the Indian Office approve of this amendment?

Mr. MERITT. This was not included in the estimates of the Interior Department or the Indian Office. It was incorporated in the Indian bill before the Senate committee by Senator Clapp. The hearings on this item begin at page 461 of the Senate hearings.

Mr. CARTER. Do those hearings show that the Indians want this done themselves?

Mr. MERITT. There are two factions of Indians on the White Earth Reservation, the mixed bloods and the full bloods. The full bloods are more or less opposed to this item and the mixed bloods are very much in favor of it.

Mr. CARTER. The next amendment is No. 57, page 39, line 7:

For the tuition, board, books and paper, and traveling expenses to and from their respective homes of two Chippewa boys for the school year ending June tenth, nineteen hundred and fifteen, \$1,500; and for five Chippewa boys for the school year ending June tenth, nineteen hundred and sixteen, \$3,250; at Keewaton Academy, Wisconsin, incurred under the authority of the general council of the Minnesota Chippewas, said amounts to be paid upon vouchers being submitted to the Commissioner of Indian Affairs, and approved by the board of Indian education of the said general council: *Provided*, That the said payments shall be made from the tribal funds of the Chippewa Indians of Minnesota in the Treasury of the United States.

Mr. CARTER. What have you got to say about that item, Mr. Meritt?

Mr. MERITT. This was not included in our estimates. This item was placed in the Indian bill by Senator Clapp. It appears on page 553 of the Senate hearings.

Mr. HAYDEN. Is Keewaton a private institution or an Indian school?

Mr. MERITT. It is a private institution.

Mr. HAYDEN. It costs \$750 a year to send boys to that school?

Mr. MERITT. That would include board and other expenses.

Mr. CARTER. You say that appears on page 553 of the hearings?

Mr. MERITT. Yes, sir.

Mr. CARTER. Well, Mr. Meritt, it has been the custom in the past to appropriate for some of those boys going to school, has it not?

Mr. MERITT. Yes, sir; there have been one or two appropriations made.

Mr. CARTER. We appropriated for more than two in the past, did we not?

Mr. MERITT. I believe there was a provision for more than two.

Mr. CARTER. There has never been any attempt before to name the specific school to which they should go, has there?

Mr. MERITT. No, sir.

Mr. CARTER. Why should a specific school be named here?

Mr. MERITT. These boys are now in that school.

Mr. CARTER. But you would have the right to continue them at that school or any other school you might deem better equipped to take care of them if the name of the school was left, would you not?

Mr. MERITT. Yes, sir.

Mr. CARTER. Would it not be better legislation to leave that jurisdiction with the Indian Bureau?

Mr. MERITT. I think so.

Mr. CARTER. Suppose that these boys were mistreated at Keewatin; suppose they became dissatisfied and were not doing well there. Under this language the bureau has no discretion at all, but would have to keep them at that school or take them out of school.

Mr. MERITT. Yes, sir.

Mr. CARTER. Are there not some other boys that are just as much entitled to this special privilege as these two boys are?

Mr. MERITT. Yes, sir.

Mr. CARTER. In fact, are there not some six or seven that have been attending school just as these two have been attending in the past?

Mr. MERITT. This item provides for more than two. It provides for seven, I believe.

Mr. CARTER. The reason I am asking you about that is that I have a letter from a boy—I have forgotten his name—who says he has been attending school under this provision and has only one more year to finish college, and that if this provision is left in the bill, that while the other boy will be permitted to continue the course, he will not.

Mr. MERITT. I see no objection to amending the item, Mr. Carter, as you suggest.

Mr. KONOP. I think the reason that school was mentioned was because it is in Wisconsin, and presumably it is a very good school. [Laughter.]

Mr. CARTER. The next amendment is No. 58, page 39, line 20:

That the sixth paragraph of section nine of the Act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page eighty-nine), be, and the same hereby is, amended by striking out the words "one of whom shall be selected by the Department of Justice," in the third line thereof, and substituting therefor the words "one of whom shall be selected from assistants to the Attorney General, and who shall continue as such commissioner during the pleasure and under the direction of the Attorney General."

What is the purpose of that, Mr. Meritt?

Mr. MERITT. There are two or three items there that read together, and I think we should read the next amendment.

Mr. CARTER. Very well. The next two amendments are as follows: Nos. 59 and 60:

That the unexpended balance of the appropriation for carrying into effect the provisions of the act of June thirtieth, nineteen hundred and thirteen, making appropriations for current and contingent expenses of the Indian Service for the fiscal year ending June thirtieth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page eighty-nine), creating a commission to prepare a roll of the allottees within the White Earth Reservation, in the State of Minnesota, and defining the duties of such commission, is hereby reappropriated and made immediately available for the payment of expenses incurred and salaries earned by the said commissioners, or under their direction, in carrying out the provisions of said act since June thirtieth, nineteen hundred and fourteen, and for the purpose of continuing the work of such commission under said act.

That for the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June thirtieth, nineteen hundred and thirteen, as amended by this act, there is hereby appropriated the sum of \$5,000, or so much thereof as may be necessary for that purpose. This appropriation shall continue available until expended or the work of the said commission shall have been completed.

Mr. HAYDEN. Now, how about that, Mr. Meritt? This item was discussed, beginning at page 465 of the Senate hearings.

Mr. MERITT. Mr. Chairman, the act of June 30, 1913 (38 Stat. L., p. 89), authorized a commission to be formed for the purpose of establishing the blood status of the Indians of the White Earth Reservation in order to carry out certain amendments to the Indian appropriation bill, which removed restrictions on the adult mixed bloods, and retained the restrictions on the full bloods. Since the passage of that act the personnel of this commission has been changed and also the appropriation bill of last year failed, and the appropriation was not continued to pay the expenses of this commission. The member of the commission at that time who represented the Department of Justice has since resigned from the service, and a new attorney has been appointed to take charge of litigation on the White Earth Reservation, and it is for the purpose of enabling the reestablishment of this commission and to enable the Attorney General to name his special assistant on this commission that this legislation has been drafted.

Mr. HAYDEN. Have these Indians any funds?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. Why, then, should we appropriate this \$5,000 out of the Treasury?

Mr. MERITT. The Chippewa Indians have \$6,000,000 in the Treasury of the United States, and I see no objection to this appropriation being reimbursable out of their funds.

Mr. CARTER. We have no agreement with them that the roll should be made at the expense of the Government, have we?

Mr. MERITT. No, sir. This item was not included in our estimates. It was incorporated in the bill at the request of Senator Clapp.

Mr. CARTER. Mr. Chipperfield, do you want to be heard on this matter?

Mr. CHIPPERFIELD. Yes; I do.

Mr. CARTER. Very well, you may proceed now.

STATEMENT OF HON. BURNETT M. CHIPERFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS.

Mr. CHIPERFIELD. Mr. Chairman, if this committee knew the poverty-stricken condition of those Indians, if you knew the injustices that have been inflicted upon them, multiplied and remultiplied, and now going on to-day, until if the department does not change its course they are going to be exterminated, you would not want, gentlemen—the most careful manager would not want to add a dollar to the expenses for which this tribe is primarily answerable. Somebody, somewhere, somehow, ought to speak for these Indians. They are as sorry a spectacle of Indians as exist in the United States to-day, and I have taken the matter up with the department time after time. Somebody ought to be their friend somewhere, and it simply fills me with indignation and sympathy for them.

Now, I have not a particle of interest in this matter, any more than any other humanitarian individual would have. These people have \$6,000,000 in the Treasury, and the expenses of everything that can be put upon them is taken from their funds. That may be the rule with reference to other Indians, I do not know about that, where they have tribal property. There are about 7,000 or 8,000 of these Indians, I do not know the exact number—

Mr. HAYDEN (interposing). The Indians desire to have this roll made promptly, and it is only going to cost \$5,000. They have \$6,000,000 to their credit. It is the custom of the committee in a case of that kind to pay for such work from the tribal funds.

Mr. CHIPERFIELD. I am not making any criticism of the committee or anyone else. I am simply speaking of the condition of these Indians, so that in view of that fact you may apply your judgment concerning this item.

Mr. CARTER. Are they poverty stricken, you say?

Mr. CHIPERFIELD. They are absolutely poverty stricken. They have a lot of forest land up there, part of which they are trying to take away from them—land upon which no farmer could or would even try to make a living.

Mr. CARTER. Who is trying to take it away from them?

Mr. CHIPERFIELD. Everybody, I think, including the Indian Department. I believe in speaking plainly about these matters.

Mr. MERITT. I want to protest against a statement of that kind.

Mr. CHIPERFIELD. I will make my statement and give the facts upon which I base it. These Indians have not been protected to get a fair price for their timber. They are not going to be protected; it is not the purpose to protect them, and they are not being insured a proper regard for their rights; and it is strange—it is passing strange—that a man has to come from outside the State of Minnesota, a man who has no possible connection with these Indians, and speak of this injustice.

Let me just say this, Mr. Chairman. I am not an alarmist; I am not an extremist. If there is a conservative man in this House, I am a conservative man. I have gone through these tribes, and I have seen these people in their suffering and sickness, and it is enough to touch the heart of any man to see their unfortunate condition.

Mr. DILL. What do you think ought to be done, Mr. Chiperfield?

Mr. CHIPERFIELD. I will tell you what I think ought to be done, and I wish it would be done. I wish this committee would father a resolution to provide for a committee of Congress to go and inspect the condition of these people and see the manner in which their affairs are being administered. Then you do not have to take the word of any man for it. You will know for yourselves.

Mr. TILLMAN. Are they capable of handling their own money?

Mr. CHIPERFIELD. Not in the opinion of the department, but they were capable of making a treaty that took from them practically everything they possessed on earth. The Government did not deal with them at arm's length then, although they are so solicitous and careful at the present time. These people are suffering from tuberculosis and syphilis and trachoma. They are starving, and I care not who makes the statement to the contrary, for I know these people personally; I have seen them myself. I got a letter a few days ago from a couple of these Indians. One was an Indian by the name of Little Frenchman. The other was an Indian by the name of John Stout, and they told me how their people are hungering and praying for spring. Now, that is not merely a term they are using in the way of allegorical speech or anything of that kind. These people are suffering, and they are praying for the coming of spring, because that means a little relief.

Mr. CARTER. What percentage of them are mixed bloods?

Mr. CHIPERFIELD. I could not tell you, but the percentage is quite large, and the mixed bloods up to a certain point are more degraded than the full bloods.

Mr. HAYDEN. Now, as to sections 61 to 65, to which you object, had we not better read these through and get the opinion of Mr. Meritt and then hear Mr. Chiperfield further?

Mr. MERITT. I do not want to make any extensive reply, but I do know that the statement made that the Indian Bureau is trying to take this timber away from the Indians is absolutely not in accordance with the facts.

Mr. CHIPERFIELD. But are you protesting against this section?

Mr. MERITT. No, sir.

Mr. CHIPERFIELD. You are approving it, are you not?

Mr. MERITT. The department has submitted a favorable report on similar legislation.

Mr. CHIPERFIELD. And the Indian Bureau are approving it, are you not?

Mr. MERITT. Yes, sir.

Mr. CHIPERFIELD. Then, as I say, you are a party to it.

Mr. MERITT. May I add just one statement?

Mr. CARTER. Yes.

Mr. MERITT. The Chippewa situation must be studied a little bit in order to appreciate the conditions prevailing among those Indians.

The act of Congress, passed without the recommendation of the Interior Department, removed the restrictions on all the adult mixed bloods in the White Earth country. I will concede that as a result of that legislation a large number of those Indians have been deprived of their property. But that was not the fault of the Indian Bureau, and we have had nothing to do with it. The jurisdiction of the department was removed by legislation. We could not help that condition.

Mr. CARTER. Let me ask you about that legislation, Mr. Meritt. Didn't Congress pass an act removing the restrictions on mixed-blood Indians without making any roll whatever of the Indians as to the degree of blood?

Mr. MERITT. Yes, sir.

Mr. CARTER. So that the question was left simply to the statement of the man who wanted to sell his land, with reference to whether he was full blood or a mixed blood? In other words, if a man wanted to sell his land, in order to alienate that land all he had to do was to come to court and testify that he was a mixed-blood Indian?

Mr. MERITT. Yes, sir. Then he would give a title to his land. And there is considerable litigation now going on in the courts, and we are trying to protect those full-blood Indians who disposed of their land under that legislation.

Mr. CARTER. Now is the purpose of making this roll to determine the degree of blood that wrongs can be corrected?

Mr. MERITT. We would like to have the status of those Indians definitely determined, so that we can better protect the interests of the full bloods.

Mr. CARTER. Now is this \$5,000 to be used to make a roll whereby the status of the blood of an Indian can be determined? Is that the purpose?

Mr. MERITT. That is the purpose. Now, as to the funds in the Treasury, we admit that those Chippewa Indians have \$6,000,000 to their credit at this time, but under the treaty and under the laws enacted by Congress we can not pay out a dollar of those funds now to those Chippewa Indians, until the expiration of 50 years from the date of that act of Congress. We are trying to get that remedied by legislation submitted at this session of Congress, and we have that item of legislation before Congress now.

Mr. CARTER. You mean you are trying to get it so you can pay the money now?

Mr. MERITT. So that we can pay money to those Indians and relieve any suffering on those reservations.

Mr. CARTER. Now, suppose you should get legislation to pay out this 6,000,000 now, which was not to be paid out until 50 years. Would that eventuate in the possibility of a claim against the Federal Government by some of those Indians who are born after this payment is made?

Mr. MERITT. No, sir; the legislation in the Indian bill does not authorize the payment of the entire \$6,000,000. We simply ask to pay about one-fourth of that amount to the Indians.

Mr. CARTER. The next amendments are Nos. 61, 62, 63, 64, and 65, page 41, line 3:

To carry into effect the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January fourteenth, eighteen hundred and eighty-nine, to provide for the establishment and administration of a forest reserve and for the sale of timber within the Red Lake Indian Reservation, Minnesota," that the following-described lands within the Red Lake Indian Reservation, Minnesota, be, and the same hereby are, created into a forest reserve, to be known as the Red Lake Indian Forest: Townships one hundred and fifty and one hundred and fifty-one north, ranges thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six west, and townships one hundred and fifty-two and one hundred and fifty-three north, ranges thirty-two, thirty-three, and thirty-four west of the fifth principal meridian, except the lands in townships one hundred and fifty-one north, range thirty-six west, which

lie north of the north line of sections twenty-six to thirty, inclusive, and except all lands within sections four, five, six, seven, eight, nine, and eighteen, in township one hundred and fifty-three north, range thirty-four west. The provisions of this paragraph shall not apply to any lands which have heretofore been reserved for school, agency, church, or town-site purposes or granted to private parties or corporations within the area described, nor to the town site of Red Lake, for the creation of which provision is made herein: *Provided*, That when any of said lands are no longer needed for the purpose for which they are reserved, the Secretary of the Interior may declare such lands to be a part of the Red Lake Indian Forest.

That lands within said Red Lake Indian Forest, which are not covered with standing and growing merchantable pine timber and which are suited for the production of agricultural crops and which are fronting upon a lake shore, may be allotted to individual Red Lake Indians: *Provided*, That no such allotment shall exceed eighty acres nor have more than eighty rods fronting upon a lake shore: *Provided further*, That in case an Indian has improved and cultivated more than eighty acres, his allotment may embrace his improvements to the extent of one hundred and sixty acres.

That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable, and he is further authorized to construct and operate sawmills for the manufacture of the timber into merchantable products and to employ such persons as he shall find necessary to carry out the purposes of the foregoing provisions, including the establishment of nurseries and the purchase of seeds, seedlings, and transplants when needed for reforestation purposes: *Provided*, That all timber sold under the provisions herein shall be sold on what is known as the bank scale: *Provided further*, That no contract shall be made for the establishment of any mill, or to carry on any logging or lumbering operations which shall constitute a charge upon the proceeds of the timber, until an estimate of the cost thereof shall have first been submitted to and approved by Congress.

That the Secretary of the Interior may issue permits or grant leases on such lands for camping or farming. No permit shall be issued for a longer term than one year, and no lease shall be executed for a longer term than five years. Every permit or lease issued under authority of this Act to Indians, or to other persons or corporations, and every patent for an allotment within the limits of the forest created by section one, shall reserve to the United States the right to cross the land covered thereby with logging roads or railroads, to use the shore line, or to erect thereon and use such structures as shall be necessary to the proper and economical management of the Indian Forest created by this act; and the Secretary of the Interior may reserve from allotment tracts considered necessary for such administration.

After the payment of all expenses connected with the administration of these lands as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of four per centum per annum. The interest on this fund may be used by the Secretary of the Interior in such manner as he shall consider most advantageous and beneficial to the Red Lake Indians. Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

That the Secretary of the Interior shall select and set apart an area not exceeding two hundred acres, in sections twenty, twenty-one, twenty-eight, and twenty-nine, township one hundred and fifty-one north, range thirty-four west, cause the lands thus selected to be surveyed and platted into suitable lots, streets, and alleys, and dedicate said streets and alleys and such lots and parcels as he may consider necessary to public uses. The lands thus selected shall not be allotted, but held as an Indian town site, subject to further legislation by Congress.

That the timber on lands of the Red Lake Indian Reservation outside the boundaries of the forest created by section one may be sold under regulations prescribed by the Secretary of the Interior and the proceeds administered under the provisions of the general deficiency act of March third, eighteen hundred and eighty-three (Twenty-second Statutes at Large, page five hundred

and ninety), and the Indian appropriation act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and sixty-three).

Mr. CARTER. What have you got to say in justification of that, Mr. Meritt?

Mr. MERITT. Mr. Chairman, we did not ask that this item go on the Indian bill. There was a bill introduced in Congress by Senator Nelson in regard to this subject, and the Secretary of the Interior submitted a favorable report on that bill suggesting certain amendments. I will be glad to have the report of the Secretary incorporated in the record.

Mr. CARTER. Without objection that will be done.
(The report reads as follows:)

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1916.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of January 11, 1916, transmitting a copy of Senate bill 1323, providing for the establishment of a forest reserve within the Red Lake Indian Reservation, in Minnesota, and requesting my views as to the proposed legislation.

Senate bill 1323, Sixty-fourth Congress, first session, is evidently identical with Senate bill 7179, Sixty-third Congress, third session, upon which I reported favorably on January 18, 1915.

Upon further consideration of the subject I am convinced that certain provisions in Senate bill 1323 would be unsatisfactory. I believe that allotments of agricultural lands should be permitted within the area reserved for forest purposes, and that the provision in section 4 for the issuance of permits to Indians for a period of 10 years is unnecessary and inadvisable.

I attach a draft of legislation which I believe would be preferable to Senate bill 1323. This substitute bill reserves the same area, and has in view the same general ends as Senate bill 1323. However, it allows allotment in agricultural land within the forest reserve, omits the provisions as to the issuance of 10-year permits to Indians, and contains in section 7 an authorization for the sale of timber on those portions of the Red Lake Reservation which are not included within the proposed Indian forest reserve. It also reserves from allotment an Indian town site. I should be pleased to see the legislation enacted in the amended form.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

HON. HENRY F. ASHURST,

Chairman Committee on Indian Affairs, United States Senate.

Mr. MERITT. This item now in the Indian bill follows very largely the recommendations of the department.

Mr. KONOP. Right in that connection, Mr. Meritt, are you going to follow the same proceeding that was followed in the Menominee Indian Reservation in Wisconsin about the building of these mills?

Mr. MERITT. It is not intended to establish such a large milling operation on this reservation as we have at Menominee. That feature has not been worked out as yet. This legislation here will simply enable us to sell the mature timber on that reservation. Under the existing law we can sell only the dead and down timber on the reservation, and there is quite an amount of ripe timber on that reservation that should be sold if the Indians are to get the full benefit of their property.

Mr. CHIPERFIELD. Would the chairman object if I ask the gentleman a question?

Mr. CARTER. No, sir.

Mr. CHIPERFIELD. What do you mean by "ripe"?

Mr. MERITT. Timber that has ceased to grow and is deteriorating and should be cut and manufactured into lumber.

Mr. CHIPERFIELD. Is there such timber as that among the pine up there?

Mr. MERITT. Yes, sir.

Mr. CHIPERFIELD. What price have you gotten for the timber, the pine on the stump, under the contracts that have been entered into on the White Earth Reservation?

Mr. MERITT. We have been selling but very little timber on the White Earth Reservation. The Indians who had restrictions removed by Congress have sold their timber.

Mr. CHIPERFIELD. Don't you know, Mr. Meritt, that the lumber companies have been contracting with your department, with the approval of your department, for the timber on the White Earth Reservation? I personally know this to be true. Now, what price have you been getting for that?

Mr. MERITT. We get various prices for the timber on different Indian allotments. But a majority of the timber that has been sold on the White Earth Reservation has been sold from mixed-blood allotments, and we have not had anything to do with the sale of that timber.

Mr. CHIPERFIELD. But where it has been in the forest reserve it is, or where it has been on the allotments that belong to the full bloods or on unallotted land, can't you give this committee any idea of the prices you have been getting?

Mr. MERITT. I can get the figures from the Indian Office, and I will be glad to incorporate them in the record.

Mr. CHIPERFIELD. I think they ought to be in the statement, for it is an utterly insignificant price. The figures will demonstrate that. It is not a question of what Mr. Meritt says or what I say; the figures will speak for themselves.

Mr. MERITT. I wish to submit the following statement relative to this matter:

The only timber that has been sold within the White Earth Indian Reservation during the last five years was that found upon full blood and minor allotments, which were scattered widely over the reservation and none of which contained a first-class stand of timber. All of the better timber had been allotted and sold. For the scattered tracts, from \$5 to \$7 per thousand for white pine, and \$4 to \$5.50 for Norway pine, have been received.

The only timber that has been sold from the Red Lake Reservation, aside from a small amount of cedar posts and poles, has been dead white pine and Norway pine. For the dead white pine, \$6.05, and for the dead Norway pine, \$4.05, have been received.

Mr. DILL. Speaking of these sawmills, is the Indian Department building sawmills there now?

Mr. MERITT. We built quite a large sawmill on the Menominee Reservation, carrying out legislation that was enacted by Congress.

Mr. DILL. I mean now, during the last year.

Mr. MERITT. We have purchased small sawmills on a number of reservations. We probably have between 25 and 30 small sawmills on the various Indian reservations throughout the country.

Mr. DILL. There has been a good deal of complaint about the one or two out in my country.

Mr. MERITT. We are using those sawmills to saw out timber on the reservations for the purpose of building Indian homes and supplying the Indians with fencing and lumber for various purposes.

Mr. HAYDEN. There has been a good deal of complaint about the sawmill on the Menominee Reservation?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. It has been very extravagantly run, has it not?

Mr. MERITT. The complaint was covering the operations of several years ago, and not so much within recent years. There have been many complaints, however, against the superintendent of that reservation.

Mr. KONOP. Well, originally, Mr. Meritt, when the thing was started there was a whole lot of waste up there. There is not now, I think, as much as there used to be, is there?

Mr. MERITT. No, sir. We have gotten it down now almost to a commercial basis.

Mr. CARTER. Mr. Meritt, in what way does this amendment No. 61 amend or supplement existing law?

Mr. MERITT. Under existing law we can not sell any but dead and down timber on the Red Lake Reservation.

Mr. CARTER. That is under this act for the relief and civilization of the Chippewa Indians. I notice this provision here says "to put into effect the act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" etc.

Mr. MERITT. That is a general act affecting the various reservations among the Chippewas.

Mr. CARTER. This act which has the caption of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," is a general act, is it?

Mr. MERITT. Yes, sir; it is the act of 1887, known as the Nelson Act.

Mr. HAYDEN. This forest reserve you propose to create is at Red Lake, not White Earth?

Mr. MERITT. This legislation has nothing to do with White Earth.

Mr. HAYDEN. It applies only to Red Lake?

Mr. MERITT. Yes, sir.

Mr. CARTER. Your statement is that the only purpose of section 61 is to permit you to sell timber that is not dead and down?

Mr. MERITT. Of course the various amendments cover more than that.

Mr. CARTER. I am talking about amendment No. 61.

Mr. MERITT. That enables us to sell both dead and down as well as matured timber. Under existing law we can not sell green timber, but only dead and down timber.

Mr. CARTER. Under existing law you can not sell matured timber?

Mr. MERITT. Yes, sir.

Mr. CHIPERFIELD. Why do you say that the Red Lake Reservation is not part of the White Earth Reservation? It is true, is it not, that the Red Lake Indians are one band of the Chippewa Tribe?

Mr. MERITT. Yes, sir.

Mr. CHIPERFIELD. And that while the different bands have different allotments, and this is given to the Red Lake Indians, it is all a part of the tribal lands?

Mr. MERITT. No, sir.

Mr. CHIPERFIELD. With that distinction?

Mr. MERITT. Because the White Earth Indians do not share in any way in the tribal lands on the Red Lake Reservation.

MR. CHIPERFIELD. No; but they all came from the tribal lands originally.

MR. MERITT. Yes, sir; but only Red Lake Indians will be affected by this legislation.

MR. CHIPERFIELD. That is true.

Now, gentlemen, I am not going to weary you, but I do want a very few minutes to present this matter. This whole thing—and I do not say it in the objectionable sense of the term—is simply a “joker” in the interest of the lumber companies. That is all.

I want to go back just a very short way, so that you may have a complete understanding of this matter. I do not attempt to instruct this committee, for your knowledge of this subject, I take it, is complete. But at an early day the Chippewa Indians, including the Red Lakers, the Pillager Band, the White Earth Band, and the Leech Lake Indians, were in possession and were the owners undoubtedly of about the northern half of Minnesota. A treaty was negotiated with them—and it is a travesty on our present system—a treaty was negotiated whereby they waived their rights in the greater portion of this territory, and in lieu of that they accepted a much more restricted territory, where the property was to belong absolutely to them. When I say it is a travesty I have this in mind: The Indian Department to-day says that these men are not capable of receiving any of the funds that belong to them; that they are not capable of receiving the tribal funds at this time, except where they have been declared to be competent. I am not quarreling with that policy of the department, but when the Government dealt with them they were competent, no matter how benighted their condition was at that time. They relinquished the greater portion of this land and now the small portion of land that is left to them—that you may understand the situation, some of this land is covered with very fine pine timber, timber that if it had been properly conserved would have meant a fortune for these Indians to-day. The various tribes were allotted certain locations wherein they were to participate, and the roll was closed some few years ago—I do not know just how many—and to-day there are 800 Indian children of the White Earth Reservation that have absolutely no lands, although they are of the class of Indians who would be entitled to participate in the lands. They are paupers, except for the \$6,000,000 fund in which they participate. They have no lands and no rights to any lands.

Now, this situation became so attractive to the lumber companies that it had to be exploited—and I will not modify a word that I say, for I understand precisely what I am saying. It had to be exploited for the benefit of the lumber companies, and so one of the steps was to commence and allow the lumber companies to cut the dead and down timber. That was a fact, because under the designation, “dead and down lumber,” they went in and cut what timber they pleased. Now, that is not quite sufficient at the present time, so there must be included in this bill the term “ripe timber.” I have been intimately associated with the pine country for many, many years. I went to school in Minnesota; I taught school in Minnesota. The first work I ever did in my life was done in Minnesota. I know the pine country, and I know the ways of the lumber camps, and I never heard such a term used by any lumberman in all my life.

MR. HAYDEN. The term in the bill is “mature.”

MR. CHIPERFIELD. I took it that it was "ripe timber." Anyway, mature timber. Now, there is no maturity for pine timber until it is damaged by forest fire. There is pine timber up there hundreds of years old, and this is, gentlemen, simply opening the doors so much farther.

Now, this land belongs to these Indians. I want to say just a word as to my interest in this matter. I have known these Indians for many years. I haven't a penny's financial interest in any of them. On the contrary, for years I have been sending in my own funds at different times to relieve distress among these Indians, simply from a humanitarian standpoint. I know intimately quite a number of these Indians. It has been my custom to take long canoe trips into Canada with them, and I have become intimately acquainted with their condition. I have letters protesting against the forest reserve.

Now what noble purpose is in view in this legislation? What beneficial purpose has the department that they want to serve for these Indians? I will tell you what it is. Senator Nelson has introduced this bill for the purpose of opening up the remaining timber of these Indians in order that the lumber companies may receive the benefit. It is for no other purpose on earth. It is idle to talk about any forest reserve. It is idle to talk about these Indians being benefited by anything of this sort. It means that under the guise of this law they are going to go in there and they are going to pick out the timber that is profitable for them, and they are going to allow the lumber companies to take this timber for a song.

Now, so far as the sawmills that are intended to furnish timber for the agencies or for the schools, or for hospitals, or for the individual use of the Indians, that is all right as long as it is done that way and as long as it is properly operated. But this is simply saying, gentlemen, that these tracts of timber that are now standing, including the matured timber and the dead-and-down timber, and all the forest reserves and other timber, is to be cut and is to be sold at an insignificant figure.

MR. HAYDEN. If this lumber was sold at a fair price would you object?

MR. CHIPERFIELD. If these Indians were guaranteed, gentlemen, that they were to get the fair valuation of what is coming to them—which they never have gotten in all the world, I do not care who makes the statement to the contrary—if these Indians were to receive fair values for this timber there would be a very much different situation presented and a very much less objectionable situation.

MR. HAYDEN. Would you think it better to have the matured timber cut and the proceeds turned into money for the benefit of the Indians than to leave it standing there?

MR. CHIPERFIELD. They are going into this timber and not clearing up the land in any sense of the word. They are simply picking out the timber as they come to it. I have not quite been able to get the significance of the "bank scale," unless that means the bank lumber is to be measured and paid for, notwithstanding the real scale of what is cut. But they are going in there and cutting out the timber that appeals to them.

Now, there isn't any such thing as getting a fair price for the timber, gentlemen. You figure the stumpage price of this timber

and it would not compare with the price that private individuals would pay or that private individuals would secure.

Mr. CARTER. Why couldn't a fair price be had for it? I am asking for information now.

Mr. CHIPERFIELD. I know you are, and I certainly would feel humiliated if I did not respond in precisely the same spirit. It is just for this reason—for the reason that no Indian in this section of the country has ever gotten a fair price for anything. He has been the legitimate prey of every man who could defraud him.

Mr. DILL. You say they are in such need. Now, here is this timber. They can not eat that; they can not wear that. What are you going to do for them? That is what I would like to get at.

Mr. CHIPERFIELD. Let me answer that in just another way. I know Indians that have as much as \$2,000 or \$3,000 in the hands of the Interior Department, and the Interior Department is paying—the Indian Department is saying to these Indians, "We will allow you enough to keep life in your body; we will give you an order that says you can go to such and such a store and buy those precise things that you need, but you can not have the benefit of your own money." And there may be some who are not competent to receive their money. I am not here to say they are. But these Indians have funds—they have their tribal funds—and every expense of their agency, their hospitals, of their schools, of everything else, is taken from these funds; and if any man doubts my statement—although they have been cutting this timber on the Leech Lake Indian Reservation—if any man doubts my statement of suffering and destitution and disease that exists there to-day, a splendid way to ascertain that—and it is not so far—is to send a committee of a few men to go through that reservation; and if there is a man that can look unaffected upon that scene presented up there and see the destitution and squalor and suffering that is going on without having his heart touched, I have utterly misjudged this committee.

Now, getting back to the point here. In order to go in and conduct these operations—there are more ways than one of killing a cat—in order that these Indians may be despoiled the contracts are let under such conditions that nobody but the lumber companies can compete. A private man can not go in there and do logging operations; and, like the people who divided the raiment of the Savior, they parceled out this timber, and each man takes what suits him, and they do not compete with each other at all. The sales are a fraud and a farce in that respect, and the result of the whole process is that the Indians are despoiled.

Now, I have come here at the request of several of the Red Lake Band of Indians. If they starve to-morrow, except from a humanitarian standpoint, it makes no difference to me. I have nothing to gain or lose either way, but certainly, gentlemen, and this Indian appropriation bill, without knowing the wishes of the tribe, it seems to me that you should not act. Since I was in here this morning I went and wired Ed Rogers. It might be suggested that he does not belong to this particular band. He does not. He is a White Earth Indian, as I understand his status, but he has been before this committee, has he not?

Mr. TILLMAN. Yes.

Mr. CHIPERFIELD. He is a bright man, a Carlisle man, and he has the interests of the Indians at heart. I told him of the proposed amendment, and I am awaiting his reply. It certainly seems to me, gentlemen, that there ought to be some desire on the part of this tribe that this be done. This is their land.

Mr. HAYDEN. The Chippewa Indians had a delegation here, who appeared before the Senate committee. They also appeared before this committee, but they did not talk about this forestry business to us. Whatever statement they made will undoubtedly appear in the Senate hearings.

Mr. CHIPERFIELD. Let me say this to you, gentlemen, if you please, that there will come before these committees Indians who will present various views that are not the views of their tribe. They bring them down here; they bring them here for a purpose.

Mr. CARTER. Who do you mean bring them?

Mr. CHIPERFIELD. I am not charging any particular man. I am saying those who have objects to serve will bring these Indians here, and they are influenced more or less to take the view of those who bring them here; else they would not be produced. But this affects the Red Lake Tribe of Indians. They have their responsible heads; they have their ordinary methods of communication, of conveying their wishes; but, gentlemen, you have got to know them. They are as innocent as children. They have no more business capacity to protect themselves against an act of Congress—because they do not understand it; they do not comprehend it. I have sat in their councils with them. They have sent for me to come and hold councils with them. I know their methods, and they have only sent for me because I am their friend. I have never been an attorney; I have never sustained such a relation to them, but it seems to me that before you dispose of the timber of these Indians you ought to know what their wishes are. They can, as a tribe or band, express their wishes in a way that would move this committee one way or the other.

Mr. HAYDEN. It appears from the expenses that they ask us to pay that a general council of the Chippewa Indians was held at Bemidji, Minn., last July; that they sent a delegation down here, and they are asking us to pay the expenses of that delegation.

Mr. CHIPERFIELD. I would not be surprised if they did.

Mr. HAYDEN. If they were duly elected delegates from a general council of the tribe, what better representation could we have here asking for legislation of this kind?

Mr. CHIPERFIELD. If they were an accredited delegation from their tribe, instructed to speak on these points, unquestionably they would convey the desire of their tribe.

Mr. KONOP. On page 543 of the Senate hearings Mr. Head—I do not know whether he is the agent or not—appears before the Senate committee on this proposition. He stated in here:

All through the summer we tried to get the people together on this, but they will not listen to the progressive faction, as we call them, to any proposition they may put up.

From that I would conclude that there are several factions of Indians over there.

Mr. CHIPERFIELD. There are. I attended two councils of the Red Lake Indians held at McGarry, where these Indians invited me to

be present, and they presented their views on these questions that pertain to their welfare, and I will say there is not 5 per cent of the Red Lake Band of Indians, progressives or nonprogressives, who would be in favor of cutting this timber or making this forest reserve.

The Red Lake Band of Indians are the least civilized of any. They live the most natural life, from an Indian standpoint, of any of the Chippewa Indians in Minnesota. They are thoroughly opposed to this thing. Now, I do not think, perhaps, that their own situation ought to control, but I do think that before this thing is done the committee ought to have more information. I think perhaps they ought to have the information that Mr. Meritt says he will furnish, of the amount of money these Indians have been receiving, the amount they have been getting for this stumpage or for their logs.

Now, this is not a philanthropic enterprise for the sake of the Red Lake Indians. It was not recommended by the Interior Department until it was put in the shape of a bill. They have taken no such step. The Indians have not taken any such step, and I have no hesitancy in saying to you that it comes from those who desire to profit by dealing in this timber.

Now, I think I will not weary the committee or take your time any further. I understand Mr. Elsworth, of Minnesota, wished to be heard on that matter. I do not know whether the gentleman has come or not. Of course, his statement would be entitled to much consideration. I do not know how pressed you are for time, but I think the wishes of this tribe of Indians ought to be considered. If their color was not red we would be very anxious to know their desires. If they were an equal number of white men, we would be very anxious to know what were the wishes of the people affected; and it seems to me you should have an equal desire under the facts in this case. I do not intend to reflect upon this committee, but these Indians are wards of the Nation, and they are helpless and destitute and suffering, and something should be done for them.

MR. HAYDEN. What you would like to have done about these particular amendments is to have the House disagree to them and send the matter to conference. Then, if you have any further representations to make, undoubtedly the conference committee will no doubt be glad to hear you, if you get anything further from Minnesota in the meantime.

MR. CHIPERFIELD. If they can do it, I think they ought to have their representatives here. I think that Rogers is authorized to speak for them, although as to that I do not know, but I think it ought to be disagreed to in this committee, and then take care of it in the conference committee, because I feel just as surely as we are here together that this is a rank injustice to these people.

Now, to some extent I may be butting in on this. If so, I want you to excuse what might appear to be impertinence, simply because I feel interested in these people. I say to you frankly I am not their spokesman, except that several of them have written to me to protest against making this reservation and cutting this timber.

Mr. KONOP. Now, Mr. Chipperfield, at the bottom of page 42, amendment No. 62, the provision reads as follows:

That said forest shall be administered by the Secretary of the Interior in accordance with the principles of scientific forestry, with a view to the production of successive timber crops thereon, and he is hereby authorized to sell and manufacture only such standing and growing pine and oak timber as is mature and has ceased to grow, and he is also authorized to sell and manufacture from time to time such other mature and marketable timber as he may deem advisable—

And so forth. Now, as I understand it, what they propose to do here is to have the Secretary of the Interior build sawmills up there.

Mr. CHIPPERFIELD. That is one of the things.

Mr. KONOP. And cut down this timber and saw it into lumber, and then sell the lumber.

Mr. CHIPPERFIELD. Yes, sir.

Mr. KONOP. Now, you claim that what has been going on there up to now is that the lumber companies have gone up there and that they had bought these logs there from these Indians for a song, practically nothing.

Mr. CHIPPERFIELD. For an insufficient price, I wish to say.

Mr. KONOP. For an insufficient price. Now, do you think that this kind of a provision, by providing that the Government should build the mills and then sell the timber—not the timber, but the lumber—manufactured in these mills, wouldn't you think that that was for the purpose of doing just what you are objecting to now?

Mr. CHIPPERFIELD. It depends, of course, a great deal on the way in which the law is administered. If this timber was going to be cut and manufactured purely for the purposes of these Indians and for their needs, that would be one thing. But it is not done that way. And then the first part of this section authorizes the Secretary of the Interior and the people under his jurisdiction to sell and manufacture. Now it gives them the right to sell it.

Mr. KONOP. You object to selling it?

Mr. CHIPPERFIELD. You know this lumber company, don't you?

Mr. KONOP. Yes—well, not way up there.

Mr. CHIPPERFIELD. But you know it in your own State. You know what a lumberman's designation of a mature tree would be—any tree that suited him. When he says a matured tree is one that has an unsound place in it that was not going to live much longer it means stripping the forest. That is not only an injustice but here is the question of reforestation. It means practically that they could take this and keep it forever if they so desired.

Mr. KONOP. Now, the reason I asked those questions is that I have a condition up in my country—the Menominee Indian Reservation—where we have had an illustration of this proposition, as nice timber as ever grew on God's green land. Now, the Government built a large sawmill over there and spent about a million and a half dollars—

Mr. MERITT (interposing). About \$1,000,000.

Mr. KONOP. About \$1,000,000 to put up their plant over there, and they have been cutting down trees and manufacturing these fine pine trees into lumber and selling the lumber.

Mr. CHIPPERFIELD. What rates do they get for it?

Mr. KONOP. I do not know the particulars about that, but up to probably a couple of years ago they had not returned to the

Treasury one dollar. They had been running that mill for about six years and had not returned anything. But I understand that within the last couple of years they have been getting ahead somewhat and have been returning some of this million or million and a half dollars into the Treasury of the United States.

Mr. CHIPERFIELD. Up to that time neither the Indians nor the Government had gotten anything?

Mr. KONOP. I do not think so, because they had not returned anything.

Mr. CHIPERFIELD. It sounds reasonable, in accordance with the practice.

Mr. KONOP. Now, you would object to a Government mill at Red Lake?

Mr. CHIPERFIELD. As I say, it would be a question purely of administration. If there was timber there that should be cut and it was cut for the real benefit of the Indians, I would say yes. But anybody knows that when you operate a mill of a certain capacity and provide for its operation that you have got to run things on a large scale before there can be any profit. The Government can not run a mill as can a lumber manufacturer. It may be a rather peculiar thing to say, but it is true that they can not, and they do not. They have not the facilities for bringing down vast quantities of logs to the mill; they have not the facilities of organization and they do not make the same showing.

Mr. KONOP. I asked a very experienced lumberman, who has a big sawmill up in the northern part of Wisconsin—I asked him what the reason was that the Menominee Indian mill was not doing as well as other privately owned mills, and he told me that the reason was that under the Menominee act they were required to employ Indian labor at the mill.

Mr. CHIPERFIELD. That is not high-class labor, of course.

Mr. KONOP. And for that reason the mill could not make as good a showing as a privately owned mill could.

Mr. CHIPERFIELD. There is only a small per cent—I will not attempt to say what—but they are not the equal of a trained mill man by any means.

Mr. KONOP. There are some of those Indians, of course, who are good mill men.

Mr. CHIPERFIELD. Now, I thank you, gentlemen, very much, for your consideration. I feel that I have discharged my duty in this matter, and I certainly will rest a little easier for having spoken for these people. And I believe, gentlemen, that you will do very well to scan this transaction with the utmost care and protect the interests of these wards of the Government. I am very much obliged to you.

Mr. CARTER. Mr. Elsworth, we have been speaking of amendments 61 to 65.

Mr. CHIPERFIELD. I have just been taking the position that this transaction should be scrutinized with the utmost care, and I very seriously question if it is for the benefit of this Red Lake Tribe of Indians.

Mr. ELSWORTH. I have had some doubts about that myself.

Mr. CHIPERFIELD. I think it is very obvious that it is in the interest of others than the Indians.

Mr. ELSWORTH. It is Senator Nelson's amendment.

Mr. CHIPERFIELD. Yes; and I think it is in the interest of the lumber concerns.

Mr. CARTER. Have you anything to say about it now, Mr. Elsworth?

Mr. ELSWORTH. Nothing, whatever.

Mr. GANDY. Mr. Meritt, if you carry out this proposition of reforestation, and all the provisions in this bill, is there any danger of the Indians owing the Government anything after they get this timber sold?

Mr. MERITT. No; I think not, Mr. Gandy. I think if this item of legislation is studied carefully it will be found that there are no "jokers" in it; that it has been submitted in good faith by Senator Nelson. I have never known Senator Nelson to submit or endeavor to procure any legislation that had jokers in it against the interest of the Indians.

Mr. GANDY. Is the land embraced in what is purported—or what is proposed to be this timber reserve, all covered with timber?

Mr. MERITT. Yes, sir.

Mr. GANDY. And you say that at this time you only have permission by law to sell the dead and down timber?

Mr. MERITT. That is true.

Mr. GANDY. Now would it clear the situation, from your standpoint, if you just had permission to sell matured timber, as well as dead and down timber, without going into all this reforestation proposition?

Mr. MERITT. That would help the situation materially.

Mr. GANDY. Do you think that is necessary, in order to secure the greatest amount of money possible for this timber, that the Government embark upon the proposition of building sawmills up there?

Mr. MERITT. I doubt if the Government will enter into any extensive sawmill operations under this legislation if it were enacted.

Mr. CARTER. They could not, without coming to Congress.

Mr. CHIPERFIELD. I have omitted one point which I would like to ask. Is it not true, Mr. Meritt, that when you make a forest reserve here, that you do not allow the Indians to make their allotments in the forest reserve?

Mr. MERITT. There are certain Indians who have taken up allotments within this proposed reserve. They will be protected in the possession of that land.

Mr. CHIPERFIELD. They had them before it was made a forest reserve; but is it not true that after it is made a forest reserve you do not allow Indians to make allotments in the forest reserve any more?

Mr. MERITT. It will be our purpose to allot the Indians outside of the forest reserve, if this legislation is enacted.

Mr. CHIPERFIELD. Please, if you will—it may be that that is a direct answer, but is it not true that you prohibit the Indians from making any allotments in the forest—from taking their allotments in the forest reserve? That can be answered directly.

Mr. MERITT. I would say, in answer to that, that Indians who do not now have allotments within the forest reserve will not be permitted to take allotments within that forest reserve after the legislation is enacted.

Mr. CHIPERFIELD. And those who do have allotments now in the forest reserve are not permitted to sell them, are they?

Mr. MERITT. This legislation will not permit any Indian to sell his allotment.

Mr. CHIPERFIELD. The practice of your department is not to allow Indians to sell any lands in the forest reserve whatever, is it not?

Mr. MERITT. If the Indian has been allotted land in a forest reserve, and has a title to it, we will permit him to sell it.

Mr. CHIPERFIELD. You require him to exchange it, do you not?

Mr. MERITT. Not in all cases.

Mr. CHIPERFIELD. Do you know of a single place in the White Earth Forest Reserve where an Indian has been permitted to sell any part of his land?

Mr. MERITT. Have you in mind White Earth or Leech Lake?

Mr. CHIPERFIELD. Well, I do not know just where that reserve comes in there. But the forest reserve that is there now, do you permit any Indian to sell any land that he may own in fee simple there?

Mr. MERITT. Yes, sir; we will permit such Indians to sell their lands.

Mr. CHIPERFIELD. To whom? I do not mean the name of the man, but the class of men.

Mr. MERITT. Anybody who wants to buy it.

Mr. CHIPERFIELD. Well, I certainly think you make your answer in good faith. I will not question that, but I decidedly doubt the correctness of it.

Mr. MERITT. I know two years ago the department encouraged the Indians who had allotments within the forest reserve on the Leech Lake Reservation to give up those allotments and take lands outside the forest reserve. That was the policy of the department.

Mr. CHIPERFIELD. You required them to do it?

Mr. MERITT. We encouraged them to do it.

Mr. CHIPERFIELD. Because you could not take it away from them; but you required them to do it as far as you could.

Mr. MERITT. That was at the request of the Forest Service, who wanted the reserve held intact, so that there would not be any fires in the forest reserve.

Mr. CHIPERFIELD. Most of this forest reserve is along lakes, ideal places for the Indian. When they create a forest reserve they say to the Indians, "Although this is your own land, you can not have any allotments in it."

Mr. KONOP. Now, Mr. Meritt, I understand you to say that if this legislation is enacted you do not propose to build any mills up there?

Mr. MERITT. We do not propose to build mills on a large scale, such as we have at Menominee.

Mr. KONOP. You intend to build small mills?

Mr. MERITT. Yes, sir.

Mr. CARTER. Could you do that under the language of this bill?

Mr. MERITT. We would have to come back to Congress and submit estimates.

Mr. CARTER. I notice, beginning in line 10, you say:

Provided further, That no contract shall be made for the establishment of any mill, or to carry on any logging or lumbering operations which shall constitute a charge upon the proceeds of the timber, until an estimate of the cost thereof shall have first been submitted to and approved by Congress.

Mr. MERITT. Yes, sir. That leaves it absolutely in the hands of Congress as to the future policy regarding milling operations on that reservation; but, in view of our experience at Menominee, I think the department is opposed to building large milling plants.

Mr. KONOP. I would say, in defense of the mill at Menominee, when I first came here, five or six years ago—from what I was able to gather—the thing was a bad proposition; but I understand that within the last two years they have been making some money and turning some money back into the Treasury. Isn't that a fact?

Mr. MERITT. We have been gradually improving the conditions on that reservation.

Mr. KONOP. Now, my own opinion would be that I would oppose a large milling establishment, something like that at Menominee.

Mr. MERITT. That would be my attitude. The Indians have been here this winter, two delegations from the Red Lake Reservation, one delegation headed by the full bloods, and one delegation headed by the mixed blood. The full bloods on that reservation, are, as a rule, opposed to any change whatever. They do not want the lands allotted; they do not want the timber sold; they want conditions to remain exactly as they are. They are opposed, even, to the draining of the swamp lands. It is shown that we can drain a good deal of land up there at less than \$2.50 an acre. These full-blood Indians are opposed to that. They want conditions to remain exactly as they are. The mixed-blood Indians are progressive and want to improve conditions, and they are in favor of improvements. They are in favor of draining the swamp lands; they are in favor of selling part of this timber.

Mr. KONOP. Well, which of them constitute the larger number—the full bloods or the mixed bloods?

Mr. MERITT. There are probably more full bloods on the reservation than mixed bloods, but I would not want to say that a majority of them would favor the plan of doing nothing.

Before we go to this next amendment I would like to invite the attention of the committee to section 62. The act of June 25, 1910, found in 36 Statutes at Large, 857, reads:

That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin.

Because of that provision we are without authority of law to sell this timber.

Mr. KONOP. That is why you are asking for special legislation?

Mr. GANDY. Doesn't that say "mature timber"?

Mr. MERITT. Yes, sir; we can not sell mature timber in Minnesota, though, because there is a proviso here which excepts the States of Wisconsin and Minnesota from this act.

Mr. KONOP. Now, aren't they cutting mature timber only on the Menominee Reservation?

Mr. MERITT. They are doing that under a special act—the Menominee act.

Mr. GANDY. Suppose those two exceptions you speak of there were to be removed and let the general sale provisions apply. Wouldn't that answer the situation?

Mr. MERITT. That would meet the situation very largely.

Mr. CARTER. The next amendment is No. 66, page 45, line 1:

MISSISSIPPI.

SEC. 10. To enable the Secretary of the Interior to investigate the condition of the Indians living in Mississippi and report to Congress on the first Monday of next December as to their need for additional land and school facilities, \$1,000, to be immediately available.

What do you say about that, Mr. Meritt?

Mr. MERITT. Mr. Chairman, that item was referred to on page 517 of the Senate hearings and on page 235 of the House hearings. The department is in favor of this legislation. We believe that some of those Indians down there who need school facilities and are not being provided with educational opportunities should be aided by the Federal Government.

Mr. CARTER. What do you propose to do with this \$1,000?

Mr. MERITT. We are going to make a thorough investigation of the conditions of the Mississippi Choctaws with a view to helping those Mississippi Choctaws now living in the State of Mississippi.

Mr. CARTER. You do not propose to review their status with relation to their claims to part of the estate of the Choctaws in Oklahoma, do you?

Mr. MERITT. Not at all.

Mr. CARTER. That matter has all been settled by the department and by the courts, has it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. I notice you say here, "for additional land and school facilities." What land and school facilities have you there?

Mr. MERITT. They were given land—some of the Indians were given lands a great many years ago—or else their ancestors were given land in the State of Mississippi.

Mr. CARTER. That has all passed out of their hands, has it not?

Mr. MERITT. I suspect so.

Mr. CARTER. None of the Mississippi Choctaws have any lands, have they, now?

Mr. MERITT. Some of them may have lands.

Mr. CARTER. Have they any school facilities at all?

Mr. MERITT. The school facilities are very inadequate.

Mr. CARTER. Are they allowed to attend the white man's school in Mississippi, or do you know?

Mr. MERITT. I do not think so.

Mr. HERNANDEZ. They are citizens of the State of Mississippi, aren't they?

Mr. MERITT. They do not vote at this time.

Mr. CARTER. They are citizens of the State, though?

Mr. MERITT. I do not know whether the authorities of the State of Mississippi consider them citizens or not.

Mr. CARTER. Have they any schools at all for the Mississippi Indians or for the Mississippi Choctaws in Mississippi?

Mr. MERITT. I think not.

Mr. CARTER. They are not allowed to attend the white schools, and they will not attend the colored schools?

Mr. MERITT. I do not believe that they attend the white schools, and I do not believe they are provided with separate schools.

Mr. KONOP. Do you know whether or not these Mississippi Choctaws are grouped together in one corner of the State or not?

Mr. MERITT. They are scattered over quite an area of the State.

Mr. CARTER. It is now 4 o'clock, and we will adjourn until 10 o'clock to-morrow morning.

(Whereupon, at 4 o'clock p. m., the committee adjourned until Wednesday, April 5, at 10 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Wednesday, April 5, 1916.

The committee met at 10 o'clock a. m., Hon. Charles D. Carter presiding.

Mr. CARTER. The committee will come to order.

(Mr. Malcolm Clark, as interpreter for Mountain Chief, presented the following statement:)

WASHINGTON, D. C., *April 3, 1916.*

To the honorable the conferees having in charge the act (H. R. 10385) making appropriations for the expenses of the Bureau of Indian Affairs for the fiscal year ending June 30, 1917.

GENTLEMEN: The undersigned delegates, members of the Blackfeet Tribe of Indians, Montana, respectfully and earnestly protest against the enactment of Senate amendment to said act as shown in the print of the act of March 29, 1916, at page 52, in which the sum of \$22,400 is proposed to be appropriated from the reclamation funds to pay to George W. Cook and David La Breche, in settlement of their claim for lands and improvements appropriated by the Reclamation Service. It should be noted here that it is proposed to charge the cost of irrigation of Blackfeet lands to the lands so irrigated.

In a letter from the First Assistant Secretary of the Interior, dated January 11, 1916, addressed to the Commissioner of Indian Affairs (see Cong. Rec., Mar. 24, 1916, pp. 5476, 5477), it is stated that \$12,172.07 was expended for a mill plant on La Breche's land, the other items of the claim making a total of \$22,950.07, as therein stated.

Messrs. Cook and La Breche purchased the portable steam sawmill in question and installed it about the early spring of the year 1909 at the foot of Lower Two Medicine Lake for the purpose of sawing the merchantable timber adjacent thereto and marketing the same for personal profit. Soon after establishing the mill these two claimants proceeded to cut all the available timber, and this was accomplished in about two years, and we feel confident that the mill has not been in operation since the year 1912. The available timber which could be profitably sawed at this mill having been cut during the first two or three years, the owners of the mill, of their own accord discontinued sawing. It should be remembered, however, that subsequent to the closing of the mill by action of its owners in 1912, the owners continued to have the free use of the waters of the lake for the floating of any logs obtainable within a profitable distance from the mill, and this free use of the water for bringing the logs to the mill continues to this time, since the dam constructed by the Reclamation Service has not been filled and has not in any manner interfered with the floating of logs in the lake.

It would seem, therefore, that the loss, if any, which has been suffered by the claimants, has been altogether voluntary on their part and is in no way chargeable to any of the Blackfeet people or any person by reason of the construction of the dam or other work undertaken by the Reclamation Service.

Had profitable sawmill timber been accessible Messrs. Cook and La Breche would have continued operations up to the present time, although, as already stated, they ceased to operate the mill after 1912.

Among other items making up the total claim of \$22,950.07 is one of \$2,728 for "labor and teams in setting up mill, building roads, etc." We urge that the claimants should not be given compensation for road building, as claimed in this item. The claimants entered into a contract with the Great Northern Railway Co. by which they agreed to deliver sawed railroad ties for

the use of the railway company, and in fulfilling this contract they built a sleigh road from the sawmill to the Great Northern Railway track at Glacier Park Station, over which to transport the ties and lumber manufactured at the mill. This road was over a distance of about 5 miles. Approximately 1 mile of this sleigh road was afterwards utilized by the Great Northern Railway Co. in building its automobile route from the eastern entrance to the Glacier National Park and points within the park. It is submitted that compensation for this portion of the road can with more justice be claimed of the Great Northern Railway Co.

A sawmill had previously been in operation at the same place where the mill erected by claimants Cook and La Breche is now located, and the road to the mill previously constructed had been established and used continuously long before claimants Cook and La Breche installed their mill upon the same site. This road has from time to time been repaired by the Reclamation Service and the Great Northern Railroad Co.

From the fact, as shown, that claimants Cook and Le Breche have not up to this time been interfered with in operating the sawmill in question and in the use of the waters of the lake for floating logs, but abandoned the mill and altogether ceased to operate the same of their own free will and accord as long as four years ago, on behalf of the Blackfeet Tribe we respectfully protest against the appropriation of any funds of the Blackfeet people to recompense the claimants for any part of the cost of the mill and the expenses in setting up the same, together with building roads, etc., amounting to \$2,728. Likewise the claims under the heading, "Use of roads for four years, Cook, \$800," and a similar item for La Breche, \$800, "cost of litigation \$1,000," and "loss of use of capital and loss of time, \$3,895," are not legitimate and just claims chargeable to the Blackfeet Tribe, for reasons already shown.

We believe that Messrs. Cook and La Breche should receive some compensation for the inundation of the land scheduled for allotment to them around Two Medicine Lake, or, in lieu of the loss of such land for agricultural purposes, they should be given the privilege of selecting other lands within the Blackfeet Reservation. Likewise we feel that they should be compensated for the value of the necessary improvements on their lands selected for allotment, consisting of the buildings necessary for agricultural purposes, with fences and other necessary improvements for this purpose.

If you so desire the undersigned will appear before you in person in support of this protest.

Very respectfully submitted.

MOUNTAIN CHIEF (his thumb mark).

MALCOLM CLARK.

WM. RICHARD SANDBILL.

NATIONAL HOTEL, *Washington, D. C.*

Mr. CARTER. The next is Montana. Amendment 67 simply changes the number of the section from 10 to 11.

The next amendment is No. 68, page 45, line 22, changing the amount from \$14,000 to \$20,000 and adding the words "of which amount not exceeding \$4,500 shall be expended for salaries."

Now, Mr. Meritt, what have you to say—what justification have you for the increase made for the Flathead Agency in this amendment?

Mr. MERITT. This item was discussed in the Senate hearings, on page 141, and on page 237 of the House hearings. It was brought out at that time that there were certain old Indians on the Flathead Reservation who must be taken care of. They must be fed and clothed and housed; and it will require an additional fund for that purpose. We estimated for \$20,000 for this item.

Mr. CARTER. What page of the House hearings is that?

Mr. MERITT. Beginning on page 237 of the House hearings.

Mr. CARTER. Why do you put this item in different language from what the other support and civilization items are?

Mr. MERITT. The language, beginning on line 23, "of which amount not exceeding \$4,500 shall be expended for salaries," was not

included in our estimates. The Senate committee incorporated that item in the bill. We estimated for \$20,000 for this work without the proviso limiting the amount that may be expended for salaries. We prefer that that language be eliminated from the bill, Mr. Carter.

Mr. CARTER. Now, last year you had \$12,000, did you not, for that?

Mr. MERITT. Yes, sir.

Mr. CARTER. For the Flathead Indians; and you had not expended quite all of that on December 1.

Mr. MERITT. This is quite a large reservation. We have on that reservation 2,300 Indians. A large number of them are getting old, and they need the special attention of the bureau, and this amount is necessary.

Mr. CARTER. Isn't that true in practically all of the reservations? Are these Indians any older than other Indians?

Mr. MERITT. These Indians are dependent upon charity to a certain extent. They have been going to the Catholic mission and have been fed quite extensively by the Catholic mission.

Mr. CARTER. They are doing that on several reservations. They do that in Oklahoma in several instances.

Mr. MERITT. We feel that under those circumstances we ought to issue them more rations than we have been doing heretofore.

Mr. CARTER. Is there any difference in the age of these Indians and the ages of Indians at other agencies?

Mr. MERITT. No, sir; we have the same conditions on the Black-foot Reservation.

Mr. CARTER. Haven't you the same conditions on practically every other reservation where you have Indians of like degree of civilization?

Mr. MERITT. Yes, sir; but on this reservation we have no large income from leasing that we can use for the purpose of buying rations, whereas on a number of other reservations we have incomes that we can use for that purpose.

Mr. CARTER. Well, there are some of the Indians in Oklahoma that are actually almost on the point of starvation. On my desk this morning I have a letter about one Indian that had died for the want of medical attention in Haskell County. The argument is not brought forth in those cases for an increase, and what I want to understand is whether this is a special case, or whether it is just the usual condition?

Mr. MERITT. We have similar conditions on other reservations.

Mr. CARTER. That is what I want to know.

The next amendment is No. 69, page 47, line 7, strike out "\$5,000" and insert "\$10,000." What justification have you for that?

Mr. MERITT. The discussion of that item will be found on page 84 of the Senate hearings, and this amount allowed by the Senate is in accord with the estimates of the department. We discussed this item on page 245 of the House hearings. There are about 400 of these Indians, and heretofore they have been roaming over quite a large part of the State of Montana, and this appropriation is to take care of them on a reservation.

Mr. HAYDEN. Last year you had an appropriation of \$10,000 and you expended \$5,198.30, leaving an unexpended balance of \$4,801.70. That was the reason why the House committee reduced

the amount to \$5,000. You did not expend but about half of this last year. You had about \$5,000 left over, so this would give you about \$10,000 for the benefit of these Indians next year.

Mr. MERITT. We succeeded in locating these Indians on a certain tract of land, and we would like to have this appropriation made available so that we could buy some farming implements and get these Indians started to work, instead of having them running all over Montana and begging food from the citizens of that State.

Mr. CARTER. Do you suppose you will ever get those Indians at work—Rocky Boy's Band?

Mr. MERITT. Some of them are working this spring. We have had very good success with some of them.

Mr. CARTER. Mr. Evans, you are not interested in these Indian items, are you?

Mr. EVANS. I am interested in this item, Mr. Chairman. I want to say to the committee that this is a roving band of Indians, who have been roving over the State for 10 or 15 years without a reservation. The charitably inclined people have fed those Indians off and on for years, and one or two efforts have been made to locate them on a given tract of land, but without success, and I understand that the department has now located them on a part of the Fort Assiniboine Reservation. How successful that will be I do not know, but I would be willing, for my part, to make the effort to make a reasonable appropriation, having located them upon a reasonable tract of land, to give them a start in the world and see whether or not they will succeed. Heretofore nothing has been done of that kind. They have been precariously fed by the Government and individuals out there, and they have had no fixed habitation. Now that they have put them on a reservation and can give them supplies and implements, with such a start they might succeed and they might not. I do not know whether they will or not, but I would be willing to try it if I had a voice in the matter.

Mr. CARTER. The next amendment is No. 70, page 48, line 16:

For continuing construction of the irrigation systems on the Flathead Indian Reservation, in Montana, \$750,000 (reimbursable); which shall be immediately available and remain available until expended: *Provided*, That the payments for the proportionate cost of the construction of said systems required of settlers on the surplus unallotted land by section nine, chapter fourteen hundred ninety-five, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section fifteen of the act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-eight), shall be made as herein provided: *Provided further*, That nothing contained in the act of May twenty-ninth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page four hundred and forty-four), shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, or to relieve the owners of any or all lands allotted to Indians in severalty from payment of the charges herein required to be made against said land on account of the construction of the irrigation systems; and in carrying out the provisions of said section the exemptions therein authorized from charges incurred against allotments purchased prior to the expiration of the trust period thereon shall be the amount of the charges or installments thereof due under public notice herein provided for up to the time of such purchase.

Mr. CARTER. What statement have you to make about that?

Mr. MERITT. I suggest that you read the following items, as they refer to the same subject.

Mr. CARTER. They are different propositions.

Mr. MERITT. They are different appropriations, but the legislation applies to the three irrigation projects.

Mr. CARTER. There are three different projects.

Mr. MERITT. They are three different projects, but the legislation in the bill is applicable to all three projects.

Mr. CARTER. Is that what you understand, Mr. Evans?

Mr. EVANS. Yes; just a repetition of the work for Flathead, Fort Peck, and Blackfeet.

Mr. CARTER. The next amendment is 71, page 50.

Mr. EVANS. Mr. Chairman, this is just a repetition. After you have read one of those paragraphs, they are all the same.

Mr. HAYDEN. I beg your pardon, but it is not a repetition. There is some difference in these items.

Mr. CARTER. What have you to say about those, Mr. Meritt.

Mr. MERITT. Those amendments, Mr. Chairman, go clear down to the end of page 56.

For continuing construction of the irrigation systems on the Fort Peck Indian Reservation, in Montana, \$100,000 (reimbursable), which shall be immediately available: *Provided*, That the proportionate cost of the construction of said systems required of settlers and entrymen on the surplus unallotted irrigable land by section two of the act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page five hundred and fifty-eight), shall be paid as herein provided: *Provided further*, That nothing contained in said act of May thirtieth, nineteen hundred and eight, shall be construed to exempt the purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for, and the purchaser of any Indian allotment to be irrigated by said systems purchased upon approval of the Secretary of the Interior before the charges against said allotment herein authorized shall have been paid shall pay all charges remaining unpaid at the time of such purchase, and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or upon payment of the delinquent charges may be released by the Secretary of the Interior.

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, \$50,000 (reimbursable), which shall be immediately available: *Provided*, That the entryman upon the surplus unallotted lands to be irrigated by such systems shall, in addition to compliance with the homestead laws, before receiving patent for the lands covered by his entry, pay the charges apportioned against such tract as herein authorized, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture to the United States of all rights acquired under the provisions of this act, as well as of any moneys paid on account thereof. The purchaser of any Indian allotment to be irrigated by such systems, purchased upon approval of the Secretary of the Interior, before the charges against said allotment hereon authorized shall have been paid, shall pay all charges remaining unpaid at the time of such purchase and in all patents or deeds for such purchased allotments, and also in all patents in fee to allottees or their heirs issued before payment of all such charges herein authorized to be made against their allotments, there shall be expressed that there is reserved upon the lands therein described a lien for such charges, and such lien may be enforced, or, upon payment of the delinquent charges, may be released by the Secretary of the Interior.

That the Secretary of the Interior is hereby authorized to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots three and five, section twenty-seven, and lots one and two, section thirty-four, township thirty-two north, range thirteen west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lien land under the provisions of section fourteen of the act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, pages eight hundred and fifty-five and eight hundred and fifty-nine), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed \$19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed \$8,865 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed \$1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

That the Secretary of the Interior be, and he is hereby, authorized and directed to announce, at such time as in his opinion seems proper, the charge for construction of irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations in Montana, which shall be made against each acre of land irrigable by the systems on each of said reservations. Such charges shall be assessed against the land irrigable by the systems on each said reservation in the proportion of the total construction cost which each acre of such land bears to the whole area of irrigable land thereunder.

On the first day of December after the announcement by the Secretary of the Interior of the construction charge the allottee, entryman, purchaser, or owner of such irrigable land which might have been furnished water for irrigation during the whole of the preceding irrigation season, from ditches actually constructed, shall pay to the superintendent of the reservation where the land is located, for deposit to the credit of the United States as a reimbursement of the appropriations made or to be made for construction of said irrigation systems, five per centum of the construction charge fixed for his land, as an initial installment, and shall pay the balance of the charge in fifteen annual installments, the first five of which shall each be five per centum of the construction charge and the remainder shall each be seven per centum of the construction charge. The first of the annual installments shall become due and payable on December first of the fifth calendar year after the initial installment: *Provided*, That any allottee, entryman, purchaser, or owner may, if he so elects, pay the whole or any part of the construction charges within any shorter period: *Provided further*, That the Secretary of the Interior may, in his discretion, grant such extension of the time for payments herein required from Indian allottees or their heirs as he may determine proper and necessary, so long as such land remains in Indian title.

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservations shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

The cost of constructing the irrigation systems to irrigate allotted lands of the Indians on these reservations shall be reimbursed to the United States as hereinbefore provided, and no further reimbursements from the tribal funds shall be made on account of said irrigation works except that all charges against Indian allottees or their heirs herein authorized, unless otherwise paid, may be paid from the individual shares in the tribal funds, when the same is available for distribution, in the discretion of the Secretary of the Interior.

That in addition to the construction charges every allottee, entryman, purchaser, or owner shall pay to the superintendent of the reservation a maintenance and operation charge based upon the total cost of maintenance and operation of the systems on the several reservations, and the Secretary of the Interior is hereby authorized to fix such maintenance and operation charge upon such basis as shall be equitable to the owners of the irrigable land. Such charges when collected shall be available for expenditure in the maintenance and operation of the systems on the reservation where collected: *Provided*, That delivery of water to any tract of land may be refused on account of non-payment of any charges herein authorized, and the same may, in the discretion of the Secretary of the Interior, be collected by a suit for money owed: *Provided further*, That the rights of the United States heretofore acquired, to water for Indian lands referred to in the foregoing provision, namely, the Blackfeet, Fort Peck, and Flathead Reservation land, shall be continued in full force and effect until the Indian title to such land is extinguished.

That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations and issue such notices as may be necessary to carry into effect the provisions of this act, and he is hereby authorized and directed to determine the area of land on each reservation which may be irrigated from constructed ditches and to determine what allowance, if any, shall be made for ditches constructed by individuals for the diversion and distribution of a partial or total water supply for allotted or surplus unallotted land: *Provided*, That if water be available prior to the announcement of the charge herein authorized, the Secretary of the Interior may furnish water to land under the systems on the said reservations, making a reasonable charge therefor, and such charges when collected may be used for construction or maintenance of the systems through which such water shall have been furnished.

MR. CARTER. Now make your statement about the Montana matter, Mr. Meritt.

MR. CAMPBELL. From 70 to 75, inclusive?

MR. MERITT. Yes, sir. The discussion of these items will be found beginning at page 575 of the Senate hearings. Those items cover appropriations for irrigation projects on the Flathead, Blackfeet, and Fort Peck Indian Reservations. The department for several years has not been satisfied with the method of financing these three irrigation projects. The method has been to appropriate money out of the Treasury of the United States and make that money reimbursable from the tribal funds of the Indians. That method of financing the projects we considered unjust, for the simple reason that quite a large number of the Indians on those reservations did not have irrigable lands, yet the tribal fund was responsible for the irrigation of the lands. Also there are a number of white owners of lands on the Flathead irrigation project. About half the irrigable land on that reservation has been taken up by white people, and the Indians were simply acting as the banker in order that the white owners of land on the Flathead Reservation might have their land irrigated. We have legislation in this bill which we think will correct this evil and will be fair, not only to the Indians of those reservations, but will be fair to the white owners of land on those reservations.

The legislation in this bill, if finally enacted, will make the land which is irrigated bear its pro rata share of the cost of irrigation. We have already expended about \$1,500,000 on the Flathead Reservation for irrigation purposes.

MR. CARTER. You have spent that out of the Treasury or out of the tribal funds?

MR. MERITT. Out of the Treasury, and part of that fund has been reimbursable out of tribal funds. This project will ultimately cost

about \$6,000,000 and will irrigate about 150,000 acres of land. The cost of irrigation will be about \$40 per acre.

On the Blackfeet Reservation we have expended nearly a million dollars—between \$900,000 and \$1,000,000—for irrigation work. This project will ultimately cost about \$3,000,000, if completed, and will irrigate 122,500 acres of land, and the irrigation construction cost will be about \$30 an acre.

On the Fort Peck Indian Reservation we have expended between \$300,000 and \$400,000. This project ultimately will cost about \$5,000,000 and will irrigate about 152,000 acres; and the irrigation cost on that reservation will be about \$30 an acre.

These irrigation projects are being constructed by the Reclamation Service under agreements with the Indian Bureau. It was not intended that these items should be carried in the Indian bill this year, inasmuch as they are not strictly Indian projects, and we estimated for them to be carried in the sundry civil bill, and that was agreed to in the department by the Secretary and by the members of the Montana delegation in Congress; but when this bill reached the Appropriations Committee, it is my understanding that the chairman of that committee objected to the items going into the sundry civil bill.

Mr. CARTER. You do not mean the Committee on Appropriations, do you?

Mr. MERITT. Yes, sir; the Committee on Appropriations. The chairman of that committee, we were advised, objected to those items going into the bill, and when the Indian bill was being considered by the Senate committee, the Senators from that State came before that committee and asked that these items be incorporated in the Indian bill; and in view of the attitude of the chairman of the Committee on Appropriations, the members of the Senate Indian Committee concurred in this action.

Mr. CARTER. Mr. Meritt, there was no presentation of this matter at all to the Committee on Indian Affairs then?

Mr. MERITT. Before the House committee?

Mr. CARTER. Yes.

Mr. MERITT. No, sir; because we thought at that time that these items would go in the sundry civil bill.

Mr. CARTER. I believe you assured us at that time that the Indian bill would not be expected to take care of these items.

Mr. MERITT. Yes, sir. Subsequent developments though, made it necessary that these items be carried in the Indian appropriation bill. We are sorry they are not carried in the sundry civil bill, but it was impossible to get them in there.

Mr. HAYDEN. Really, what difference does it make?

Mr. MERITT. It makes this difference, Mr. Hayden: It materially increases the appropriations carried in the Indian bill, and necessarily we have to keep the bill within certain reasonable figures; and when the Indian bill carries these irrigation items, which are largely for the benefit of white people and not strictly and solely for the Indians, it increases the total amount of the Indian appropriation bill, and we have to cut down the estimates for appropriations for other items that are absolutely necessary.

Mr. HAYDEN. But so far as the total appropriation by Congress is concerned it does not, from our point of view, make any difference whether it comes from one committee or the other. It is only a bureau reason and not a reason in which Congress is particularly concerned.

Mr. MERITT. No, sir; I was looking at it solely from the Indian Bureau standpoint.

Mr. CAMPBELL. Mr. Meritt, what is being done with the lands that have already been irrigated—put under the ditch?

Mr. MERITT. The lands on the Flathead Reservation are being utilized.

Mr. CAMPBELL. By whom?

Mr. MERITT. By the Indians and white people. About half the land that will be irrigated, 75,000 acres, is owned by white people, and about 75,000 acres of the irrigable land has been allotted to the Indians.

Mr. CAMPBELL. How much of the project is now under water?

Mr. MERITT. I should say there are about 40,000 acres.

Mr. CAMPBELL. What per cent of it is completed; what per cent of the entire project?

Mr. MERITT. Probably 25 per cent.

Mr. CAMPBELL. The project is 25 per cent completed?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. And that portion of the project that is completed, is that fully utilized?

Mr. MERITT. It is being largely utilized. I would not say it was fully utilized, but the irrigable land on that reservation is being extensively used; and this project can be made a real success, because of general conditions.

Mr. CAMPBELL. The question that I am asking is, What is done now? Are they raising crops there on those irrigated lands; are they utilizing them; is there a return for the investment that has been made up to date?

Mr. MERITT. The lands are being utilized. The Representatives from Montana are here, and they have been on that reservation recently and can tell you the exact conditions from observation.

Mr. CAMPBELL. Does the department have any report showing just how the money heretofore appropriated has been expended, and what the benefits are to the Indians and to the white man; showing the relative benefits?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. Have you that report?

Mr. MERITT. I can put it in the record. I can get the report from our files.

Mr. HAYDEN. You stated a moment ago that this work was largely for white people. You ought to show the total area now irrigated, what part is cultivated by white people, and what part is cultivated by the Indians on each reservation. You ought to also show that when the projects are completed, how many acres will be irrigated by white people and how many by the Indians on each project.

Mr. MERITT. We will put those figures in the record.

Summary of construction results, Montana projects.

| | Blackfoot. | Fort Peck. | Flathead. |
|---|--------------|--------------|----------------|
| Estimated total completed project.....acres..... | 122,500 | 152,000 | 152,000 |
| Area for which water can be supplied now.....do..... | 26,640 | 10,220 | 54,700 |
| Actually irrigated, season of 1915.....do..... | 1,618 | 1,100 | 3,242 |
| Present available reservoir capacity.....acre-feet..... | 20,000 | 3,900 | 10,000 |
| Total length of canal, all sizes.....miles..... | 346 | 120 | 388 |
| Total number of canal structures..... | 1,246 | 484 | 2,127 |
| Total number of bridges..... | 44 | 34 | 148 |
| Total length of bridges.....feet..... | 997 | 700 | 2,785 |
| Total length of pipe.....do..... | 7,169 | 2,152 | 9,603 |
| Total excavated.....cubic yards..... | 1,944,237 | 1,028,768 | 2,662,986 |
| Total cost to January 1, 1916..... | \$971,806.04 | \$471,910.00 | \$1,640,619.13 |
| Irrigable area, when completed, will aggregate approximately: | | | |
| Indians.....acres..... | 122,500 | 76,923 | 97,000 |
| Whites.....do..... | | 75,077 | 55,000 |

Mr. CARTER. All of these items are subject to a point of order, are they not?

Mr. MERITT. A point of order was made on these items by Senator Curtis on the floor of the Senate, but he subsequently withdrew the point of order.

Mr. CARTER. Each one of them is new legislation, is it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. And they would not be in order on an appropriation bill under the rules of the House?

Mr. MERITT. If we are going to have an appropriation for those projects, we would like to very much to have legislation to accompany the appropriation.

Mr. CARTER. That is not the question. You do not know that those are subject to a point of order under the rules of the House?

Mr. MERITT. Under the rules of the House I believe they might be subject to a point of order.

Mr. HAYDEN. I think that the legislation correcting the situation on the three reservations relative to payments is clearly subject to a point of order, but the appropriations made in this bill are not subject to a point of order, because they are continuing a work in progress.

Mr. CARTER. I was directing my remarks to the legislation, which he says is necessary to be enacted.

Mr. HAYDEN. The idea being that you would not want the appropriations unless you had this corrective legislation?

Mr. MERITT. We want the legislation to accompany the appropriations.

Mr. CARTER. You knew that these items were subject to a point of order when you presented them to the Appropriations Committee, did you not?

Mr. MERITT. I did not present them, Mr. Carter. They were presented by the Senators from Montana.

Mr. CARTER. But they did not present them to the Appropriations Committee of the House?

Mr. MERITT. Yes, sir. We realized that they might be subject to a point of order, but the legislation is so necessary, and it is so reasonable, that we thought that the point of order would not be made to the

legislation in view of the fact that we were trying to protect the interests of the Indians.

Mr. CAMPBELL. Mr. Meritt, did you suggest these items in this legislation to the subcommittee when the bill was being made before the Indian Committee here?

Mr. MERITT. No, sir; I did not think that this legislation would be submitted to the Indian Committees of the House and Senate. We thought at that time that we would go before the Appropriations Committee.

Mr. CAMPBELL. It is always pretty easy to get items like this on in the Senate, is it not?

Mr. NORTON. The fact is, Mr. Campbell, at the time the Indian appropriation bill was before the subcommittee these items were sent to the Appropriations Committee, or were about to be sent to the Appropriations Committee, and were considered by that committee of the House. Mr. Meritt, as I understand it, takes the view that these items of appropriation should come directly from the Appropriations Committee rather than from the Committee on Indian Affairs, as they are items that have to do with the general uses of the country.

Mr. CAMPBELL. As a general proposition, the matters that the department wants to get onto the Indian bill are handed to some Senator and are put on the last day when the bill is being considered in the Senate. That has been the practice for a number of years. Does the Indian Office think that that is entirely fair to the House of Representatives?

Mr. MERITT. That has not been the practice, Mr. Campbell, since I have been representing the bureau in legislative matters.

Mr. CAMPBELL. Well, it was the practice last year and the year before, and the year before that. The practice, Mr. Meritt, ever since I have been on the Indian Committee, is that the bill is loaded up with legislation in the Senate—legislation that the House was not asked to consider, or if it has been asked to consider it, has gone out on a point of order either in the committee or on the floor of the House.

Mr. MERITT. As I understand it, Mr. Campbell, the rules of the Senate are more liberal than those of the House regarding legislative items on appropriation bills, and for that reason Senators who want Indian legislation ask that items go on the Indian bill. And that action, of course, should not be charged up to the Indian Bureau.

Mr. NORTON. If I may just finish this inquiry—as I understand these items they are items that have been advocated more by the gentlemen from Montana, Mr. Evans and Mr. Stout, than by the department or the Indian bureau. These items have been before this committee for the last three years—at least, since I have been on this committee. Mr. Evans presented the matter here two years ago and again last year. Now, are those items that have been initiated in the Bureau of Indian Affairs—have they been recommended by the bureau?

Mr. MERITT. This legislation was initiated and drafted by the Indian Bureau, and the Montana delegation in Congress has kindly consented to this legislation. They want the appropriations. We are very anxious that the legislation be obtained, with the appropriation.

Mr. NORTON. They may not be so anxious about the legislation as they are about the appropriation.

Mr. CARTER. Don't you think that the Appropriations Committee had jurisdiction over this?

Mr. MERITT. Yes, sir; for the simple reason that the appropriations for the Reclamation Service are carried in the sundry civil bill, and these are more or less reclamation projects. They are being constructed by the Reclamation Service, and we thought they should accompany the regular appropriation for that work.

Mr. HAYDEN. Might I make an observation here? As a matter of fact, the position of the Montana delegation has been very unsatisfactory. This appropriation has been passed from the Reclamation Service to the Indian Office, and the Indian Office has passed it back to the Reclamation Service; each bureau passing the buck to the other one. Each bureau looks at it from the bureau standpoint. Each bureau says, "We don't want to have our appropriations charged with a certain sum of money, because it will make us practice economy in some other place." The Reclamation Service says the Indian Bureau should do the work, and the Indian Bureau says the Reclamation Service should do it. In the meantime the Montana delegation is left out in the cold. The attitude of the bureaus in the matter has nothing to do with the merits of the case before Congress.

Mr. CAMPBELL. And now the buck is being handed to us.

Mr. HAYDEN. It is immaterial where the money comes from, but the Montana delegation is entitled to a hearing.

Mr. CARTER. Does anyone else want to ask Mr. Meritt any questions on this?

STATEMENT OF HON. TOM STOUT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA.

Mr. STOUT. I just want to make a brief statement with reference to the activities of the Montana delegation, as referred to by the gentleman from North Dakota, and with reference to one or two statements made by Mr. Meritt.

It is very true that we have been rather active for this appropriation, but it is not exactly true, the inference that one might draw from the statement of Mr. Meritt, that the Montana delegation does not care anything about the legislation as long as we get the appropriation. I think the Montana delegation is quite as anxious to conserve the rights, and do everything that will promote the best interests of the Indian in Montana as the Indian Bureau is. We have very gladly acceded to this legislation, because we concede that it is to the advantage of the Indian to have the legislation in connection with the appropriation. The situation is simply this: These three Indian projects have been started now in Montana. They might have been in North Dakota or Kansas or any other place, but it so happens that they were started in Montana, because there is where the Indians are; and we would feel that we were derelict in our duty if, after the Government had expended something better than \$3,000,000 on all three of these projects—money largely coming from the Indians—if we simply said, "We are not going to bother with this matter any more; if the Indian Department and the Reclamation Service are going to get into a jangle between themselves and are going to drop these projects, we will let them drop them." That

has not been our attitude. We have tried ever since I have been here to get this thing before this committee in a clear-cut manner. We are not concerned as to the differences, if any exist, between the two bureaus of the Interior Department.

We feel that these three projects, particularly the Flathead project, are meritorious. Frankly, I have some question as to the Black-foot myself, and will be glad to go into that at greater length if the committee desires. But the Flathead project is the meritorious one from every standpoint. I think it is highly advantageous from the standpoint of the Indian, and so long as I remain here—which, fortunately for my peace of mind, will not be very long—I propose to do everything I can to secure what I consider an entirely legitimate appropriation. We have had very unfortunate luck with this matter one way or the other, and, as I say, last year we got into a controversy between the Reclamation Service and the Indian Service, with the result that they did not submit any recommendation at all for this item, despite the fact that a million and a half dollars had been spent out there; and we went into the House and attempted to get on an amendment, but failed. The amendment was put on in the Senate and was lost, of course, when the Indian bill lost at the close of the session.

MR. KONOP. May I ask you a question? This \$750,000 for the Flathead Indian project will not complete it, will it?

MR. STOUT. Oh, no. I think, further, if we are going to appropriate any money for that project, we ought to appropriate enough to carry along the work in an orderly and economical manner. It is going to cost some \$6,000,000. They have spent approximately—or appropriated about \$2,000,000, I think, and if you go along here and appropriate \$200,000 a year you are spending most of the money in getting started and getting stopped every year. But by appropriating \$750,000, or some such sum as that, it will save many hundreds of thousands of dollars on this project in the long run, and will bring it somewhere in the course of our lifetime toward completion.

MR. KONOP. You say \$2,000,000 has already been spent?

MR. STOUT. Yes, sir.

MR. KONOP. Has there been \$2,000,000 worth of benefit to the Indians from what has already been spent?

MR. STOUT. Well, that is rather difficult to say, Mr. Konop, for this reason: The project has been carried out as one great big proposition. A great deal of that \$2,000,000 has been spent, doubtless, upon work the value of which will not be realized until the whole project is completed, but it has been the idea of the Indian Bureau, I think, and the Reclamation Service, to complete individual units as rapidly as possible, so as to bring the land under cultivation as fast as can be done. Is that not the purpose, Mr. Meritt?

MR. MERITT. Yes, sir.

MR. KONOP. Are there any lands under cultivation as the result of this expenditure now?

MR. STOUT. There are some 48,000 acres under cultivation now. There are about 48,000 acres under ditch and being reduced to a state of cultivation.

MR. KONOP. By the Indians?

MR. STOUT. By the Indians and by the whites

Mr. KONOP. Do they raise pretty good crops?

Mr. STOUT. Oh, yes; they raise good crops.

Mr. CAMPBELL. What do they raise?

Mr. STOUT. Well, they raise a great deal of alfalfa.

Mr. CARTER. When was this project begun?

Mr. STOUT. It was begun eight years ago.

Mr. CARTER. What bill carried the first authorization?

Mr. EVANS. It was a 1910 bill, I think.

Mr. HAYDEN. An Indian appropriation bill?

Mr. EVANS. Yes. Perhaps it was 1908, I am not sure.

Mr. HAYDEN. Mr. Evans is a member of the Committee on Appropriations. I would like to hear from him on this matter.

STATEMENT OF HON. JOHN M. EVANS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA.

Mr. EVANS. In answer to that question, may I go ahead consecutively and state our position in this matter?

This reservation was opened by the act of 1904, but the appropriation for the reclamation of it began, I think, in 1908, and there has been about \$1,800,000 to \$2,000,000 appropriated. It has always been carried in the Indian bill. Every year there has been an appropriation of from \$100,000 to \$200,000 in every Indian appropriation bill that has gone through.

Two years ago there was a recommendation made by the Indian Office for \$100,000. I had then just come to Congress and was inexperienced in such matters. I did not attend any of the hearings, because I did not know you had such things. I learned that the hearings had been held on the Indian appropriation bill and \$100,000 had been recommended. I went before the Indian Bureau and they told me they were perfectly willing to recommend \$250,000 or \$300,000 or some reasonable appropriation. Four hundred thousand dollars had been appropriated the year before, but they desired some change in the legislation, and for that reason they were not inclined to make a recommendation for a reasonable appropriation until they got some change in the legislation which is in the bill now. So they got very little appropriation that year—maybe \$200,000.

Mr. CARTER. You are speaking now not of the Flathead Reservation?

Mr. EVANS. Yes, sir; primarily. The next year we had practically the same condition of affairs, and we did not get a recommendation down here because we did not get before this committee, the Indian Committee—which I was then on—needed legislation—that is to say, the bureau, the Indian Office, did not. We then as a delegation went before the Secretary of the Interior, and the Secretary of the Interior said that there ought to be \$500,000 appropriated for that project. He said, you have expended a million and a half dollars out there, and appropriating \$100,000 a year would take about 40 years to complete the project, and out of \$100,000 we will get a benefit of \$60,000, the rest of it being lost in, due to difficulties in assembling and reassembling your work. He recommended \$500,000 last year, but after it had passed this committee and gone to the Senate, and the recommendation got here, it was put on in the Senate \$500,000, and passed the Senate, and, of course, as you know, the

Indian bill failed. Then we came back here again last fall and attempted to get a reasonable appropriation made at the proper time; and it was sent, as Mr. Meritt has told you, not to this committee but to the Appropriations Committee, on the theory that the Appropriations Committee was now handling reclamation projects, and that this was a reclamation project. I paid no special attention to it, because I knew the recommendation was made.

I have failed twice to get a recommendation made at the proper time, and I knew I had gotten a recommendation made at this time, and at the proper time I would take it up with Mr. Fitzgerald, which I did; but he just threw me and the appropriation out of the window, figuratively speaking. He said, "that does not belong here, and we are not going to take jurisdiction of it. It always carried on the Indian bill and it ought to be on the Indian bill, and we are not going to have anything to do with it." So they would not have anything to do with it; and I myself went to the Senate and reported to the Senators what the situation was. Then the Secretary of the Interior made a recommendation of \$750,000, and that was not going to go through the Appropriations Committee, and therefore it was attached over there. I think it should have come to this committee. I do not think anybody should be particularly censured because it did not, but I think it should have come here; and I think if it had come here a reasonable appropriation would have been made by this committee.

Now, going back to the merits of the appropriation, the same thing applies in a greater or less degree to all of them.

The Flathead Reservation is a big basin more nearly representing a wash bowl than anything I could think of, with the river coming in at one end and going out at the lower end. The Government conceived the notion of reclaiming all that land. It ran a large canal around the base of the mountain for a distance of some 30 miles, probably, touching all the streams that came down there.

Mr. KONOP. Here is a map of it. I wonder if you could not illustrate by referring to this map [producing map].

Mr. EVANS. On the east side of the map of the Flathead Reservation there is a canal, beginning at the south and running toward the north and around to the lake. I think that canal must be 30 miles long.

Mr. KONOP. You mean this southern corner [indicating]?

Mr. EVANS. Yes; and running up there, and it gathers all the waters from there. Now, there are probably 150,000 acres—at least 150,000 acres—of irrigable land on that reservation that will be covered by reclamation when completed; but a large portion of your money now expended has been put into what we call a main ditch. It was necessary to build a main ditch before the laterals could be built, therefore you have reclaimed less land in proportion to the money expended than will be the case in the future. You have now gotten the large ditches built, and they are now building the laterals and putting the water on the ground, and for that reason only about 20 per cent of the land is under cultivation, while we have spent more than 20 per cent of the estimated cost of the project.

As to the reservation itself, I think if there is a reclamation project in America that will be a success it is the Flathead Reservation. It is in a basin, the altitude comparatively low, but it is hemmed in on all sides. They raised at the Flathead Reservation this year at least

1,500,000 bushels of wheat. We had an excessively wet year. I venture to say that 500,000 bushels of that wheat was raised on ground which will be covered by this irrigation system when we get through, but was not planted this year. The ground itself is so dry that it would not raise anything without water ordinarily. However, it did this year after a dozen years' trial, but they planted those crops the year before. Some of them did not germinate at all. Some of them did not come out of the ground, but the spring rains came on, the grain planted the year before grew up and made a crop of 20 or 25 or 30 bushels to the acre.

Mr. KONOP. Do they plant winter wheat?

Mr. EVANS. The wheat was planted the spring before. On another lot of that acreage the wheat was planted the spring before. It grew to a height of 5 or 6 inches only, headed out, was scattering, and was not worth cutting. The men abandoned it for the time being. The elements beat the wheat out; it reseeded, and this year they had a fine crop. I mention this simply to show you that they can put water on that ground and raise the finest crops in the land, but without water they can not raise them. I will venture to say that there were 500,000 bushels of volunteer wheat raised there this year, and the men there who had been living in good two-story houses, who had been there three or four or five years, boarded up their houses and went east and came back in June and July and harvested as good a crop of wheat as they had ever seen. But this was an exceptional year. We never saw in Montana before such a year, so far as water is concerned. We raised that sort of a crop, and it shows that a crop can be raised if we will put water on the ground.

Mr. NORTON. That shows what they can do in Montana if you give them half a show.

Mr. EVANS. Yes. Congress has neglected us, and the Montana delegation may be neglected, but God Almighty took care of them this year.

The proposition is a meritorious one. The only question now is whether as business men we are going on with it. We have spent practically \$2,000,000, and, as I suggested, if you appropriate \$100,000 or \$200,000 a year it will take 40 years to complete it, with great loss from what you have spent. A number of commissions have gone out there to look over the proposition, and all of them have advised that we go on with the work and complete it with all reasonable dispatch, as expeditiously as any business man would in any sort of business project. There was a commission appointed that made a report in December, 1914, covering only a page. It is by Mr. Ketchum, who was head of the Indian commission, I think: Mr. Abbott, and some others. and I should like, if I might, to incorporate a part of that, showing what the situation was in my testimony.

[Excerpt from report upon the conditions on the Flathead Indian Reservation, by Rev. William H. Ketcham, member Board of Indian Commissioners, December, 1914.]

About \$1,374,000 have been expended for irrigation upon the Flathead Reservation. Of this sum \$56,065 have been returned to individual Indians for labor on the project and for products purchased from them. Under completed canals there are 48,400 acres. Of this area 36,291 acres are Indian land. A few sales of inherited Indian lands under completed canals have been made to

white men. Out of a total of 228,227 acres which have been allotted to Indians, 90,000 acres are irrigable. Approximately one-half of the irrigable Indian land, therefore, is under completed canals. The project engineer of the Reclamation Service estimates that it will require 10 years to complete the Flathead project, with annual appropriations of \$500,000. Until this project is completed the Indians, who own approximately 40,000 acres of remaining irrigable lands not under ditch, will suffer in common with the white settlers who have made filings on similar lands. Most of this land can not be farmed successfully without water. Approximately \$700,000 have been returned to the Government from the sale of surplus lands and timber on this reservation, which is about one-half the amount invested in completed canals. Approximately 12,000 acres of lands entered by white settlers are under the completed projects. Therefore approximately only \$400,000 out of the sum of \$1,400,000 expended in irrigation on this reservation has been expended for the benefit of white entries. Since under existing law appropriations for irrigation on this reservation are reimbursable from the sale of water rights under the act of May 29, 1908 (35 Stat. L., 449), as well as from the sale of surplus lands and timber on the reservation, it is evident that reimbursement to the Government could not be made from the sale of water rights to white settlers until water is brought to the entered lands. Therefore, under existing law, just in proportion as there is delay in completing the project, there will be lacking returns from the sale of water rights, and the proceeds from the sale of surplus Indian lands and timber on the reservation alone will be drawn upon to reimburse the Government for the cost of construction. In other words, delay in completing the irrigation project on this reservation, through small appropriations, instead of relieving the Indian funds from an improper proportion of the burden of the cost, results in increasing that burden.

Now, some questions were asked a moment ago by some of the gentlemen. I do not remember what they were, but I should be pleased if I might, so far as my knowledge and ability permits, answer any questions submitted by any member of the committee.

MR. CAMPBELL. What I would like to know is what proportion of this ditch or this project is completed?

MR. EVANS. In 1914 this commission reported that 20.7 per cent of the project was completed, and I think approximately 25 per cent of it is completed now, but I do not think 25 per cent of the land is under irrigation.

MR. CAMPBELL. How much of the land is under irrigation?

MR. EVANS. My recollection is that there might be irrigated land—just in a general way; I would not be absolutely accurate in these figures—I should say they irrigate from these projects from 15,000 to 20,000 acres of land. But with an expenditure of \$200,000 now you could put an equal amount of land under your irrigation systems, because you could use the big ditches that are built, and the water could be conducted to the laterals.

MR. CAMPBELL. What is the relative benefit to the Indian and to the white man?

MR. EVANS. The Indians own about one-half of the irrigable lands on the reservation. There are about 150,000 acres and approximately 75,000 acres of it is Indian allotments, and an equal amount is owned by white men.

MR. CAMPBELL. How are the white men required to reimburse the Indians or the Government for the use of this project.

MR. EVANS. At the present time, under present law, the provision was made that the proceeds of the sale of the Indian lands and their timber should be utilized by the Government to reclaim these lands, and that the white man should then pay so much an acre for water on his land and reimburse that fund. Now there has been taken out of the Indians' funds, as I recall, about \$1,000,000 for the purpose

of reclaiming those lands. In other words, the white men who own land there now owe the Indians, through the Government, about a million dollars that the Indians have put in out of the assets of that reservation. A large amount of land was sold to begin with; men homesteaded it and paid from \$2 to \$7 an acre for the land initially. Then they sold the timber and some other resources, making about a million dollars or so that has come off from that reservation and that has gone into the Indian funds for this reclamation purpose.

Mr. CAMPBELL. Has it been used by the Indian Office without appropriation by Congress?

Mr. EVANS. Oh, no.

Mr. CAMPBELL. Has the Indian any security for this million dollars?

Mr. EVANS. I rather doubt if he has.

Mr. CAMPBELL. Probably he will always have a claim, then?

Mr. EVANS. Well, I hardly think so.

Mr. CAMPBELL. Until Congress pays it. Don't you think Congress will ultimately be called upon to pay this money to the Indians?

Mr. EVANS. No; I think not. Under the present law it is provided that the Indians shall bear their proportion of the cost of their land, and that the white man shall bear his proportion of the cost.

Mr. CAMPBELL. The white man is now a million dollars behind the Indian.

Mr. EVANS. Because no lands have been yet paid for. No lands have yet been paid for because we have not gotten to the point where we could charge them, and they are to be paid in 20 annual installments.

Mr. MERITT. This proposed legislation would correct that evil.

Mr. EVANS. The legislation that the Indian Bureau is now asking for here in connection with this bill.

Mr. CAMPBELL. How will this bring this money back to the Indian fund?

Mr. EVANS. As quick as the white men—as soon as the project is completed and the white men pay into the Treasury of the United States the cost of the reclamation, the money will go into the Indian fund.

Mr. CAMPBELL. What is there in the situation there that will bring that money back? The white man who has gone upon that land has probably paid for it, hasn't he?

Mr. EVANS. Oh, no; that is where you are wrong.

Mr. CAMPBELL. Will it come out of the proceeds?

Mr. EVANS. It will come out of the proceeds of the reclamation fund.

Mr. CAMPBELL. Arising from the further payments that will naturally be made on the land?

Mr. EVANS. Yes; he has no title to the land yet. They are waiting for their titles, and they can not get their titles until they pay \$30 or \$40 an acre for the land.

Mr. HAYDEN. Let me read the proposed legislation in here that cures that. The amendment on page 49 says:

Provided further, That nothing contained in the act of May twenty-ninth, nineteen hundred and eight (Thirty-sixth Statutes at Large, page four hundred and forty-four), shall be construed to exempt the purchaser of any Indian

allotment purchased prior to the expiration of the trust period thereon from any charge for construction of the irrigation system incurred up to the time of such purchase, except such charges as shall have accrued and become due in accordance with the public notices herein provided for.

That is the security legislation you are putting in here, to make it sure that any white man who buys land will have to pay his share of the cost.

Mr. EVANS. Yes; he will have to pay his share of the cost of reclamation. Any man who takes up the land from the Government must pay his share, and when it is all paid back into the Treasury, an accounting will be balanced, and the Indian will have his money.

Mr. CAMPBELL. Under what theory is the Indian under obligations to primarily finance those irrigation projects up there, where the benefit is half of it for the white people?

Mr. EVANS. Of course, I was not in Congress at that time.

Mr. CAMPBELL. That is a question we will have to meet on the floor of the House, and we might just as well meet it here.

Mr. EVANS. As I suggested to you, it is a big basin, suitable only for grazing purposes unless it be reclaimed. The Indian lands as they originally stood were worth probably \$2 or \$2.50 an acre without any reclamation. When the land is reclaimed it is worth \$50 or \$60 an acre. It was the theory of the Indian Bureau, on this basis, if they would take this money and reclaim the land it would sell for two or three or four times as much as it would in its natural state; and it was upon that theory, as I understand it. I find here that the Government estimated that that reservation was worth about \$30,000,000—that is, the land and timber—and they were going to take about \$6,000,000 of it and invest it for the purpose of reclaiming and enhancing the value of the lands. Land that could have been bought for \$2 an acre, you could not buy for \$10 to-day, because the country is settled and they have built farms and little cities, and have started reclamation projects there, and the land still belongs to the Indians. There is a large quantity of that timberland that is much more valuable now than it was 10 years ago when this started.

Mr. STOUT. And it was impossible, Mr. Campbell—that is, it was not at all practical to irrigate the Indian land only, because the land was scattered all over, and you could not irrigate without irrigating it all.

Mr. KONOP. Under the law as it now stands, is there any lien on each individual owner's land there, so that the title to the land will not vest until all the charges are paid?

Mr. EVANS. Yes; there is more than a lien on it. The title of the land remains in the Government of the United States. The title was in the Government of the United States, and under the law the settler went on there and paid the appraised value of the land without irrigation, \$2 to \$3 an acre. He paid that money and the Government then gave him a certificate, "you are entitled to this land when you pay, in addition to what you now pay, the cost of the reclamation of that land." And the Government holds the title to it, and these men can not get title until they pay the cost of reclamation, and that is one of the complaints that those people are making, that you will not give them title, and will not reclaim the land so that they can

get title, and consequently they say, "You are apparently going to hold this land always. Now, either abandon the proposition and let us get title or complete the project and let us pay our money and get our titles." The Government owns it now. No titles have passed.

Mr. KONOP. Isn't the State doing anything in the way of reclamation work?

Mr. EVANS. No; I do not know of the State of Montana carrying on any reclamation project. We have some that we call Cary projects up there, but not on Indian reservations, of course.

Mr. NORTON. You have private irrigation projects, though?

Mr. EVANS. Oh, yes; there are a number of private projects.

Mr. STOUT. And they are all very successful, I will say.

Mr. EVANS. And we have some Cary projects, where the Government has set aside certain bodies of land for the State of Montana.

Mr. NORTON. Is this Flathead Reservation the region where they grow fruit?

Mr. EVANS. Yes, sir; the Flathead Reservation, out of last year's crop produced by them, which was a very unusual thing, took about 13 or 14 gold medals at the San Francisco fair, and 7 or 8 of those were taken by Indians. And when you mention the fruit proposition, the Flathead country and the Bitter Root country, which is contiguous to it, took all the fruit medals of the world at San Francisco.

Mr. KONOP. That dark portion on the map here is irrigable land and irrigated land, both, isn't it?

Mr. EVANS. Yes; but no great portion of that has yet gotten water on it.

Mr. KONOP. What is this white portion?

Mr. EVANS. The white is probably grazing land and timber land, and can not be reclaimed.

Mr. KONOP. This white can not be reclaimed?

Mr. EVANS. No; this is reclaimed or reclaimable lands.

Now, in addition to what I have suggested, there is in the upper portion of this valley of the Flathead Reservation, Flathead Lake, which is the largest body of fresh water west of the Great Lakes. That is a lake probably 40 miles long and averaging 5 wide. At the mouth of this lake there are some falls, and it is estimated that they can generate there—this is Indian property, also—it is estimated that they can generate there from 100 to 200 horsepower. They say it is the best water-power proposition outside of Niagara in America. The Government has spent about \$95,000 there on a tunnel for the purpose of starting to generate water power; and that project lies dormant for the lack of funds to go on with that or anything else. There isn't any question about there being ample water there, and there isn't any question about the productivity of the ground. The only question is whether the Government of the United States is going to let it lie idle or take 50 years to do something that a business man would do in 4 or 5 years.

Mr. HAYDEN. The figure stated by Mr. Meritt—\$30 an acre for the total construction cost of the project—is remarkably low. Are you satisfied that the work can be done for \$30 an acre?

Mr. EVANS. It is my judgment, although I have not given the matter sufficient attention to say definitely, that that will cost those people about \$40 an acre.

MR. HAYDEN. The average cost of other reclamation projects in this country is between \$60 and \$70.

MR. EVANS. Well, I have no idea it will cost \$60 or \$70, but I think it will cost \$40.

MR. HAYDEN. That will still be remarkably low.

MR. CARTER. Does that mean putting water on it or leveling it off?

MR. EVANS. Constructing the reservoirs and doing everything to bring the water onto the land.

MR. KONOP. The water that comes to this canal comes from the mountains east of the Flathead Reservation?

MR. EVANS. A large portion of it.

MR. KONOP. Does the water through the canal flow south or north?

MR. EVANS. It flows north, toward the lake.

Now, they are preparing to put a dam across the lake, which will raise the lake 16 feet, and they will then have water enough to cover the whole State of Maryland to a depth of 4 or 5 feet from the surplus water in that lake.

MR. CAMPBELL. And that will be used for irrigation purposes?

MR. EVANS. Yes, sir.

MR. CAMPBELL. What will it take to complete it?

MR. EVANS. I think that can be reasonably completed for about four and a half or five million dollars. But, I think, if you go with your dam at the foot of the lake and build some other storage reservoirs, that they might have to build in the future, that it will cost six or seven million; and of course you will take in some extra land by doing so. But the principal thing that appears to me and to those people is that you have got a lot of water reasonable close to you, but you are not putting it on the land, and we think you should give us some appropriation to do that. The people have lost their crops there for five or six years. They have been there with the tacit understanding that the Government was going to put the water on. They have been waiting for you to do it; and I want to impress upon the committee that this is not a new item, and it belongs to the Indian bill. It appears to you, some of you, now that it was in the nature of an amendment, and so it is in the nature of amendment, but it belongs here and should have been here before, and if it had been here before the probabilities are there would not have been any question about it being a reasonable appropriation. I quite agree with Secretary Lane; if you are going to do anything do not spend \$100,000 and spend half of it buying horses and supplies and then sell them before the year is out because you do not know whether you will get any more appropriation or not, but appropriate enough to get something done.

MR. CAMPBELL. Is the water you refer to in this reservoir high enough to furnish water for all this land?

MR. EVANS. I do not think it would be high enough from the lake to cover all of it, but the Government officials were figuring on generating great power there and possibly pumping some of that water into a reservoir that lies 2 or 3 miles from there, already constructed, upon one of these ditches, and then distribute it from there. But there is ample water there. They are pumping extensively in Montana, and doing it to a considerable degree of success where they do not have to pump more than 10 or 15 feet with electric power.

Mr. CAMPBELL. They can generate electric power farther up the lake?

Mr. EVANS. You may generate power even below; generate it at the foot of the lake and run a wire up a mile or so above and pump water right out of the lake.

Mr. KONOP. Is the Reclamation Bureau under the Secretary of the Interior?

Mr. EVANS. Yes.

Mr. HAYDEN. I want to ask some questions about certain provisions. You have first a provision for the Flathead Reservation for Montana, a little different from the amendment No. 71, which applies to the Fort Peck, and then there is still some difference between that and the Blackfeet Reservation.

Mr. EVANS. I think there is some difference in the proposition, and before Mr. Meritt takes up the question I make this suggestion, that I have talked very largely about the Flathead, because I am better acquainted with that project, but the situation appeals to me as different in this, that on the Flathead Reservation the reservation has been opened and we have a lot of white men in there who homesteaded on this land and whose land is also being reclaimed, but on the Blackfeet proposition there are no white men. It is solely an Indian work. The work was done solely for the Indians. The money was expended out of their funds, and when the land is reclaimed it will belong to the Indians solely. It is the same with Fort Peck, as I understand it.

Mr. KONOP. The Blackfeet and Fort Peck are strictly Indian propositions?

Mr. EVANS. The Blackfeet is; yes, sir.

Mr. MERITT. The Blackfeet is strictly an Indian project at this time, because the reservation has not been opened. Fort Peck, however, is not strictly an Indian project, because the reservation has been opened and some of the land that has already been taken up will be irrigated from this project.

Mr. KONOP. But will it be about half Indian and half white?

Mr. MERITT. It will be about half Indian and about half white.

Mr. KONOP. About the same as the Flathead?

Mr. MERITT. About the same as the Flathead.

Mr. KONOP. Now, in the Fort Peck item the legislation is somewhat longer, and you say in that line 22:

Also in all patents in fee to allottees or their heirs issued before payment shall have been made of all such charges authorized to be made against their allotments there shall be expressed that there is reserved upon the lands therein described a lien for such charges.

Why isn't that language also in the Flathead provision?

Mr. MERITT. I think the general language would make the land on the Flathead Reservation—

Mr. KONOP (interposing). I am talking about—you are talking about the general legislation further back.

Mr. MERITT. Yes, sir.

Mr. KONOP. You have a very drastic provision under this Blackfeet project—amendment 72—saying that the entryman upon the surplus unallotted land to be irrigated must comply with the homestead laws and before receiving patents for the land shall pay the charges apportioned against the tract, and a failure to make any

two payments when due shall render the entry subject to cancellation with the forfeiture to the United States of all rights under the provisions of this act, as well as all the money paid. You are going to clean him right out in two years without any show for his white alley at all. That provision does not occur in the other two, and I wondered why you were so drastic on the Blackfeet Reservation, which is purely Indian.

Mr. MERITT. Because we will ultimately have land to be taken up by white people on that reservation. They have not taken the land yet.

Mr. KONOP. It seems to me the white man would be very slow about taking any lands under a proviso as drastic as that. I think if you want settlement in there you had better change that legislation.

Mr. MERITT. I see no objection to changing that language so as to leave the discretion with the Secretary of the Interior.

Mr. HAYDEN. I see that you have an item here in amendment 73 providing for \$22,400 to be paid to George W. Cook and David La Breche. What about that?

Mr. MERITT. Those Indians have had their allotments and certain property taken away from them on the Blackfeet Reservation, in connection with this irrigation project, and it is for the purpose of reimbursing those Indians for the property taken by the Government in the construction of the irrigation project.

Mr. HAYDEN. Now, in section 74 you state that the work shall be done by the Reclamation Service on plans furnished by the Commissioner of Indian Affairs.

Mr. MERITT. I think that ought to be the Secretary of the Interior.

Mr. HAYDEN. Then, you provide \$19,575 for certain motor-propelled vehicles. Are those vehicles necessary in connection with this work?

Mr. MERITT. Yes, sir. Under existing law we can not buy motor-propelled vehicles without specific authority of law.

Mr. HAYDEN. Now, a year ago, when the Indian bill went into conference, similar legislation to this was agreed to and was in the bill that failed.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. I think, for the information of the committee, that we ought to print the language agreed to in the last Congress, so that we can compare it with what you have here. I have read the two over hastily, and I find that you have practically agreed to the same thing that was very carefully thought out in the other Congress.

Mr. KONOP. Did the conferees agree to it?

Mr. HAYDEN. Yes, they agreed to it; and it was reported to both Houses.

Now, you state here, at the bottom of page 54, beginning with line 22:

That the tribal funds heretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing irrigation systems on said reservation shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as may be made under existing law.

A year ago instead of stating it in general terms, the bill provided that \$440,217.78 of the Flathead Indians' money that had been used, and \$4,544.40 of the Blackfeet money, and \$80,425.75 of the Fort Peck money should revert to the Treasury as provided herein. Has there been any change in those totals?

Mr. MERITT. We have been spending funds in the meantime, and it is largely a question of bookkeeping as to the exact amount, and we thought we would not attempt to state the exact amount, because it might be an error.

Mr. HAYDEN. What would be the approximate amount? Can you get us the figures and bring it up to date, as near as you can, and insert it in the record?

Mr. MERITT. I will put the figures in the record.

Mr. HAYDEN. We would like to know just what we are doing by that general language, as it involves a considerable sum of money.

Mr. MERITT. The records of the office show the following amounts covered into the Treasury as miscellaneous receipts as reimbursement to the United States from tribal funds on account of expenditures from reimbursable appropriations for irrigation purposes for the Blackfeet, Flathead, and Fort Peck Indians. The figures are as follows:

| | |
|-----------------|--------------|
| Blackfeet | \$4, 544. 40 |
| Flathead..... | 440, 217. 78 |
| Fort Peck..... | 80, 425. 75 |
| Total | 525, 187. 93 |

These figures are the same as those contained in the estimates for the fiscal year 1916, no further reimbursements having been made.

I wanted to call Mr. Campbell's attention to this specific language that you have just read. He was asking about reimbursing the tribes, and I would like for him to know that this legislation provides for the reimbursing of the tribes, for the funds already expended.

Mr. HAYDEN. Now the remainder of the amendment is the same as were agreed upon a year ago in the conference report, and are taken bodily from the reclamation-extension act. You provided that the same payments should be made, 20 annual payments, under the reclamation act.

Mr. MERITT. Yes, sir. Before we leave the Montana items, I would like to say that any remark I made was not intended as a reflection on any one. The Montana Senators and Representatives have been cooperating with the department, and they have been very helpful in getting not only the appropriation, but the legislation that we desired.

Mr. KONOP. Do they get along pretty well? Does the Montana delegation get along pretty well?

Mr. MERITT. We are very found of the Montana delegation.

Mr. CARTER. The next amendment is No. 76, page 26, changing the number of section 11 to section 12.

The next amendment is No. 77, page 57, line 2, strike out "\$5,000" and insert "\$10,000."

What is the necessity for that, Mr. Meritt?

Mr. MERITT. Those amendments to this school item were placed on the bill in the Senate at the request of Senator Hitchcock. He

feels that these appropriations could be used to advantage at that school, and we concurred in that desire—that the appropriation should be obtained.

Mr. KONOP. Now, what did you estimate for originally to this committee for general repairs and improvements?

Mr. MERITT. Our estimates for this school, found at page 249 of the House hearings, are as follows:

For support and education of four hundred Indian pupils at the Indian school at Genoa, Nebraska, including pay of superintendent, \$68,000; for general repairs and improvements, \$10,000; for new boilers at power plant, extension of water and sewer main, and for construction of septic tank, \$10,800; in all, \$89,600.

Mr. CARTER. That is increased about \$15,000 above your estimate.

Mr. MERITT. There are two items asked—one for suitable employees' quarters, for physician, principal teacher, and clerks, \$7,000, and then the bridge item, \$6,500.

Mr. CARTER. What have you to say about that?

Mr. MERITT. This bridge across the Niobrara River—

Mr. KONOP (interposing). What about these employees' quarters?

Mr. MERITT. The amendment for employees' quarters was proposed by Senator Hitchcock on the floor of the Senate, page 5639 of the Congressional Record. We will be glad to have that appropriation, because the school is rather overcrowded on account of lack of employees' quarters. And we would like to have the physician a regular physician, located at this school, instead of the contract physician we now have. This contract physician lives in the town of Genoa, and if we could have a regular physician we would have him located on the school grounds. The item for repairs to the Niobrara bridge was proposed on the floor of the Senate, as shown on page 5640 of the Congressional Record.

Mr. CARTER. You did not ask for that in the estimates?

Mr. MERITT. No, sir.

Mr. CARTER. Did you know you needed it then?

Mr. MERITT. We knew we needed it, but we did not ask for it, for the simple reason that we are trying to keep the estimates down to the lowest point possible.

Mr. CARTER. There is no more necessity for it now than there was then, is there?

Mr. MERITT. No, sir.

Mr. CARTER. The next amendment is No. 78, for suitable employees' quarters. That is the one we have been discussing.

The next is No. 79, page 57, line 12, strike out "\$84,600" and insert "\$103,100."

The next is amendment No. 80, page 57, line 13:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches to be made under the laws of the State of Nebraska upon the allotments of certain Omaha and Winnebago Indians in Wakefield drainage district, in Dixon, Wayne, and Thurston Counties in Nebraska.

That the Secretary of the Interior be, and he is hereby, authorized to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed \$10 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000, to be immediately available, the said sum to be reimbursable from the rentals of said allotments,

not to exceed fifty per centum of the amount of rents received annually, or from any funds belonging to the said allottees, in the discretion of the Secretary of the Interior.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Nebraska.

That in the event any allottees shall receive a patent in fee to any allotment of land in any lawfully constituted drainage district within the State of Nebraska before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying these provisions into full force and effect.

Mr. MERITT. We did not ask that this item go in the Indian appropriation bill. It was placed in the bill at the request of Senator Norris, of Nebraska, page 5640 of the Congressional Record. We see no objection to the proposed legislation.

Mr. CARTER. What page of the Senate hearings does that appear on?

Mr. MERITT. There were no hearings on the item. It was placed in the bill on the floor of the Senate, and the discussion is found on page 5640 of the Congressional Record.

Mr. CARTER. Your department did not estimate for it?

Mr. MERITT. No, sir; but we have no objection to the legislation.

Mr. CARTER. But you did not recommend it?

Mr. MERITT. No, sir.

Mr. CARTER. Do you think it is necessary?

Mr. MERITT. There are certain Indian allotments within this drainage district, and we would be glad to see the legislation enacted.

Mr. CARTER. But your bureau had not found the necessity for it when you appeared before the House committee?

Mr. MERITT. We did not recommend it before the House committee.

Mr. CARTER. And there is no more reason for its necessity now than there was then?

Mr. MERITT. Not within my knowledge.

Mr. HAYDEN. Has your bureau favorably reported on any bill to this effect?

Mr. MERITT. I do not recall the department making a report on it; but I have read the legislation carefully, and the interests of the Indians are protected.

Mr. HAYDEN. But you never have had any investigation made on the ground as to how many acres of land are affected or how many Indians are affected?

Mr. MERITT. No, sir.

Mr. HAYDEN. You ordinarily would do that in the case of a bill that is referred to you?

Mr. MERITT. We may have made a report on the bill, but we have not made any investigation. I think we have reported on the bill, but we have not made a local investigation.

Mr. KONOP. Has there been any bill introduced into the House to this effect?

Mr. MERITT. I think so. I believe Congressman Stephens, of Nebraska, has introduced a bill, No. 11411. The department submitted a favorable report on the bill under date of March 4, 1916.

Mr. KONOP. As I understand it, there are some Indian allotments in some drainage districts, and the white people are building a drainage ditch to drain their lands, and you think it would benefit the Indian allottees to drain theirs also?

Mr. MERITT. Yes, sir.

Mr. NORTON. Is there any general legislation for cases of this kind, where irrigation ditches are being run through Indian allotments?

Mr. MERITT. We have general legislation which enables us to grant rights of way for the ditches across Indian allotments; but this legislation would require an appropriation to drain the Indian lands, and we have no general legislation applicable to that feature.

Mr. NORTON. Have you no general legislation covering this feature in this item:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

Mr. MERITT. Yes, sir; we have legislation covering that.

Mr. NORTON. Well, that particular part of this item would not be necessary then.

Mr. MERITT. Not absolutely necessary, but as long as we are having legislation, they might make the item complete.

Mr. CARTER. We will adjourn until 2 o'clock this afternoon.

AFTER RECESS.

The committee reassembled at 2 o'clock p. m., at the expiration of the recess.

STATEMENT OF MR. EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS—Continued.

Mr. CARTER. The committee will come to order. Page 59, amendment No. 81, which is only a change of the number of the section. No. 82, to strike out—

For the support and education of two hundred and eighty Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendents, \$48,760; for general repairs and improvements, \$8,000; for irrigating school farm, \$4,000; in all, \$60,760.

And inserting in lieu thereof the following:

For support and education of three hundred Indian pupils at the Indian school at Carson City, Nevada, including pay of superintendent, \$52,100; for general repairs and improvements, \$8,000; for irrigating school farm, \$4,000; for new dormitory building, \$25,000; in all, \$89,100.

Mr. CARTER. What justification have you for that?

Mr. MERITT. Mr. Chairman, that is exactly in accordance with our estimates. The item is fully justified beginning with page 253 of the House hearings, and it also is referred to on page 216 of the Senate hearings. This is one of our good schools. We have between 7,000 and 8,000 Indians in the State of Nevada, and we can fill this school to its full capacity. We recently sent there a new superintendent, who is building up the school, and we hope to have the conditions of that school very materially improved, and if we can get the additional dormitory that we are asking for we can increase the attendance from 280 to 300 Indian children.

Mr. CARTER. You only had an average attendance last year of 256.

Mr. MERITT. Yes, sir.

Mr. CARTER. So the school was not full last year?

Mr. MERITT. No, sir; but we have sent a new superintendent there since this report was made up, and he is one of our good superintendents, and I think the school will be filled to its capacity.

Mr. KONOP. Was the old superintendent an inefficient man?

Mr. MERITT. He was not as strong a school man as we needed for that institution.

Mr. KONOP. Now, the new dormitory building is the increase that you have?

Mr. MERITT. Yes, sir.

Mr. KONOP. And then the increase in the number of pupils from 280, which we allowed in the House bill, to 300, and the Senate has raised that appropriation from \$48,000 to \$52,000?

Mr. CARTER. Do you not think that 280 would be sufficient there for the coming year?

Mr. MERITT. With this appropriation we could have 300 children there. If the House feels that they want to reduce the number, we will try to get along with the appropriation for the 280. We very much prefer to have the appropriation for 300 children.

Mr. KONOP. Do you know anything about the conditions of the dormitories there now?

Mr. MERITT. The dormitory facilities are not adequate; they are entirely inadequate.

Mr. KONOP. I mean as to the condition of the buildings at the present time?

Mr. MERITT. The superintendent was in the city recently, and he told me that we very much need an additional building there for dormitory purposes.

Mr. KONOP. The old buildings are all right; what you want is more room. Is that it?

Mr. MERITT. Yes, sir.

Mr. CARTER. You have the capacity already for 286, have you, Mr. Meritt?

Mr. MERITT. Yes, sir; at this time.

Mr. CARTER. So that if we do not increase it above 286, you will have no necessity for the new dormitory?

Mr. MERITT. Yes, sir. We need the new dormitory, even if the attendance remains at 280.

Mr. CARTER. Why do you need a new dormitory if you have a capacity of 286?

Mr. MERITT. Because the children are very much crowded in the present buildings.

Mr. CARTER. When you say "capacity," that means that you can take care comfortably of 286 people, does it not?

Mr. MERITT. We can not take care of them and give them the air space that they need in the dormitories.

Mr. KONOP. In the hearings on this proposition it is stated that this \$25,000 expense was for the housing of 14 pupils. That is, 14 additional pupils that can not be housed now.

Mr. MERITT. Of course, we are housing those pupils, but we are not housing them in a satisfactory way, and we need this new dormitory to bring this school plant up to the required standard.

Mr. KONOP. What is the value of the buildings, the dormitories, as they now stand? Do you know? I mean, what the valuation of them is?

Mr. MERITT. There is a typographical error here in the printing of this table, showing the value of school plant. The correct amount is \$84,068.20.

Mr. CARTER. The value of it, then, is not \$8,000,000?

Mr. MERITT. No, sir; that is a typographical error.

Mr. KONOP. Have you any idea what the probable value of the present building that you now have, that is used as a dormitory, is? Have you any figures as to that?

Mr. MERITT. It is probably not far from \$10,000.

Mr. KONOP. Don't you think an addition for 14 more pupils asking for \$25,000 is too much?

Mr. MERITT. We want to put up a substantial building there and transfer those pupils to this new dormitory building.

Mr. CARTER. What are you going to do with the old dormitory?

Mr. MERITT. We would use that for school purposes. We might want to use it for a gymnasium or for a dining room. That would depend upon the recommendation of the superintendent.

Mr. CARTER. Don't you think it is a pretty extravagant proposition, Mr. Meritt, to spend \$25,000 for just an addition for 14 pupils?

Mr. MERITT. When we get this building up, Mr. Carter, we can still increase the capacity of that school probably up to 350.

Mr. CARTER. So you have in mind the increasing of the school next year after this?

Mr. MERITT. After the building is completed we can increase the capacity of the school, and we find that it is good administration to have a larger number of pupils at these nonreservation schools, because the cost per capita is low.

Mr. CARTER. What Indians attend this school?

Mr. MERITT. Indians generally from Nevada. We have between 7,000 and 8,000 Indians in Nevada. These Indians have been very largely neglected by the Government and we are trying to do something for these Indians in the way of education as well as purchasing lands for them.

Mr. HERNANDEZ. What Indians are they?

Mr. MERITT. They are different bands of Indians. We have several schools and agencies there known as the Fallon School, the Fort McDermitt Agency; the Moopa River Agency, the Nevada Agency; the Walker River Agency; the Western Shoshone Agency; and then we have the scattered bands that are not under agencies.

Mr. CARTER. The next amendment is No. 83, to insert the following:

For the purpose of procuring homes and farm sites, with adequate water rights, and providing agricultural equipment and instruction and other necessary supplies for the non-reservation Indians in the State of Nevada, \$15,000.

What have you to say about that, Mr. Meritt?

Mr. MERITT. That item was placed in the bill at the request of Senator Pittman, of Nevada, and is referred to on page 5640 of the Congressional Record. There are quite a large number of Indians in that State without any land whatever. They are squatted on public and private lands.

Mr. CARTER. Did the Senate committee take any action on this item?

Mr. MERITT. I find, Mr. Carter, that this was discussed in the Senate committee, as shown on pages 218 and 219 of the Senate hearings. The department submitted a favorable report under date of February 8, 1916, and recommended an appropriation of \$15,000.

Mr. KONOP. I would like to ask you why the Washoe Tribe is mentioned separately and the other Indians are put in there in general terms in No. 83? Are the Washoe Indians homeless Indians?

Mr. MERITT. Yes, sir. They are a small band of Indians that have been living around a town there in Nevada, and the owner of the land is about to require these Indians to move, and it will be necessary that we purchase some land for them.

Mr. KONOP. Then, the homeless Indians provided for in No. 83 are entirely different Indians from the Washoe Indians?

Mr. MERITT. Yes, sir.

Mr. KONOP. Do you know the names of these Indians?

Mr. MERITT. No, sir; they are not known by any particular name.

Mr. CARTER. How many of them are there?

Mr. MERITT. They are just a scattered band of Indians. There are over 3,000 Indians in Nevada without lands at this time.

Mr. CARTER. Do you know what tribes they belong to?

Mr. MERITT. No, sir.

Mr. HERNANDEZ. There are considerable public lands in the State of Nevada, are there not?

Mr. MERITT. There is considerable public land, but it is largely of no great value, because of lack of water.

Mr. KONOP. I noticed when we were on the California items there were some items providing for the purchase of land for bands of Indians in northern California.

Mr. MERITT. Yes, sir.

Mr. KONOP. I was wondering whether or not this band in Nevada is some kin to these Indians in California?

Mr. MERITT. They may be related in some way, but I have no information upon the subject.

Mr. CARTER. Where do you propose to get these lands if this item is adopted?

Mr. MERITT. We will buy lands in the community in which the Indians are living.

Mr. CARTER. From the white settlers?

Mr. MERITT. From the white settlers; and we will be sure to get a water right to accompany the land, so that the land can be cultivated.

Mr. CARTER. You say that there is no public land in Nevada that might be subject to irrigation that is not taken up?

Mr. MERITT. Most of the valuable land has been taken up. Water is very scarce, as you know, in that State.

Mr. CARTER. The next amendment is, on page 60, line 12, amendment 84, insert:

To be immediately available and to remain available until expended.

Mr. MERITT. This item will be found on page 218 of the Senate hearings and on page 259 of the House hearings. We are asking that that appropriation be made immediately available and to remain available until expended for this reason: It is sometimes impossible to purchase the land and get the title passed on by the Department of Justice or the Solicitor for the Interior Department and the transaction closed up during the fiscal year.

Mr. CARTER. Under the law you are permitted to have the use of that money for one or two years after the fiscal year expires if contracts are made for it, are you not?

Mr. MERITT. In buying land I think the deed must be executed before the close of the fiscal year, and in purchasing land we are required to submit the title to the solicitor of the department or to the Attorney General.

Mr. CARTER. Can you give me the citation of that law that requires you to complete the title within the fiscal year that the money is appropriated?

Mr. MERITT. The laws applicable read as follows:

Section 5 of the act of June 20, 1874 (18 Stat. L., 110):

That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, lighthouses, fortifications, and public buildings, or the pay of the Navy and Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress, and this provision shall not apply to any unexpended balance of the appropriation made by the act approved December twenty-first, eighteen hundred and seventy-one, for expenses that may be incurred under articles one to nine of the treaty with Great Britain concluded May eighth, eighteen hundred and seventy-one, which balance the act approved March third, eighteen hundred and seventy-three, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty: *And provided further*, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act; and the Secretary of the Treasury shall at the beginning of each session report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by this section that may need to be reappropriated.

Section 7 of the act of August 24, 1912 (37 Stat. L., 417-487), reads:

No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June twentieth, eighteen hundred and seventy-four, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes

Mr. KONOP. I want to ask some more questions about No. 83, about the homeless Indians in Nevada. Do you know whether or not these Indians are destitute?

Mr. MERITT. Yes, sir.

Mr. KONOP. Do they need assistance?

Mr. MERITT. Yes, sir. They have no money of their own, and they are very much in need.

Mr. KONOP. Do you not carry a general provision of \$200,000 or \$300,000 for the support of destitute Indians not otherwise provided for in the bill?

Mr. MERITT. That provision, however, is not available for the purchase of land. It requires specific authority of law for us to purchase land for Indians, and we could not purchase land for them under that relief and assistance appropriation.

Mr. KONOP. Have these Indians ever been given any rations, or have they been otherwise provided for by the department, in view of the fact that they are destitute and are not otherwise provided for?

Mr. MERITT. We helped them to a limited extent.

Mr. KONOP. So the only reason that you have this in as a special provision is that you want to buy some lands for the Indians?

Mr. MERITT. Yes, sir.

Mr. KONOP. Do you think, when they get those lands, they will be self-supporting, and that they will not require any more help from the Government?

Mr. MERITT. Yes, sir.

Mr. CARTER. Amendment 85 is to correct a section number. Amendment 86 adds the words "or in the vicinity of," in line 20, page 60.

Mr. MERITT. This amendment is discussed on page 96 of the Senate hearings. We expect to buy land adjoining the school grounds, but we wanted a little latitude, because we thought that the owner of that land might want to hold us up for a high price if we did not have that latitude in the law.

Mr. HERNANDEZ. That is very desirable. They can probably get a better price with that amendment.

Mr. CARTER. Line 22, amendment 87, is to strike out the following:

For support and education of three hundred and fifty Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, \$59,550; for general repairs and improvements, \$6,000; for water supply, \$1,600; in all, \$67,150.

And to insert in lieu thereof the following:

For support and education of four hundred Indian pupils at the Indian school at Santa Fe, New Mexico, and for pay of superintendent, \$69,050; for general repairs and improvements, \$8,000; for water supply, \$1,600; for the construction of an assembly hall and gymnasium, \$25,000; in all, \$193,650.

There is an increase of \$36,500. What have you to say about that, Mr. Meritt?

Mr. MERITT. This item will be found on page 264 of the House hearings and pages 304 and 305 of the Senate hearings. The increase was made at the request of Senator Catron, of New Mexico. The enrollment has been increased from 350 to 400 pupils.

Mr. HERNANDEZ. In the first place, the calculation for 350 pupils was erroneous, was it not? It amounted to more than \$59,500, with the salary of the superintendent?

Mr. MERITT. The estimates of the department were for 350 pupils, and we can enroll 400 pupils at this school, and we would be glad to have that enrollment. The department estimated for repairs \$8,000, the amount allowed by the Senate, and we also requested an appropriation of \$1,600 for a water supply. That has been carried in the bill for a number of years. The new item for the construction of an assembly hall and gymnasium, \$25,000, was added at the request of Senator Catron. The Congress two years ago authorized the construction of an assembly hall and gymnasium at the Albuquerque School and we need the same building at the Santa Fe School.

Mr. KONOP. I should like to know why you should have an assembly hall and gymnasium at this school when you are not providing such facilities, say, at Genoa, Nebr., and other Indian schools.

Mr. MERITT. We have gymnasiums and assembly halls at quite a number of the nonreservation schools. We have found them very helpful and beneficial to the Indian children, where we have an enrollment of 400 or 500 children; we find that it is very desirable to have an assembly hall for the entire school population.

Mr. KONOP. Is not there an assembly hall at this school now of some kind?

Mr. MERITT. Yes, sir; but it is not sufficiently large to accommodate all of the children of the school.

Mr. KONOP. Is there a farm in connection with this institution?

Mr. MERITT. Yes, sir.

Mr. KONOP. Do you not think that the pupils would get plenty of exercise out on the farm?

Mr. MERITT. They need exercise at night, when they have been studying all day.

Mr. HERNANDEZ. In connection with that assembly hall, I will say that I have attended several meetings or entertainments given by these schools. The Indians are mostly Pueblo Indians, and are very efficient as students, very much better than any other reservation Indians, and they have given exhibitions quite often, and I have gone there when half of the people could not get into this hall room where they hold these meetings, and I remember about three years ago, when I was in Santa Fe, that the question of a new place where these meetings could be held was discussed at that meeting. It is very desirable for them to have a new building such as is contemplated by this item.

Mr. KONOP. We can not provide an assembly hall for people who go to entertainments. We are providing an assembly hall for the pupils.

Mr. HERNANDEZ. I know.

Mr. KONOP. The assembly hall, however, can accommodate these people who want to see these pupils go through their exercises. We would undoubtedly have to provide a much larger assembly hall. In the school buildings we usually have an assembly hall to accommodate the pupils, and when there is anything going on we may accommodate a few mothers and fathers.

Mr. TILLMAN. Well, it is very desirable to have a chapel or assembly hall for the commencement exercises and things of that kind.

Mr. KONOP. Is it proposed to build a gymnasium and to use that gymnasium as an assembly hall, or are there to be two separate buildings?

Mr. MERITT. There is to be one building.

Mr. KONOP. Just one room?

Mr. MERITT. The assembly hall and gymnasium will be in one building.

Mr. CARTER. What is the capacity of that school, Mr. Meritt?

Mr. MERITT. At this time it is 350.

Mr. CARTER. No; the capacity.

Mr. MERITT. We can accommodate 400 pupils there.

Mr. CARTER. What was your average attendance last year?

Mr. MERITT. The enrollment was 380. The average attendance was 354. The cost per capita, based on enrollment, was \$163.

Mr. CARTER. The per capita cost ought to be based really on attendance.

Mr. MERITT. Based on average attendance, the per capita cost was \$175.

Mr. CARTER. That is a very low cost per capita.

Mr. MERITT. Yes, sir; this school is a very fine school and is well administered.

Mr. HERNANDEZ. Oh, yes; it is.

Mr. CARTER. How many buildings have you there now?

Mr. MERITT. We have 28 buildings.

Mr. CARTER. What is the value of your school plant now?

Mr. MERITT. \$155,276.

Mr. CARTER. No. 88, line 16, is to strike out the following: "\$15,000, said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians."

What is the necessity for that?

Mr. KONOP. And you insert "\$54,000."

Mr. CARTER. What is the necessity for the increase, first?

Mr. MERITT. This item was increased at the recommendation of the Senator from Colorado, as shown by the discussion in the Senate committee, pages 97 and 102 of the hearings.

Mr. HERNANDEZ. The \$15,000 was placed in by a House amendment, if you remember, for commencing—not for finishing—but for commencing the road, and when they got to discussing it in the Senate, I understand that the Senator from Colorado and the Senator from New Mexico thought that it would be more advisable to finish the road as long as they were building it. Building a road by piecemeal is never satisfactory. It runs right through the reservation. These Indians have a good deal of business to transact at the towns in that neighborhood, and also in the towns in the neighboring counties of La Plata and San Juan, in Colorado and New Mexico.

Mr. KONOP. Is this the provision that Mr. Taylor appeared before the committee and was heard on?

Mr. MERITT. Yes, sir.

Mr. KONOP. As I understand this, in asking for only \$15,000, it was with the understanding that the Government in behalf of the Indians would help to contribute toward this road; but I understand that it was the local authorities, or the States there that were going to build this road?

Mr. HERNANDEZ. This road is about 150 miles long, you understand, and this item of \$54,000 will not cover more than one-third of

the proposition, perhaps not that, of the building of this road, and the Indians, they have a good deal of stuff to haul up and down the road. It runs right through the reservation, and in the southern part of our State.

Mr. KONOP. And this road will be built for the whites in Colorado?

Mr. HERNANDEZ. Oh, well, up to the line of the reservation only, and by the county of McKinley in my State.

Mr. CARTER. Mr. Meritt, you did not ask for this before the House committee at all—this road?

Mr. MERITT. That was not included in our estimate, but Secretary Lane, in a letter dated January 28, 1915, to the chairman of the House Committee on Indian Affairs, Mr. Stephens, recommended an appropriation of \$15,000 for this work. That letter is found on page 98 of the Senate hearings.

Mr. CARTER. Was that after the Indian appropriation bill had been reported by the House Committee on Indian Affairs?

Mr. MERITT. I think so; this letter is dated January 28, 1916.

Mr. CARTER. Mr. Meritt, what have you to say about the necessity for this increase of \$39,000?

Mr. MERITT. Of course, it would be good administration for them to have the entire appropriation available at one time, rather than to construct the road by piecemeal.

Mr. CARTER. You would always prefer to have that in all appropriations, would you not, in building roads, and things of that character?

Mr. MERITT. Yes, sir.

Mr. CARTER. So your reasoning for that would be the same as your general reasoning for such items?

Mr. MERITT. Yes, sir.

Mr. CARTER. Why was this language struck out, "said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians"?

Mr. MERITT. Those Indians have no funds at this time, and I believe it was decided that it might as well be a gratuity appropriation; but, so far as the office is concerned, we have no objection to that language going back.

Mr. CARTER. They have lands?

Mr. MERITT. Yes, sir; they have lands, and they will ultimately have funds to their credit.

Mr. HERNANDEZ. I do not know who had that struck out of there.

Mr. CARTER. I think that ought to stay in.

Mr. HERNANDEZ. Yes; I think so.

Mr. CARTER. No. 89 is to correct a section number. No. 90 is also to correct a section number, and No. 9 is to insert the following:

For building a bridge across the Ocona Luffy River at Cherokee on Government Indian school reservation in Swain County, North Carolina, \$15,000.

What is the necessity for that, Mr. Meritt?

Mr. MERITT. That was not estimated by the department, but was placed in the bill on the floor of the Senate.

Mr. CARTER. What page of the Senate hearings is it?

Mr. MERITT. I do not find it in the Senate hearings, but a discussion of the item is found on page 5744 of the Congressional Record of March 28.

Mr. CARTER. How much land is there in this Government Indian school reservation in Swain County, N. C.?

Mr. MERITT. The Cherokee Indians have got a large reservation. They have 63,211 acres.

Mr. CARTER. Have they any funds in the Treasury?

Mr. MERITT. They have only \$10,656.

Mr. CARTER. Is there any reason why those funds should not be applied to the building of this road?

Mr. MERITT. I would see no objection to make this item reimbursable, to be paid out of the funds which may hereafter be to the credit of these Indians.

Mr. CARTER. There would be no objection to that at all?

Mr. MERITT. No, sir.

Mr. CARTER. Have they any unsold property from which moneys might be derived or any other sources of revenue?

Mr. MERITT. They have some timberlands and some unallotted lands that may ultimately be sold and the money come into the Treasury.

Mr. KONOP. Mr. Meritt, has there been a bridge at this place?

Mr. MERITT. No, sir.

Mr. KONOP. Is it a new road that has been built through there?

Mr. MERITT. The State, I believe, has built a road up to the reservation line, and this stream is the boundary of the reservation.

Mr. KONOP. How far is it from the point where the road comes to the reservation across the reservation to the other end?

Mr. MERITT. I could not give you the exact information on that.

Mr. CARTER. Would your bureau have any objection to cutting this item down to \$10,000 and make it reimbursing?

Mr. MERITT. I think it is estimated that the bridge would cost about \$15,000.

Mr. CARTER. Have you any treaty with these Indians?

Mr. MERITT. Congress would have the authority to do that.

Mr. CARTER. Would it be in violation of a treaty?

Mr. MERITT. No, sir.

Mr. CARTER. No. 92 is to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to acquire a site at or near the town of Pembroke, Robeson County, North Carolina, and cause to be erected thereon suitable buildings for a school for the Indians of Robeson County, North Carolina, now living in Robeson and surrounding counties in North Carolina, and the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the site and the erection of the buildings. That after the aforesaid buildings are erected the sum of \$10,000 is hereby appropriated for the conduct and maintenance of said school for the Indians of Robeson County, North Carolina, under the supervision of the Secretary of the Interior, in accordance with the provisions of law for the conduct and maintenance of schools for the Indians by the United States Government.

Mr. MERITT. That item is discussed on page 533 of the Senate hearings. We have about 8,000 Indians in North Carolina. A large number of those Indians are without school facilities. They are not permitted to attend the white schools, and the Indians will not attend the colored schools, and the State has provided a few schools for the Indians, but—

Mr. CARTER (interposing). You say that they are not permitted to attend the white schools?

Mr. MERITT. No, sir.

Mr. CARTER. Those are the Croatan Indians, are they not?

Mr. MERITT. I think they are. I feel that the Government ought to do something for the Indians. The children are not being educated.

Mr. HERNANDEZ. They can not go either to the white or the colored schools?

Mr. CARTER. He said that they would not let them go to the white schools, and I presume that they will not go to the colored schools.

Mr. MERITT. I would be very glad to have this appropriation remain in the bill as finally passed.

Mr. KONOP. What kind of an institution do you propose to put up for \$50,000?

Mr. MERITT. We are going to put up a small boarding school.

Mr. KONOP. I am afraid that after a while you will be asking for \$100,000 more to enlarge that institution. Do you not think so? It is certainly a small amount of money to provide buildings for a boarding school, to erect dormitories and sufficient housing facilities—schoolrooms.

Mr. MERITT. I think we ought to provide as large a school as we can with this appropriation, and if we are not able to provide for all of the children, we ought to come back and ask for a larger appropriation.

Mr. KONOP. Don't you think that it would be better for the Government to go down there and build, say, 15 or 20 small schools, day schools, and have the children attend these schools just as they do other public schools, instead of having a boarding school at some central place and board the Indian children there? Why not provide small schools like they provide for the negro and the white children in North Carolina?

Mr. MERITT. I asked the Indians that very question when they were here this winter, and they said some of them were so poor that if they relied on a day school the children would not attend it. They would have to work the farm where they are tenants, and the owners of the land require not only the Indian man of the family but as many of the children as possible to work, and they will not get very much benefit from the day schools if constructed, and they would prefer to send their children off to a boarding school. That is the statement the Indians made to me.

Mr. CARTER. Most any person would prefer to have his child boarded if he could dispense with that expense himself. I think that statement of these Indians is one of the evidences that they are pretty capable fellows themselves.

Mr. KONOP. You stated that the landlords—that is, I understand that these Indians are tenants on white men's property?

Mr. MERITT. A large majority of them are.

Mr. KONOP. Do they require the work of these children on these farms, together with the parents?

Mr. MERITT. So the Indians stated to me.

Mr. KONOP. If you are going to take them away from the farm and take them over to this boarding school, they will be away from the landlord?

Mr. MERITT. If the Indian is not there he will not be able to work.

Mr. CARTER. These Indians do work?

Mr. MERITT. Yes, sir.

Mr. CARTER. I think you are starting a pretty bad practice. Here is one bunch of Indians that we have found who will work.

Mr. KONOP. Here is another question I want to ask you. If you provide a boarding school with \$50,000, you know what a small institution that will be. That would not be much of a school.

Mr. MERITT. Between 7,000 and 8,000 Indians live in North Carolina, but we have one boarding school now, and there are also a number of day schools where these Indian children attend.

Mr. KONOP. Would it not be better to provide for day schools and thereby provide for more of these children instead of educating simply two or three hundred? Don't you think that that would be a better proposition?

Mr. MERITT. It would probably be a better proposition.

Mr. KONOP. You would educate more of them for less money?

Mr. MERITT. Yes; I think it would be a more economical plan.

Mr. KONOP. Eight thousand Indians—probably half of these Indians are children, are they not?

Mr. MERITT. Yes, sir.

Mr. KONOP. That would mean 4,000 children, and if you provide one school for \$50,000, you would probably be able to educate about a hundred, while, if you provide small day schools like the schools of the State for the whites and the negroes, you would be able to educate a much larger number of Indians?

Mr. CARTER. There are only 800 not provided with schools now; 800 children according to the statement here.

Mr. KONOP. I would be in favor of spending \$50,000 in building, say, 10 small schools of a couple of thousand dollars each, where these Indians now live, and provide them with teachers just like the country schools are provided with teachers, and I think that you would educate more of these Indians with this money than you could educate in a boarding school like you propose with a whole lot money.

Mr. MERITT. I think that would be a good amendment to this bill.

Mr. CARTER. I notice that you have a clause in this paragraph providing for the operation of this school even before you get the appropriation to begin the building of it.

Mr. MERITT. Of course, we realize that it will take practically the entire year to build the plant.

Mr. CARTER. You could not build the school—after June 30 of this year, you could not build a school and organize it and start it off for that term during that same year, because your school term would be out within the 12 months?

Mr. MERITT. You realize that this item is not the item of the Indian office, but is the amendment offered by the Senator from North Carolina.

Mr. CARTER. Have you ever seen a provision like this in any item which authorizes the building of a school?

Mr. MERITT. No, sir; it is not usual.

Mr. CARTER. You have a provision in here of \$10,000 to operate the school before the construction of the school is even begun, and even before the appropriation is made.

Mr. MERITT. I like the suggestion of Mr. Konop of providing the day schools.

Mr. CARTER. Has the department made any report on this measure to either House of Congress?

Mr. MERITT. I think the department has submitted a report.

Mr. CARTER. Was that report favorable or unfavorable?

Mr. MERITT. It was more inclined to be unfavorable than favorable, if I remember correctly.

Mr. KONOP. I would like to ask you a question about this. These Indians, they are grouped in certain localities in North Carolina, are they not, in certain townships?

Mr. MERITT. They are scattered among the population of three or four counties.

Mr. KONOP. But they are as a rule grouped, are they not, so that if you put a little school where most of these Indians are grouped, you could provide for their education?

Mr. MERITT. Yes, sir; I think that that could be provided for in that way.

Mr. KONOP. Has the plan that I suggested in this particular ever been tried by the department in other sections of the country?

Mr. MERITT. Yes, sir; we have constructed day schools on a large number of reservations.

Mr. KONOP. And with what success?

Mr. MERITT. With good success.

Mr. NORTON. Mr. Meritt, may I inquire, are you acquainted with the way the Indians are to be found in North Carolina?

Mr. MERITT. I have not made a personal investigation, but I have talked with the Indians from that State, and have also read the reports of our special agents who have visited the State.

Mr. NORTON. These Indians are living among the negroes there, and among the whites, intermingled with the negroes and the whites, are they not?

Mr. MERITT. Yes, sir.

Mr. NORTON. They are attending, some of them, attending the schools for the colored people, and some of them attending the white schools?

Mr. MERITT. No, sir; they are not permitted to attend the white schools; and the Indians will not attend the negro schools; and the State has provided certain Indian schools for these Indians.

Mr. NORTON. The State has provided it?

Mr. MERITT. Yes, sir; and those schools are entirely inadequate.

Mr. NORTON. Some of these Indians are mixed with negro blood; are they not?

Mr. MERITT. A few of them are.

Mr. NORTON. And how long have they been without any aid from the Government, so far as schools are concerned?

Mr. MERITT. We have one boarding school among the North Carolina Indians.

Mr. NORTON. When was that established?

Mr. MERITT. That has been established for a number of years.

Mr. NORTON. About how long?

Mr. MERITT. I will put that in the record. I have not the facts here; I would like to look it up.

Mr. NORTON. Do you know approximately?

Mr. MERITT. This school was originally under the control of the Society of Friends. It was organized by them in 1883, with a capac-

ity for 20 pupils, girls; in 1884 was doubled, with a capacity of 20 for each sex, which capacity was afterwards increased to 40 boys and 40 girls. The school passed under the control of the Government in January, 1893.

Mr. NORTON. With the experience that you have had in the department, do you think it is good policy for the Government at this time to take upon itself the burden of providing school facilities for these Indians who for years have been maintaining themselves, and who have for years been paying taxes and taking the part of an ordinary citizen in North Carolina?

Mr. MERITT. If these Indians had schools of their own which were provided by the State, I would say no; but under existing conditions the Indian children of North Carolina are growing up in ignorance, and I think they are not being properly taken care of, and the duty falls upon the Federal Government to see that they do at least get a fair education.

Mr. NORTON. Then do you think it is any more, or should be any more, the business of the Federal Government to provide schools for those Indians down in North Carolina than if it found a number of whites down in Alabama who were not receiving proper education to provide school facilities for them?

Mr. MERITT. The very fact that they are Indians places a larger responsibility upon the Federal Government to provide schools for them than if they were whites, because it is recognized that the Indians are wards of the Government. I believe that these Indians of North Carolina are just as much entitled to educational facilities from the Federal Government as the Indians of Arizona or any of the northwestern States.

Mr. NORTON. The policy of the department, as you announce it, is that the Government will follow the Indian as his guardian wherever he may be found in poor circumstances, and wherever he may be found not properly providing for himself, his physical needs or his mental needs?

Mr. MERITT. I think the proper policy for the Government to pursue would be to encourage Indians everywhere to enter the public schools and to become self-supporting and independent citizens; but as long as they are not in that condition and they are without school facilities, as these Indians of North Carolina are, that it is a proper function for the Government to provide them with school facilities.

Mr. HAYDEN. Would it not be much cheaper for the Government to pay the tuition in the public schools of North Carolina than to pay out this \$50,000?

Mr. MERITT. It would be, but the Indians are not permitted to attend the white schools of North Carolina. As I have stated before in the record, the State has attempted to provide separate schools for these North Carolinian Indians.

Mr. HAYDEN. There is not any doubt but what the State of North Carolina would take the money from the Government and continue some more schools, is there?

Mr. MERITT. It has been suggested that instead of providing for this boarding school we erect day schools and send them to the day schools, and I think that that would be an improvement over the

present item in the bill. This item was not drafted by the department, but was introduced by one of the Senators from North Carolina.

Mr. NORTON. If it is announced to the country by the Indian Department that Indians, wherever found, if they are not provided with school facilities by the State or by the local community, that the Government will step in and at its expense provide the very best school facilities that can be provided, do you think that that policy is going to tend to place these Indian children in the future in the public schools and have them taken care of by the local communities and by the States?

Mr. MERITT. Of course, I realize that the local communities are going to ask the Government for tuition in public schools for Indian children.

Mr. NORTON. It seems to me, Mr. Meritt, the policy announced in the case of these Indians that have been getting along for years and years is one that is going to make larger the work of the Indian Bureau, is going to tend to keep these Indians perpetually wards of the Government; that is, not only the Indians of North Carolina but the Indians wherever they are found. If the policy that you announce in this case is the policy of the department, and if it is carried to its logical conclusion, it means that in a few years we will be providing school facilities for the Indians of New York, we will be providing school facilities for the Indians in Maine, if we can find a few left up there, or wherever they are found.

Mr. MERITT. We are now educating the New York Indians at the Carlisle School, and have been doing it for years.

Mr. NORTON. Are we educating or providing school facilities for the New York Indians in the Mohawk Valley and in northern New York, wherever they are to be found now?

Mr. MERITT. New York is providing school facilities for those Indians.

Mr. NORTON. Don't you think it would be a rather ridiculous proposition for the State of New York to be providing school facilities for them now if the Government would provide them?

Mr. MERITT. In the event the State of New York refused to provide adequate school facilities for those Indians, and they were without funds, I think it would be the duty of the Federal Government to see that those Indian children were educated, rather than grow up in ignorance.

Mr. NORTON. When the Senators and Representatives from the State of New York learn that we are providing school facilities in North Carolina, would they not ask the same thing for the Indians in New York, and properly so?

Mr. MERITT. I fail to distinguish between the Indians of North Carolina and the Indians of North Dakota. I think it is just as much the duty of the Government to educate the Indian children in North Carolina who are not receiving an education as it is for us to educate the Indian children in North Dakota or Arizona or Wisconsin or any other State.

Mr. NORTON. You do not distinguish any difference between the Indians who have been given the opportunity to mingle with white people for a hundred years and Indians who have only been in the state of semicivilization for 25 or 30 years, who have hardly had time to forget the days when they were in war paint and on the warpath?

Mr. MERITT. I realize that the Indians on some reservations of the Western States are not as highly civilized as the Indians of North Carolina. On the other hand, there are Indians in the Southwest that are now being educated by the Federal Government who have been self-supporting for centuries, and who really introduced in this country the art of irrigation, and yet the Government is at this time providing school facilities for those Indians.

Mr. NORTON. What I wanted to have clear in my mind—is the policy of the Federal Government, as announced by the Indian Department, to continue that?

Mr. MERITT. I would not like to assume the responsibility of announcing a policy for the Government. I am simply expressing my own views.

Mr. NORTON. I do not know where I would go to secure this policy of the Government if I did not secure it from either yourself or Mr. Sells; but, if that is the policy, we will have to consider it that way. I want to say that I think that that is a policy that is entirely wrong—that should be done away with at once. And when you refer to the Indians in North Dakota, I believe it is on account of that policy being carried out that a large number of those Indians to-day on a few of those reservations are being taken care of by the Government when they would otherwise be taking care of themselves, or would be taken care of by the States.

Mr. MERITT. We are trying to force the Indian children everywhere into the public schools; and, where the local school authorities will not accept those Indian children without compensation, we are asking for appropriations to pay for the tuition of those children in the public schools.

Mr. NORTON. Gentlemen, you realize that wherever the Government steps in and is ready—seems to be more than ready—to provide school facilities, the State and the local community will give up its responsibility very readily in the matter.

Mr. MERITT. I realize that that would be the natural tendency.

Mr. KONOP. I want to ask just a question about this: Under the Constitution of the United States, can a State deny a citizen education on account of his race, color, or previous condition of servitude?

Mr. TILLMAN. It is a big question.

Mr. MERITT. I am not a recognized authority on constitutional questions.

Mr. CARTER. Page 64, line 2, amendment 94, insert the words “to be immediately available.” What have you got to say about that?

Mr. MERITT. This item appears on page 513 of the Senate hearings. It is an important amendment, Mr. Chairman. The water supply in that school has been very materially decreased. The wells are drying up, and it is necessary that we do something immediately in order to supply an adequate amount of water for that school.

Mr. CARTER. What do you know about that, Mr. Norton?

Mr. NORTON. I don't know anything about it.

Mr. MERITT. That item is discussed on pages 162 and 513 of the Senate hearings, and the Senator from that State confirmed my statements before the Senate committee.

Mr. CARTER. Line 5, amendment 95, strike out the paragraph “for support and education of 200 Indian pupils at the Indian school,

Wahpeton, N. Dak., and pay of superintendent, \$35,200; for general repairs and improvements, \$5,000; in all, 40,200," and insert in lieu thereof the following:

For the support and education of two hundred and twenty Indian pupils at the Indian school, Wahpeton, North Dakota, and pay of superintendent, \$38,540; for general repairs and improvements, \$8,000; for new school building, \$20,000; in all, \$66,540.

Mr. MERITT. That is exactly in accordance with our estimates as found on page 285 of the House hearings. This item is also discussed on page 163, Senate hearings. We would like very much to have a new building at this place.

Mr. NORTON. That is a nonreservation school?

Mr. MERITT. Yes, sir.

Mr. NORTON. And the matter was taken up by the subcommittee, and the question was asked as to where the pupils who attended this school came from. It was desired by the subcommittee to know the number of pupils that came from different sections of the country in attendance at the school, and the department at that time promised that information, but did not give the information.

Mr. MERITT. The children come largely from North Dakota and a few from South Dakota.

Mr. NORTON. On page 287 of the hearings before the House subcommittee the statement is made by Mr. Meritt to this effect:

The report of attendance for the Wahpeton School for the fourth quarter, 1915, shows children enrolled from the following places: Sisseton, Fort Berthold, Turtle Mountain, Standing Rock, and Walhalla Reservations, N. Dak.; Yankton Reservation, S. Dak.; Leach Lake, White Earth, Red Lake, and Cass Lake Reservations, Minn.; Fort Peck, Scooby, and Mackinaw Reservations, Mont.

Will you put in the hearings the number of pupils from each of those different places?

Mr. MERITT. The enrollment of Indian children in the Wahpeton School, North Dakota, is distributed by Indian reservations as follows: Sisseton, 29; Leech Lake, 42; Turtle Mountain, 27; Fort Berthold, 19; White Earth, 35; Red Lake, 27; Standing Rock, 2; Red Cliffe, 2; Yankton, 2; Cass Lake, 2; Pine Ridge, 2; Oneida, 1; nonreservation, 3. Total, 193.

Mr. CARTER. Line 14, amendment No. 96:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, from time to time, in his discretion, all moneys derived from the sale and disposition of surplus lands, within the limits of the former Fort Berthold Indian Reservation, North Dakota, arising under the provisions of the act approved June first, nineteen hundred and ten (Thirty-sixth Statutes at Large, page four hundred and fifty-five), together with the accrued interest thereon, and distribute the same per capita to the Indians entitled thereto in the following manner, to wit: To competent Indians in cash share and share alike and to incompetent Indians by depositing equal shares to their individual credit in banks bonded and designated as depositories for individual Indian moneys, subject to expenditure for the benefit of the Indians entitled under such rules as the Secretary of the Interior may prescribe, and hereafter annual distribution shall similarly be made of funds accruing under the provisions of the act herein referred to.

Mr. HAYDEN. Does the department approve of this legislation?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. What do you say about that, Mr. Norton? Is it satisfactory to you?

Mr. NORTON. Yes; that is practically the same as the bill I introduced on that subject.

Mr. MERITT. This item was discussed on page 165 of the Senate hearings. There are about 1,200 of these, and \$700,000 or \$800,000 in the Treasury to their credit.

Mr. HAYDEN. How much per capita, then?

Mr. MERITT. It would be about \$600 or \$700, possibly, per capita.

Mr. HAYDEN. That ought to be very helpful.

Mr. MERITT. There are about 200 Indians who are competent.

Mr. NORTON. What would you think of an amendment providing that all moneys that might be paid in hereafter to the credit of these Indians on the sale of these lands would be distributed under the same terms as this provision?

Mr. CARTER. The provision reads:

And hereafter annual distribution shall similarly be made of funds accruing under the provisions of the act herein referred to.

Mr. NORTON. "Or acts amendatory thereto."

Mr. MERITT. That would be satisfactory to us.

Mr. NORTON. That then would be identically the same as the bill H. R. 11720, which I introduced on the subject.

Mr. CARTER. Line 8, page 65, No. 97:

To enable the Secretary of the Interior to redeem a mortgage on the allotment selection of Starr McGillis, a Turtle Mountain Chippewa Indian, described as the northwest quarter of section thirty-four, township one hundred and sixty-four north, range seventy west of the fifth principal meridian, North Dakota, \$1,500, or so much thereof as may be necessary, the said sum to be reimbursed from the rentals of said allotment not to exceed fifty per centum of the amount of rentals received annually: *Provided*, That in the event a patent in fee shall be issued for this land before the United States shall be wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of the patent in fee and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount of the mortgage, when duly recorded by the recorder of deeds in the county wherein the land is located, shall operate as a satisfaction of such lien.

Mr. HAYDEN. This language occurred in the bill as reported to the House when tabled on a point of order in the House and introduced in the Senate. We are fairly familiar with it.

Mr. MERITT. Mr. Chairman, that item is discussed on page 288 of the House hearings, and on page 225 of the Senate hearings.

Mr. CARTER. Line 4, page 66, No. 98:

To enable the Secretary of the Interior to reimburse Benson County, North Dakota, for moneys actually paid to the State of North Dakota for care and maintenance of insane Indians at the State insane sylum, as follows: Joseph Langer, \$457.44; Mary J. Pejihutaskana, \$410; Alfred Littlewind, \$630; in all, \$1,497.44.

Mr. HAYDEN. Is that a department estimate?

Mr. MERITT. No, sir; that is an item inserted in the Senate committee by Senator Gronna, of North Dakota, page 504 of the Senate hearings.

Mr. HAYDEN. Have you any knowledge regarding it?

Mr. MERITT. We have no objections to the item.

Mr. CARTER. What we want is information.

Mr. MERITT. These Indians were cared for by the authorities of this county in the State of North Dakota.

Mr. HAYDEN. Well, the United States maintains an asylum for insane Indians in South Dakota. Why were not these Indians sent there?

Mr. MERITT. The asylum in South Dakota has been filled to its capacity. We have recently enlarged the capacity of that institution, and it is probable that we did not have room for these Indians.

Mr. HAYDEN. Are you sure of that?

Mr. MERITT. I feel certain that they were not in a position to take care of these Indians at the time this work was done.

Mr. HAYDEN. You have made no personal investigation of the matter, and there is nothing on file in the bureau in regard to this statement?

Mr. MERITT. No; but there were statements submitted to the Senate committee by Senator Gronna, who made the investigation of this matter.

Mr. HAYDEN. It is a rule of the committee that claims are not ordinarily placed on an appropriation bill. Has the Senator introduced a separate bill and referred it to you for report?

Mr. MERITT. No, sir.

Mr. CARTER. Line 10, page 66, No. 99:

For the erection of a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief of the Wahpeton Tribe, who was buried March thirteenth, eighteen hundred and sixty-seven, in the Congressional Cemetery, Washington, District of Columbia, in a grave marked "76-R. A. 22," \$100.

Mr. MERITT. That is discussed on page 168 of the Senate hearings, and the item was suggested by Senator Gronna, of North Dakota.

Mr. CARTER. Line 16, No. 100:

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Sisseton and Wahpeton Bands of Sioux Indians, and to enter judgment, and in determining the amount to be entered herein the court shall deduct from any sums found due said Sisseton and Wahpeton Bands of Sioux Indians any and all gratuities paid said bands or individual members thereof subsequent to March third, eighteen hundred and sixty-three: *Provided*, That in determining the amount to be entered herein, the value of the land involved shall not exceed the value of such land on March third, eighteen hundred and sixty-three. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant

Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed \$15,000.

Mr. HAYDEN. If I remember right this item is covered by a bill reported by the Committee on Claims, and was passed last night by the House. Is that the same bill?

Mr. GANDY. I think so.

Mr. HAYDEN. If that is the case the Senate can act on the House bill.

The bill is H. R. 6022, which passed the House of Representatives April 4, 1915, as shown by the Congressional Record on pages 6244 and 6245, so that it will be unnecessary to include this item in the bill.

Mr. CARTER. Oklahoma, line 15, page 68, No. 101. This merely corrects the section number.

Line 21, page 70, No. 102, add:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Oklahoma, on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$40,000; to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available.

Mr. MERITT. That item is in accordance with the desires of the department, and is justified on page 301 of the House hearings and discussed on page 230 of the Senate hearings.

Mr. CARTER. What is the necessity for this additional appropriation? There is an appropriation of several hundred thousand dollars already for those people, and we shipped them over on to Hernandez.

Mr. HERNANDEZ. I thought we had all the Apaches.

Mr. CARTER. They were the prisoners of war at Fort Sill. They went to Oklahoma after their captivity, and several years ago we placed in the appropriation bill an item of \$250,000 to buy homes for part of them, and to send the others back to the Mescalero Reservation in New Mexico.

Mr. HERNANDEZ. I thought we got them all.

Mr. CARTER. What is the necessity of this additional \$40,000?

Mr. MERITT. These Fort Sill Apache Indians were left on the Fort Sill Military Reservation. The War Department took over that reservation, and it was necessary that we find another home for these Indians.

About one-third of those Indians elected to go to the Mescalero Reservation and share the tribal property of those Indians, and the Mescalero Indians agreed that that should be done. The other Indians of that band elected to remain in the State of Oklahoma, on condition that we would purchase land for them. We have purchased land for practically all of them, with the exception of 13, if I remember correctly.

Mr. CARTER. Are those children that have been born since then?

Mr. MERITT. No, sir; they are children of the original prisoners. We have purchased land for their parents in accordance with the agreement of those Indians, but we haven't sufficient money now to purchase land for the children.

Mr. CARTER. When was this agreement made with them?

Mr. MERITT. About three years ago.

Mr. CARTER. Were these 13 children living at that time?

Mr. MERITT. Yes, sir; and we would have purchased land for them before this if the appropriation had been adequate.

Mr. CARTER. And it will take \$40,000?

Mr. MERITT. About that amount.

Mr. HERNANDEZ. How many of them elected to stay in Oklahoma?

Mr. MERITT. Eighty-two.

Mr. CARTER. What did the allotments cost?

Mr. MERITT. For the 82?

Mr. CARTER. Yes.

Mr. MERITT. We have expended about \$150,000.

Mr. CARTER. Didn't you have \$250,000?

Mr. MERITT. Part of that money was used, I think, in paying the transportation of those Indians to Mescalero.

Mr. CARTER. This agreement that you spoke of, who was this agreement made between?

Mr. MERITT. It was made with the Indians, with the representatives of the Interior Department and the War Department.

Mr. CARTER. Was it authorized by Congress to be made?

Mr. MERITT. I think it was done with the full understanding of Congress.

Mr. CARTER. Well, was it approved by Congress?

Mr. MERITT. Congress has made appropriations.

Mr. CARTER. I understand, but that didn't approve that agreement.

Mr. MERITT. No.

Mr. CARTER. So that the United States is not a party to that agreement.

Mr. MERITT. Except that the Government would not be acting in good faith if we did not furnish land for these people who have not received allotments.

Mr. CARTER. Why not? I have a great deal of sympathy for them, but here is a band of Indians who are children of war prisoners. They had no lands and the Government has taken them and given them lands there in New Mexico or in Oklahoma, all of them except 13 children. Now, doesn't it seem that the Government has acted in pretty good faith with them to have done that?

Mr. MERITT. It is claimed that those Indians had a certain title to that military reserve, a certain possessory right there.

Mr. CARTER. How much in the military reserve?

Mr. MERITT. I don't know the number of acres.

Mr. CARTER. But they do not really have any title or any possessory right to it.

Mr. MERITT. They have been occupying the land for a number of years.

Mr. CARTER. So has the military force of the Government been occupying the same land.

Mr. MERITT. There are certain laws on our statute books that they refer to as showing that they have certain rights.

Mr. CARTER. The only thing that was done with them was that they were taken and removed there as prisoners of war?

Mr. MERITT. Yes, sir.

Mr. CARTER. And there was no treaty, no patent, no Executive order giving them any possessory right to these lands, was there?

Mr. MERITT. I think there was legislation by Congress that would imply that they had rights.

Mr. CARTER. Let us have a reference to that legislation, if you have it. That will put a different aspect on it. My understanding of this entire matter is that the Government had a lot of war prisoners down at Fort Sill, kept them virtually as prisoners. As a matter of fact they were left to go about on the reservation as they pleased and then after they had lived there for a number of years, they agreed to give them homes either in New Mexico, or provide homes in New Mexico and Oklahoma for them without any consideration on the part of the Indians at all. Now, if I am wrong about that I want to be corrected.

Mr. MERITT. I will refer to the authorities that the Indians refer to in this matter. But my idea is that inasmuch as Congress has practically wound up this matter, with the exception of providing land for these few Indians, we would like very much to have this appropriation. I believe this committee reported this item favorably but it went out on—I wish to submit the following memorandum relative to this matter:

Executive order of February 26, 1897, withdrew certain lands for an addition to the Fort Sill Military Reservation, in accordance with an agreement dated February 17, 1897, with the Kiowa, Comanche, and Apache Indians. The agreement provided that when the lands were no longer needed for settlement of the Apache prisoners of war they should revert to the Kiowas, Comanches, and Apaches, unless meantime they were purchased outright by the United States.

However, a later agreement, ratified by the act of June 6, 1900 (31 Stat. L., 676), superseded the agreement of February 17, 1897, and the Kiowa, Comanche, etc., Indians thereby relinquished all their claim and title whatsoever to their reservations, in consideration for which they have received from the Government \$2,000,000, each member of the tribe allotted 160 acres, and 430,000 acres were set apart as a common grazing reserve. This grazing reserve was later disposed of under the act of June 5, 1906 (34 Stat. L., 213).

The following acts appropriated the following amounts for relief of the Fort Sill Indians while on the Fort Sill Reservation:

| | |
|---------------------------------------|-----------|
| Aug. 6, 1894 (28 Stat. L., 238)----- | \$15, 000 |
| Feb. 12, 1895 (28 Stat. L., 658)----- | 10, 000 |
| Mar. 16, 1896 (29 Stat. L., 64)----- | 7, 500 |
| June 28, 1902 (32 Stat. L., 467)----- | 4, 000 |
| Feb. 18, 1904 (33 Stat. L., 26)----- | 4, 000 |
| | 30, 000 |

Letter from War Department to this department, October 12, 1912, shows that a board consisting of Col. Hugh Scott, Supt. Stecker, and Maj. G. W. Goode, United States Army, recommended among other things that "suitable allotments be purchased on the former Kiowa and Comanche Reservation of suitable lands, containing house, barn, well, partly cultivated and fenced, for each head of a family at \$3,000 each, and unimproved lands for the other members of the family at \$2,000 each. Each allotment to consist of 160 acres, and the suitability to be determined jointly by the superintendent Kiowa Agency and the officer in charge of Apache prisoners and a third party, if necessary." The record shows that this was the understanding also of the Fort Sill Indians and that it was satisfactory to them.

Mr. CARTER (interposing). No; I think the committee did not report it. It was taken out in the committee.

Mr. KONOP. Now, why is it that land was not purchased for these 13?

Mr. MERITT. Because we didn't have enough money to buy land for them.

Mr. KONOP. How many did you buy land for did you say?

Mr. MERITT. About 69 Indians, I think. There were 82 who elected to remain in Oklahoma.

Mr. CARTER. And you also purchased some stock for those who went to New Mexico, didn't you?

Mr. MERITT. We purchased a tribal herd for the Mescalero Indians.

Mr. CARTER. And some stock for those who remained in Oklahoma?

Mr. MERITT. I think we may have purchased some equipment for them.

Mr. CARTER. Page 71, amendment 103, a mere correction of the section number.

Line 22, amendment No. 104, strike out "\$175,000" and insert "\$185,000, of which \$10,000 shall be immediately available."

What have you to say about that?

Mr. MERITT. That was discussed on page 197 of the Senate hearings. Mr. Parker, the superintendent of the Five Civilized Tribes, says that he will need an additional appropriation in order to keep the work of his office up to date; that he will be very much handicapped if he doesn't get this appropriation to make \$10,000 immediately available.

Mr. KONOP. So that \$10,000 is a deficiency appropriation for the balance of the present year?

Mr. MERITT. Yes, sir.

Mr. CARTER. What have you to say about it?

Mr. MERITT. I think the appropriation should be carried in the Indian bill.

Mr. CARTER. Do you think it is absolutely necessary to have that money to carry on the work this year?

Mr. MERITT. In order to keep the work up to date I think it is necessary that this appropriation be provided for.

Mr. CARTER. Has anybody else any questions on that amendment?

On page 72, line 18, amendment No. 105, add:

Except where contracts have been heretofore approved by the Secretary of the Interior, in accordance with existing law, which contracts the Secretary is authorized to settle and discharge: *Provided further*, That the payments under such contracts shall not exceed \$1,950: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw Tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

Mr. HAYDEN. How about those contracts?

Mr. MERITT. This item was placed in the bill at the request of Senator Clapp, of Minnesota. It is discussed at the beginning, on page 440 of the Senate hearings. It seems that ex-Senator Blair has a certain contract for legal work performed, and in view of a provision now on the statute books he can not be compensated for that legal work.

Mr. CARTER. What service did Senator Blair render?

Mr. MERITT. It was in connection with the enrollment of certain Indians of the Five Civilized Tribes.

Mr. CARTER. Do you know who they were?

Mr. MERITT. John Calvin Gray is one of them, and William T. Lancaster, Charles M. Fleckheimer, and Eugene Hamilton. A reference to the services performed is found on page 441 of the Senate hearings.

Mr. CARTER. That is a statement of the attorneys themselves, is it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. Does the department know anything about any services performed by them?

Mr. MERITT. We have general information in regard to this, and we have no objection to the item.

Mr. CARTER. What tribe were they enrolled with, Mr. Meritt?

Mr. MERITT. I think they were enrolled among the Choctaws and Chickasaws.

Mr. CARTER. When were they enrolled?

Mr. MERITT. The date is not given here. I can have that included in the record.

Mr. CARTER. Does the department know anything about the services that these attorneys claim to have rendered?

Mr. MERITT. No, sir; we have general information that they rendered services in the matter of the enrollment of these Indians.

Mr. CARTER. What services did they render? Did they appear before the department, or what tribunal?

Mr. MERITT. They appeared before the department and filed papers in the case.

Mr. CARTER. When was this, Mr. Meritt, that they appeared before the department?

Mr. MERITT. I will include that in the record.

Mr. CARTER. Was it before or since March 4, 1907?

Mr. MERITT. I will have to look that up. The act of April 30, 1908, contains this provision:

That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, and attorneys employed by them to secure their restoration to the rolls, shall be valid and enforceable when approved by the Secretary of the Interior in their original or such modified form as he may deem equitable and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located, shall be a lien in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls.

Mr. CARTER. Do you know whether these attorneys have ever been paid anything or not?

Mr. MERITT. It is my impression that they have been paid.

Mr. CARTER. I notice a statement of the attorney here, which I will read:

We were the attorneys for certain persons who were unlawfully stricken from the rolls by the Secretary of the Interior, and by proceedings in court we procured their enrollment, and they are now enjoying full rights as members of the Choctaw and Chickasaw Tribes.

I presume that these persons were stricken from the rolls by Secretary Hitchcock, and ordered to be restored under the Goldsby decision?

Mr. MERITT. I suppose that is the case.

Mr. CARTER. The department has never presented this claim to the House Committee on Indian Affairs?

Mr. MERITT. We do not look after the claims of attorneys.

Mr. CARTER. Have the attorneys presented them to you during the present Congress?

Mr. MERITT. They have presented them to the Senate Committee heretofore, but we never ask for appropriations for attorneys. We expect them to look after their own affairs.

Mr. CARTER. Well, if you find that an attorney is entitled to a just fee, and should have a bill introduced for the purpose, and it is referred to your bureau, wouldn't you feel called upon to make a favorable report on it?

Mr. MERITT. Yes.

Mr. CARTER. Has that ever been done?

Mr. MERITT. I do not recall that we have ever made a report on this particular item.

Mr. CARTER. Do you know whether any bill has ever been introduced in Congress for these attorney fees or not?

Mr. MERITT. No, sir.

Mr. CARTER. If it has, you don't know of it ever having been referred to your bureau for report?

Mr. MERITT. No, sir; I do not.

Mr. NORTON. Mr. Meritt, according to this letter that is dated February 26, 1916, and which appears on page 441 of the Senate hearings, on the Indian appropriation bill, held before the Senate Committee on Indian Affairs, it seems that former Senator Henry W. Blair, of New Hampshire, entered into a contract with John Calvin Gray whereby he was to secure \$750 for having John Calvin Gray's name placed on the enrollment of the Chickasaw or Choctaw Indians in Oklahoma. Now, under this amendment if there is to be paid to Mr. Gray \$300, all of that would apply on this contract, wouldn't it? A per capita payment on this \$750 due. There was to be paid \$300 to each Choctaw and \$200 to each Chickasaw. I do not know whether Gray was a Chickasaw or a Choctaw, but in either case would the per capita that was to go to Gray, would it, under this amendment, go to Mr. Blair?

Mr. MERITT. We would not pay this money over to attorneys. They would have to look to the Indians for their money.

Mr. NORTON. They would have to look to the Indians?

Mr. MERITT. Yes, sir.

Mr. NORTON. Why, you would have to pay it over, under the amendment which Mr. Blair wants in this bill.

Mr. CARTER. Could you pay the money to the Indians at all?

Mr. NORTON. No; the amendment reads as follows:

Except where contracts have been heretofore approved by the Secretary of the interior, in accordance with existing law, which contracts the Secretary is authorized to settle and discharge.

Mr. MERITT. Under that language we would be required to pay out any moneys in the hands of the department to these attorneys that was to the credit of these Indians.

Mr. NORTON. Under that amendment, wouldn't the Secretary of the Interior be authorized to be directed to pay this entire \$750 to former Senator Blair, and the \$400 to Kappler & Merillat, and another \$400 to another set of attorneys?

Mr. MERITT. The Secretary would be authorized to discharge any indebtedness of these Indians.

Mr. NORTON. May I inquire as to this: For example, in the case of Mr. Gray, his per capita would be \$300 which would be authorized

to be paid to him. Would all of that amount be paid to his attorneys, or would the department pay out of this Chickasaw and Choctaw fund the \$750 and charge it up to Mr. Gray's account?

Mr. MERITT. We would not take it out of the Choctaw and Chickasaw tribal funds.

Mr. NORTON. You would not have authority?

Mr. MERITT. No, sir.

Mr. NORTON. If there is \$750 due, you would not have a sufficient amount to be paid to Mr. Gray to satisfy this attorney's fees of \$750?

Mr. MERITT. Unless there was an amount deposited to the credit of this Indian under the jurisdiction of the Five Civilized Tribes.

Mr. KONOP. Were these cases really tried in court, or was there just one case tried and then on the decision of the court the others were restored to the rolls?

Mr. MERITT. There were hundreds of those enrollment cases, and it is almost impossible for a man to carry in his mind the details. I don't remember the details.

Mr. CARTER. Isn't this a fact, that after the rolls were closed Secretary Hitchcock attempted to strike certain names from the rolls, and did run a pen through them, and declared that they were not entitled to share under the Five Civilized Tribes, and that one case was taken up, the Goldsby case, and two or three others, but the Goldsby case being a leading case, tried by the court of the District of Columbia, and going up to the Supreme Court of the United States. Those names were ordered by the Supreme Court of the United States to be restored to the rolls, and then after that was done, didn't the Secretary of the Interior, without a trial in the other cases, restore other names who were similarly situated?

Mr. MERITT. Yes, sir. That case is known as the Secretary of the Interior *v.* Goldsby (211 U. S., 249).

Mr. CARTER. And that is the only case that was tried, wasn't it?

Mr. MERITT. That was considered the leading case on the subject.

Mr. CARTER. But you don't know whether these attorneys did anything in these cases that we spoke of at all.

Mr. MERITT. I think they appeared before the department and probably filed papers.

Mr. CARTER. Then after the case was tried in the Supreme Court, and the names of Goldsby and others ordered restored to the rolls, then these attorneys appeared before the department in a pro forma proceeding in restoring other names to the rolls.

Mr. MERITT. I will put in the record just what these attorneys did in each particular case.

Mr. NORTON. And, if you will, have the record show whether they ever did any work other than just formally present the names of these claimants after the Supreme Court had decided that Indians having the same status as these men were entitled to be placed upon the rolls.

Mr. MERITT. This information is as follows:

John Calvin Gray was enrolled on the official roll of intermarried citizens of the Choctaw Nation on March 4, 1906. His name was stricken therefrom by order of the Secretary of the Interior on March 4, 1907, but, in view of the decision of the Supreme Court of the United States in the Goldsby case (211 U. S., 249), the name of John Calvin Gray was restored to said final roll on January 19, 1909. It appears that after the name of John Calvin Gray had

been stricken from the roll a contract was entered into by Helen Gray et al, heirs of John Calvin Gray, deceased, with Henry W. Blair, attorney at law, employing the latter to obtain the restoration of the name of said John Calvin Gray to the final citizenship rolls. Under the provisions of the act of Congress of April 30, 1908 (35 Stat. L., 70-90), said contract was submitted to the Secretary of the Interior for approval, and on August 2, 1911, was approved by the Acting Secretary, with the condition that the compensation to be allowed said attorney should not exceed the sum of \$750. It appears that Messrs. Kappler and Merillat, attorneys at law of this city, have an interest in said contract.

With respect to the services of the attorneys in the above-mentioned case of John Calvin Gray, it appears that it was necessary for them to make an examination of the papers relating to the application of John Calvin Gray to the Commissioner to the Five Civilized Tribes for enrollment, and that they made a demand upon the Secretary of the Interior for the restoration of his name to the final rolls, and that subsequent thereto a petition was filed in the Supreme Court of the District of Columbia for the issuance of an order to compel the Secretary of the Interior to recognize said John C. Gray as a citizen of the tribe, to which petition an answer was made by the Secretary of the Interior, and thereupon a demurrer was filed by the attorneys on behalf of the petitioners.

It further appears that a stipulation was then entered into by the attorneys in the case, by which it was held to await the decision of the Supreme Court of the United States in the above-mentioned Goldsby case. It also appears that judgment was subsequently rendered by the Supreme Court of the District of Columbia in favor of the heirs of the said John Calvin Gray, and his name was therefore restored to the roll on January 19, 1909, as above mentioned.

Messrs. Kappler and Merillat were also the attorneys in the above-mentioned case of John E. Goldsby, in which case the United States Supreme Court held in favor of said Goldsby.

In the case of William Lancaster it appears that he was enrolled on the final rolls of intermarried citizens of the Chickasaw Nation on August 23, 1905, that his name was canceled therefrom by order of the Secretary of the Interior on March 4, 1907, but later, in view of the decision of the Supreme Court of the United States in the above-mentioned Goldsby case, was restored to the roll on January 19, 1909. After the name of said William P. Lancaster had been stricken from the roll an agreement with Messrs. Kappler & Merillat and James K. Jones, attorneys at law, Washington, D. C., and Charles M. Fechheimer, attorney at law of Chickasha, Okla., was entered into by heirs of William Lancaster, deceased, employing said attorneys in the matter of obtaining a restoration of the name of said William Lancaster to the final citizenship roll of the Chickasaw Nation; that under the provisions of the above-mentioned act of April 30, 1908, said contract was submitted to the Secretary of the Interior for approval, and on August 2, 1911, was approved by the Acting Secretary, with the condition attached that the compensation to be paid said attorneys should not exceed the sum of \$400. It is understood that William P. Lancaster was a party to the mandamus suit entitled "United States ex rel. Wiley Adams et al. v. Secretary of the Interior," in the Supreme Court of the District of Columbia, and that the attorneys in the case rendered services therein, and that in said case a stipulation was entered into between the parties that it should await the decision of the United States Supreme Court in the case of John E. Goldsby. It also appears that on January 9, 1909, judgment was rendered in favor of the petitioners.

In the case of Arthur and Clyde Jennings it appears that said persons were enrolled on the final rolls of intermarried citizens by blood of the Choctaw Nation on June 16, 1906, that their names were cancelled from the said roll by order of the Secretary of the Interior on March 4, 1907, but later, in view of the decision of the Supreme Court of the United States in the Goldsby case, their names were restored to said final roll on January 19, 1909. After their names had been stricken from the roll it appears that they entered into a contract with Eugene Hamilton and Charles M. Fechheimer, attorneys at law of Chickasha, and their associate council and correspondents in Washington, D. C., employing said attorneys to prosecute the matter of obtaining the restoration of the names of Arthur and Clyde Jennings to the final rolls. It further appears that under the above-mentioned act, April 30, 1908, said contracts were submitted to the Secretary of the Interior for approval, and that on August 2, 1911, said contracts were approved by the Acting Secretary with the condition that the compensation to be allowed the attorneys in each case should not exceed the sum of \$400.

It appears that Messrs. Kappler and Merillat have an interest in said contract. It does not appear that any suits instituted on behalf of said Arthur and Clyde Jennings to obtain the restoration of their names to the roll, but that in view of the suits instituted in the other cases an undersanding was had by said attorneys with the department that if the Goldsby case was won by them, the restoration of the names of the other persons in a similar situation would be had without resort to the courts. It appears, however, that the attorneys investigated their cases, examining the records in reference thereto, and obtained the data preparatory to the institution of such suit. Their cases, however, being analagous to the Goldsby case, their names were restored to the final rolls of the department on January 19, 1909.

Mr. CARTER. Line 3, page 73, amendment No. 106:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any moneys belonging to said tribe in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, \$300 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act. There is hereby appropriated a sum not to exceed \$2,000 out of the funds of said Seminole Tribe for the payment of salaries and other expenses of said per capita payment or payments.

What have you to say about that amendment?

Mr. MERITT. The department is in favor of this per capita payment to the Seminole Indians. There are about 3,000 of those Indians, and they have in the Treasury, and deposited in local banks in Oklahoma, a total of \$1,471,224.53. There are ample funds for a \$300 per capita payment, and that will leave to their credit about \$500,000.

Mr. CARTER. What are these funds; where do they come from; what are they derived from?

Mr. MERITT. The funds are derived from the following sources:

| | |
|---|-----------------|
| Fulfilling treaties with Seminoles, Oklahoma..... | \$2, 300. 04 |
| Seminole general fund..... | 276, 795. 94 |
| Interest on Seminole general fund..... | 39, 285. 61 |
| Seminole school fund..... | 500, 000. 00 |
| Interest on Seminole school fund..... | 50, 382. 26 |
| Seminoles of Oklahoma fund..... | 529, 374. 20 |
| Interest on Seminoles of Oklahoma fund..... | 27, 644. 02 |
| Interest on Seminole money on deposit in banks..... | . 71 |
| Indian moneys, proceeds of labor: | |
| Seminole Nation, Oklahoma..... | 3, 693. 77 |
| Seminole unallotted land..... | 5, 417. 37 |
| Total in Treasury Feb. 18, 1916..... | 1, 434, 893. 92 |
| Total in Oklahoma banks, Dec. 31, 1915..... | 36, 330. 61 |
| Grand total..... | 1, 471, 224. 53 |

Mr. CARTER. These funds belong to the Indians, do they not?

Mr. MERITT. Yes, sir; and the Government is under treaty to pay those funds out when the affairs are wound up, and the affairs are practically wound up.

Mr. CARTER. I take it no Member of Congress or Senator from Oklahoma is interested in this matter at all, is he? You have just put this amendment in without any suggestions from anybody?

Mr. MERITT. No, sir; Senator Owen was active in getting this item in the bill, and Representative Murray has also been active in the matter as well as other members of the Oklahoma delegation.

Mr. NORTON. Why wasn't this matter taken up in the committee of the Senate and the subcommittee of the House?

Mr. CARTER. I want to ask Mr. Meritt this: I notice you have here, Mr. Meritt, in this item for the per capita payment of the Choctaws and the Chickasaws, which is not under consideration because it is not an amendment, a provision that in cases "where such enrolled members or their heirs are Indians that belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians."

Now it has been claimed in the past by some of the more competent restricted Indians in Oklahoma that those words "in his discretion" have been totally ignored by the Indian Bureau, and that in no case, no matter how competent a legally restricted Indian might be, in no case was any material amount of funds paid to him at one time, but that it was doled out to him in \$2, \$5, and \$10, in a manner that would be doing him no good and very often it would cost him more to go to the field agency and get the money than the money was actually worth to him. I have had some correspondence with the commissioner and the commissioner has given his word that if the language is left in the bill there will be an actual exercise of discretion, and that every Indian competent to manage things will be given his full share of money. Do you know anything about it?

Mr. MERITT. That will be our general attitude.

Mr. CARTER. How is this money to be paid to the so-called non-restricted Indians?

Mr. MERITT. It will be paid to them direct by check.

Mr. CARTER. The restricted Indians?

Mr. MERITT. We will pay to the competent restricted Indians their money. To those who are considered not competent by the local authorities, we will deposit to their credit, and we will be governed very largely by the recommendations of Superintendent Parker as to how the funds shall be handled.

Mr. CARTER. I would like to put in, if the committee has no objection, my correspondence with the Commissioner of Indian Affairs relating to this matter.

(The correspondence referred to is as follows:)

HOUSE OF REPRESENTATIVES,
Washington, March 2, 1916.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: Since the Choctaw-Chickasaw per capita payment has been under consideration during the present session of Congress I have received no end of correspondence from Choctaw and Chickasaw Indians of the so-called restricted class, complaining bitterly about the unfair manner in which the Indian Bureau has administered that "discretion" given to the Secretary to withhold and use such payments for the benefit of restricted Indians.

Their contention is that, no matter how capable, rarely, if ever, is a payment of any substantial amount made at one time to a legally restricted Indian but that this money is doled out in such small amounts as to be of practically no benefit, thereby increasing the expense of distribution, causing the intended beneficiary the unnecessary trouble and expense of a trip from his farm to the field agency every time he needs a dollar or two, which expense in many cases exceeds the amount of money received.

All this legislation giving such discretion to administrative officials is in violation of the Atoka agreement, the supplemental agreement, and the act of April 26, 1906, and has only been carried in the provisions in the past at the urgent solicitation of your bureau.

We agree that isolated cases may be found in which the exercise of this discretion might prove beneficial, and it was in the interest of such incompetents alone that Congress yielded to the importunity of the Indian Bureau. It was supposed that every fairly competent Indian would receive his full share "to aid and assist him to improving his home and lands," as provided by our agreement with them, and it was certainly not understood that competent Indians would have this money handed out in such insignificant sums as \$2, \$5, etc., with no reason for such action save that such person chanced to be on the restricted roll on account of having one-half or more Indian blood.

Let me repeat what I have so often said before, that many of the so-called restricted Choctaws and Chickasaws are as fully equipped to care for their funds as you or I. Certainly they may spend them, but what of it? I expect to spend mine if the payment is made, and you would probably spend yours if you were a beneficiary. When we do spend them we expect full value received, and so will they. It is a simple application of Thackeray's old proverb, "You can't eat your cake and have it."

I once thought of seeking to amend this payment item by restricting this discretion, and believe if I had insisted that, in view of the treaty provisions cited, the House Committee on Indian Affairs would have eliminated that proviso completely. After due consideration, however, I thought it perhaps a better plan to leave it unchanged this time and to take up with you the necessity for a more liberal application of this "discretion," to the end that some of the red tape which has always been in attendance upon these payments in the past might be eliminated by the Indian Bureau.

I do not believe it will be possible for the Indian Bureau to much longer ignore the fact that a large number of those legally restricted Indians of the Five Civilized Tribes are intelligent, capable, and self-supporting.

Again repeating what I have said before, some means should be provided for distinguishing between the competent and incompetent; the actually competent should be placed upon their own responsibility and the paternalism of this Government more specifically directed to those actually needing assistance and whose affairs are now forced to be neglected on account of our attempts to cover unnecessary grounds.

Your superintendent, Hon. Gabe E. Parker, was born, raised, and educated within the reservations of the Five Civilized Tribes. He has a large, comprehensive acquaintance among the Choctaws and Chickasaws, and of his own personal knowledge, I should judge, might be able to pass upon the competency of a large number of this restricted class himself.

May I not have a word from you right away, vouchsafing your intention of an actual exercise of the "discretion" herein referred to along the lines of the intent of the legislation before it is yet too late to have the proviso amended.

Very truly, yours,

C. D. CARTER.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1916.

MY DEAR MR. CARTER: Reference is made herein to your letters of recent date relating to per capita and other payments made to Choctaw and Chickasaw Indians, and as to the policy to be pursued in the matter of the administration of the discretion conferred by law on the Secretary of the Interior to withhold such payments in the cases of restricted Indians and use the money for their benefit.

It is not the purpose in the administration of the discretion vested by law in the department in these matters to retain control of the lands or money of any competent member of the Five Civilized Tribes, even though such Indian by reason of his degree of Indian blood might be within the restricted class as described in the act of Congress of May 27, 1908 (35 Stat. L., 312).

I believe that any money out of the tribal funds or as proceeds of land sales due Indians of the unrestricted class should be promptly paid direct to them.

I believe that the actually competent Indians should at the very earliest practicable date be placed upon their own responsibility, and that those who remain within the restricted class because of their not being competent to protect themselves in property matters should only be supervised or controlled, to that extent as may be necessary for their own protection and best interests, and to said extent only, and therefore that a liberal application of the discretion vested in the department should be had in favor of permitting the restricted Indian to expend his money for those things he desires, provided such expenditures would not be injurious to his welfare.

Very truly, yours,

CATO SELLS, *Commissioner*.

Hon. C. D. CARTER,
House of Representatives.

Mr. HERNANDEZ. What per cent of restricted Indians are in this State?

Mr. MERITT. Almost 75 per cent of the enrolled Indians, members of the Five Civilized Tribes, have had their restrictions removed.

Mr. CARTER. Page 74, line 16, amendment No. 107:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June thirtieth, nineteen hundred and seventeen: *Provided*, That this appropriation shall not be subject to the limitation in section one of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. KONOP. That was introduced in the House and stricken out on a point of order.

Mr. MERITT. The item is justified on page 208 of the Senate hearings and page 343 of the House hearings. That is an item that has been carried in the Indian appropriation bill for a number of years, and I think everyone is in favor of it.

Mr. KONOP. It was in the House bill at this time, but was stricken out.

Mr. CARTER. Line 1, page 75, amendment No. 108:

The authority contained in the act of March third, nineteen hundred and eleven (Thirty-sixth Statutes at Large, pages one thousand and fifty-eight to one thousand and seventy), for the use of the interest accruing on funds of the Five Civilized Tribes on deposit in banks to defray expenses of per capita payments to the Indians of the proceeds of the sale of their surplus unallotted land, shall be deemed sufficient to include salaries and wages of any employees actually and necessarily engaged in the work of making such per capita payments.

Now, Mr. Meritt, I notice on page 72 of the bill as passed by the House, the Choctaw and Chickasaw per capita, that you have the language:

That the Secretary is authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payment.

And the Seminole item on page 73:

There is hereby appropriated a sum not to exceed \$2,000 out of the funds of said Seminole Tribe for the payment of salaries and other expenses of said per capita payment or payments.

In view of those two provisions, what is the necessity for amendment 108?

Mr. MERITT. We would like to have that law broadened so that there would be no question about our authority to pay out their tribal funds for employees that are necessary in making per capita payments. This amendment was proposed as a committee amendment, page 219 of the Senate hearings.

Mr. CARTER. These other two items cover the ground completely so far as these payments are concerned, do they not?

Mr. MERITT. Yes, sir; but that is special legislation, and will only apply to per capita payments that are now to be made. There will be other per capita payments to follow.

Mr. CARTER. In the other per capita payments to follow you desire this same authorization?

Mr. MERITT. Yes, sir; a specific authorization is necessary to make per capita payments, but we would like to have general authority to use tribal funds to make per capita payments.

Mr. CARTER. Then the difference between those two items in connection with the payment provision and this item is that this item makes the law permanent.

Mr. MERITT. Yes, sir.

Mr. CARTER. Line 22, page 76, amendment No. 109:

And provided further, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June thirtieth, nineteen hundred and seventeen, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

What is the necessity for that?

Mr. MERITT. That item is discussed on pages 525 and 662 of the Senate hearings. Under a ruling of the comptroller we will be without authority to use any tribal funds for the purposes stated in this amendment without specific authority of law.

Mr. KONOP. So that you could not use school funds for the repair of school buildings?

Mr. MERITT. We could not use tribal funds; no, sir.

Mr. CARTER. Your amendment here provides that they may be available for school purposes under existing law.

Mr. MERITT. Yes, sir.

Mr. CARTER. That would change the existing law, wouldn't it?

Mr. MERITT. It would give us authority to use tribal funds for repairs, improvements, and new buildings.

Mr. CARTER. Are you sure that it does that? As a matter of fact, Mr. Meritt, what you wanted is to be able to spend this money in accordance with the act of April 26, 1896. Is that it?

Mr. MERITT. Yes, sir.

Mr. CARTER. So as not to have it removed from the limitations that are carried in this appropriation bill?

Mr. MERITT. That is what we want.

Mr. CARTER. I do not believe this language would carry out your purpose. I think if you had there something like this, "available for school purposes, irrespective of the limitations of this act," it would be more in line with what you are asking.

Mr. MERITT. Would it not be all right as it is?

Mr. NORTON (interposing). It occurs to me that Mr. Carter's interpretation of this phrase there is not a proper one. The provision reads as follows:

And provided further, That the Secretary of the Interior is hereby empowered, during the fiscal year ending June 30, 1917, to expend funds of the Chickasaw, Choctaw, Creek, and Seminole Nations available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

That is, he is authorized to expend funds that are available under existing law for school purposes. He is authorized to expend them for such repairs, improvements, or new buildings as he may deem essential under the proper conduct of the school of the said tribes. At the present time there are certain funds that are available for school purposes, and it is the purpose to make these funds not only available for school purposes but to make them available for repairs to buildings.

Mr. KONOP. I think if there were a comma after the word "law," so as to be sure that that phrase was connected with the words "available for school purposes," there would be no question about it.

Mr. MERITT. That was our intention, Mr. Norton, just as you have stated it. It might remove any doubt in the matter by striking out the words "under existing law."

Mr. KONOP. I wouldn't strike them out, but put a comma after the word "law."

Mr. CARTER. The facts are about as follows: The act of April 26, 1906, authorized the Secretary of the Interior to use the funds of the Five Civilized Tribes for school purposes up to certain amounts, with no limitations. Now, in this bill, in the current law, and in several other Indian appropriation acts passed previously we have placed the language that no tribal funds should be spent with certain exceptions, one of which is for schools. Under that language I understand the Comptroller of the Treasury has ruled that he can only make payments for board and tuition of children.

Mr. MERITT. That is correct.

Mr. NORTON. That is just what this provision is aimed to enlarge—aimed under this proviso here to make those funds that are not available for school purposes available for repairs, improvements, on new buildings.

Mr. MERITT. That is our purpose in asking for this legislation.

Mr. KONOP. I think a comma would fix it.

Mr. CARTER. I think that would cure it.

Mr. KONOP. Put a comma after the word "law," "available for school purposes under existing law, for such repairs," etc.

Mr. CARTER. Line 25, page 77, amendment 110, add:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, \$25,000.

Mr. HAYDEN. That language was contained in the bill as it was reported to the House, went out on a point of order, and was restored in the Senate.

Mr. KONOP. But the House bill carried only \$15,000.

Mr. MERITT. That item is discussed on page 352 of the House and page 215 of the Senate hearings. We would like to have it amended

by inserting after the word "allotted" the words "and unallotted Indian lands in Oklahoma," and strike out "by members of the Five Civilized Tribes," would make the appropriation applicable to allotted and unallotted tribal lands in Oklahoma and not confine it to the Five Civilized Tribes.

Mr. CARTER. If that was done, the House committee would probably have to do it, because the conferees might not have such jurisdiction.

Mr. MERITT. We would be glad to have that.

Mr. CARTER. We do not deal with unallotted lands here.

Mr. KONOP. The provision as inserted in the bill asks for \$25,000, but the House gave only \$15,000. Why this increase to \$25,000?

Mr. MERITT. We had \$25,000 heretofore, and we need the full amount appropriated.

Mr. KONOP. But, as I remember, there was an unexpended balance.

Mr. MERITT. The force has only recently been organized, and for that reason the entire amount was not appropriated; but we are doing splendid work in Oklahoma in connection with this appropriation by conserving gas and requiring oil operators to conduct their operations along lines of conservation, conserving the gas, etc.

Mr. KONOP. What page is this on?

Mr. MERITT. Page 215 of the Senate hearings and page 352 of the House hearings.

Mr. KONOP. There was unexpended \$13,173 when we had this bill under consideration. That is the reason we cut the estimate down to \$15,000.

Mr. MERITT. As I stated before, the force was not immediately organized. We believe that we can use the entire appropriation to advantage.

Mr. KONOP. But if it were not immediately organized, then you didn't pay out the money, the \$25,000 that was appropriated last year?

Mr. MERITT. No, sir.

Mr. KONOP. So there must be an unusually large balance?

Mr. MERITT. But we only used those people for a part of the year, and that accounts for the balance. But if you limit it to a \$15,000 appropriation it might be necessary to lay off some of the people who are now employed.

Mr. CARTER. Can you use any part of this balance in the next fiscal year?

Mr. MERITT. No, sir; it has gone back into the Treasury. It is important that this amendment that I have suggested be placed in the bill for the reason that they are discovering oil in western Oklahoma outside of the Five Civilized Tribes, and we would like to have all of the oil operations on Indian lands.

Mr. CARTER. Outside?

Mr. MERITT. Yes, sir.

Mr. CARTER. This only applies to the Five Civilized Tribes.

Mr. MERITT. I have suggested that it be made to apply to all allotted and unallotted lands in Oklahoma.

Mr. NORTON. Allotted and unallotted lands in Oklahoma?

Mr. MERITT. Yes, sir; and strike out the words "leased by members of the Five Civilized Tribes."

Mr. KONOP. This is not reimbursable out of the funds of the Indians?

Mr. MERITT. No, sir.

Mr. CARTER. Line 14, page 78, amendment No. 111:

That the Secretary of the Interior be, and he is hereby, authorized to effectuate a compromise settlement of the suit of the United States against E. Dowden and others decided adversely to the Government on January fourth, nineteen hundred and fifteen, by the United States Circuit Court of Appeals for the Eighth Circuit and now pending on appeal in the Supreme Court of the United States, and for said purpose to purchase whatever right, title, and interest that said E. Dowden may have in or to the land involved in said suit, said land being situated within the area segregated for town-site purposes at Tuttle, Oklahoma, and to take such other action as may be necessary to quiet the title in the Choctaw and Chickasaw Nations to said land and in the purchasers from said nations at the Government sale of the town lots, and for the above purpose the sum of \$57,500, together with interest thereon at the rate of six per centum per annum from February twenty-fourth, nineteen hundred and sixteen, to date of settlement, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That the United States is to be reimbursed to the extent of the proceeds heretofore derived, or which may hereafter be derived, from the sale of the town lots within the area affected by such compromise settlement.

Mr. HAYDEN. Does the Indian Office recommend this legislation?

Mr. MERITT. Yes, sir; this item was added to the Indian bill before the Senate committee at the request of Senator Owen, page 524 of the Senate hearings, but the department has reported favorably.

Mr. HAYDEN. As I understand it, this bill passed the House last night. It is not necessary to include that amendment in this bill. The bill was H. R. 10791, passed by the House April 4, 1916, as is shown by the Record, at page 6241.

(Thereupon, at 4.30 p. m., the committee adjourned until to-morrow, Thursday, April 6, at 10 o'clock a. m.)

COMMITTEE ON INDIAN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Thursday, April 6, 1916.

The committee this day met, Hon. Charles D. Carter presiding.

STATEMENT OF MR. EDGAR B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS—Continued.

Mr. CARTER. The next amendment is No. 112, on page 79. That is merely to correct an error. The next amendment is on page 80, No. 113, and is as follows:

\$15,000; for remodeling sewer system, \$5,000; for three high-pressure steam boilers, \$7,200; for new laundry machinery, \$2,000; for one new rotary brick oven, \$1,800: *Provided*, That the unused balance of \$9,830 of the amount appropriated by the act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and two), and an additional amount of \$2,500 may be expended for an addition to the assembly hall; in all, \$135,500.

What is the necessity for that unexpended balance?

Mr. MERITT. This item was discussed in the Senate hearings on page 126. This is one of our largest nonreservation schools.

Mr. CARTER. What is the page in the House hearings?

Mr. MERITT. Page 356 of the House hearings. These amendments were placed in the bill at the request of Senator Lane, of Oregon.

He recently visited this school and found that there were a number of improvements that were very urgent. We realized that the school was not in good condition, but we kept our estimates down to the lowest point possible. However, we would be glad to have the new items requested by Senator Lane. In connection with the request for an increased appropriation for a new auditorium I will say that Congress, in the act of August 1, 1914, appropriated \$10,000 for this building, and we advertised for bids, but on account of the high cost of material we could not get the building that we had planned. Senator Lane requested that no action be taken on that advertisement until he could put the matter before Congress and request an increased appropriation, and this item is a result of his request.

Mr. HAYDEN. If this is one of your largest schools, why is the per capita cost so high?

Mr. MERITT. That per capita cost is too high, and we will call the attention of the superintendent to that excessive cost.

Mr. CARTER. After you have called his attention to the high per capita cost do you suppose he can make any reductions?

Mr. MERITT. He ought to be able to do so, because they have a good school farm in connection with that plant, and there is no reason why the per capita cost should not be kept within \$200.

Mr. CARTER. Do you not think that before a school is entitled to consideration over other schools that it ought to at least show the average per capita cost?

Mr. MERITT. Yes, sir; I think that there is not a very favorable showing at this school.

Mr. CARTER. If we were to make a rule that no increases would be given to any schools, except upon a showing of the most urgent exigency, where the per capita cost exceeded the average, do you think there would be an inducement for the superintendent to operate his school in a more economical way?

Mr. MERITT. I believe that if the Congress should establish a policy of that kind, it would have a tendency to keep the per capita cost down to the lowest point practicable.

Mr. CARTER. The next amendment is No. 114, page 81, line 2, as follows: Strike out "in the discretion of the Secretary of the Interior, shall be deposited in the Treasury to the credit of said Indians" and insert "shall be paid, share and share alike, to the enrolled members of the tribe."

Mr. HAYDEN. What about that?

Mr. MERITT. This item is justified on page 104 of the Senate hearings and on page 359 of the House hearings. It is for the purpose of paying the money directly to the Indians rather than deposit it in the Treasury of the United States to their credit.

Mr. HAYDEN. Does the bureau approve of this change?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 115, page 81, line 14, as follows:

That the sum of \$1,000, or so much thereof as may be necessary, of the tribal funds of the Klamath Indians of the State of Oregon is hereby appropriated to pay the actual expenses of the two delegates of the said tribe who have been elected by the general council of the Klamath Indians to attend to the

business of the tribe and pay their expenses to Washington in February and March, nineteen hundred and sixteen, to present the affairs of the said Klamath Indians of the State of Oregon to the officials of the United States.

What is the necessity for that?

MR. MERITT. This item was placed in the Indian bill before the Senate Committee by Senator Lane. See Senate hearing, page 522.

MR. HAYDEN. How much money have these Indians to their credit?

MR. MERITT. They have to their credit \$174,583.

MR. HAYDEN. It would not seriously deplete this fund to pay this \$1,000 if the bureau is satisfied that that amount should be paid.

MR. MERITT. Two Indians came here at the request of the Indian tribe and we see no objection to paying their actual expenses.

MR. KONOP. Did they appear before the committee?

MR. MERITT. Yes, sir; they appeared before the Senate committee and also appeared before the Indian Bureau.

MR. KONOP. They have not appeared before this committee?

MR. MERITT. No, sir.

MR. KONOP. Do you know what they appeared for?

MR. MERITT. They wanted some of their timber sold. These Indians have quite a large amount of timber on their reservation. We have not sold any of that timber during the last two years because of the low price of stumpage, but we are now getting ready to sell part of the timber belonging to those Indians.

MR. CARTER. Why was it not presented to the House committee?

MR. MERITT. Because the Indian delegation did not come to Washington until after the bill had passed the House.

MR. CARTER. The next amendment is No. 116, line 23, page 81, as follows:

For the construction of a bridge across the Williamson River on the Klamath Indian Reservation, Oregon, \$3,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended, reimbursable to the United States by the Indians having tribal rights on said reservation, and to remain a charge and lien upon the lands and funds belonging to said Indians until paid.

MR. MERITT. This item was incorporated in the Indian bill before the Senate committee at the request of Senator Lane, and is justified on page 521 of the Senate hearings.

MR. CARTER. How much of a fund have these Indians, Mr. Meritt?

MR. MERITT. They have \$174,583.

MR. KONOP. In the Treasury?

MR. MERITT. Yes, sir.

MR. HAYDEN. Is it agreeable to the Indians that this money be expended?

MR. MERITT. We have not taken the matter up with the Indians, but it would be clearly for their benefit, and the Indian delegation that was here said that they were in favor of it.

MR. CARTER. You say they have \$174,000 on hand?

MR. MERITT. Yes, sir.

MR. CARTER. What would be the objection to taking this directly out of their fund instead of appropriating it from the Treasury, and making it reimbursable? This would make some unnecessary book-keeping, would it not?

MR. MERITT. There would be no objection to that.

MR. CARTER. The next amendment is No. 117, page 82, line 10, striking out "\$18,666" and inserting "\$14,000."

Mr. MERITT. This amendment was made in the Senate Committee on Indian Affairs at the request of Senator Lane, and the item is discussed on page 126 of the Senate hearings.

Mr. HAYDEN. The Senator must have been convinced that the bridge would not cost as much as was estimated by Mr. Sinnott, of Oregon, when he introduced his bill, because he reduced the amount by \$4,666 and provides that they shall pay one-half of the cost instead of one-third.

Mr. MERITT. You will note that the amendment requires the Indians to pay one-half of the cost of the bridge.

Mr. HAYDEN. The total amount is reduced; the amount carried, in line 10, is \$18,666, and the amendment provides for \$14,000.

Mr. CARTER. The next amendment is No. 118, line 17, page 82, striking out the words "one-third" and inserting the words "one-half." The next amendment is No. 119, line 1, page 83, as follows:

That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim arising under treaty stipulations or otherwise which the Klamath Band of Indians or other bands of Indians residing in the State of Oregon have against the United States, and such suit or suits as may be instituted hereunder shall, if the convenience of the court admit, be advanced upon the docket of either of said courts for trial and be determined at the earliest practicable time.

Amendment No. 120 is in connection with amendment No. 119 and is as follows:

That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court exceed in amount such sum or sums as may have been fixed therefor under the terms of any contract entered into between the Indians and their attorney in conformity with section twenty-one hundred and three and the following of the Revised Statutes of the United States for the prosecution of their claim.

Mr. MERITT. This item was included in the Indian bill at the request of Senator Lane and is discussed on page 522 of the Senate hearings.

Mr. HAYDEN. What is the actual amount of money claimed by these Indians?

Mr. MERITT. The amount has not been even approximately determined. They claim that they are entitled to compensation for certain lands that have been taken away from them by the Federal Government.

Mr. CARTER. How much land?

Mr. MERITT. The acreage has not been determined.

Mr. CARTER. Can you not approximate it?

Mr. MERITT. It will require a survey of the lands to determine that amount.

Mr. CARTER. Where are these lands situated?

Mr. MERITT. There are certain lands in dispute which join the Klamath Reservation in the southern part of Oregon.

Mr. CARTER. How much land is in the Klamath Reservation?

Mr. MERITT. Approximately 800,000 acres.

Mr. CARTER. Is the amount in contention greater or less than the present reservation?

Mr. MERITT. Less.

Mr. CARTER. Half as much?

Mr. MERITT. Probably one-fourth as much.

Mr. CARTER. Who holds the lands?

Mr. MERITT. The lands are open to settlement by white people.

Mr. CARTER. Under a treaty?

Mr. MERITT. Under an act of Congress, I think.

Mr. CARTER. Did the land belong to the Klamath Indians when it was taken?

Mr. MERITT. It was occupied by the Klamath Indians.

Mr. CARTER. Did they have any title to it?

Mr. MERITT. They had a possessory title; they had been occupying that land.

Mr. CARTER. Were they located by an Executive order?

Mr. MERITT. The Klamath Reservation is what is known as a treaty reservation.

Mr. CARTER. Did the treaty guarantee the title of their lands to them?

Mr. MERITT. I would not like to go into that matter definitely without looking it up. Various Indians have various claims against the Government.

Mr. CARTER. Can you put in the record, Mr. Meritt, a statement showing what these claims consist of—approximately what the amount will be and the basis for them? Then, perhaps, you had better quote the treaty, if they have a treaty, or whatever authority of law they have.

Mr. MERITT. I wish to submit the following memorandum relative to this matter:

This item is to permit the Klamath Indians of Oregon to take their claims against the Government to the Court of Claims for adjudication.

For a number of years this tribe had claimed that the reservation boundary line established by the Government excluded a large number of acres belonging to them; and by the act of June 10, 1896 (29 Stat. L., 321), a commission was appointed, which found an erroneous exclusion of more than 600,000 acres. By act of June 21, 1906, about \$500,000 was appropriated for payment to the Indians for the lands wrongfully taken from them. However, the Indians still maintain that the boundary commission did not include in their findings all of the land taken from them and insist that they should be compensated therefor.

As the item properly protects the Indians in the matter of attorney fees and also the interests of the Government, it should be enacted in order that the claims of these Indians may be finally satisfied.

Mr. HAYDEN. This amendment provides no set-off on the part of the United States for any gratuity made to these Indians or anything else; they are to get everything they claim and the United States is not permitted to set up anything it did for these Indians. The usual form is to allow the United States to set up what it has expended in their behalf as a set-off against their claims.

Mr. MERITT. That language should be incorporated in all jurisdictional acts.

Mr. HAYDEN. Some years ago there was passed a very innocent-looking authorization to submit all claims on behalf of the Ute Indians to the Court of Claims and that resulted in a judgment for several millions of dollars against the United States. It seems to me that Congress ought to be furnished with some information as to what the probabilities are with respect to a case of this kind before

it authorizes it to go to the Court of Claims and not throw the doors wide open.

Mr. MERITT. We are not asking that this item be included in the Indian bill. I believe, however, that a carefully worded jurisdictional bill should be passed by Congress so that these Indians may go to the Court of Claims. I am in favor of permitting all Indian tribes who have claims against the Government to go to the Court of Claims.

Mr. KONOP. You would agree to have incorporated such language as would permit the Government to have the right to set up any claim it has against the Indians?

Mr. MERITT. I think that should be done in all jurisdictional bills.

Mr. CARTER. You say this justification is found on page 522 of the Senate hearings?

Mr. MERITT. It was referred to.

Mr. CARTER. Is that the only justification you know of for these claims?

Mr. MERITT. The office did not ask that this item be included in the bill.

Mr. CARTER. Do you know of any justification for this claim other than that furnished on page 522 of the Senate hearings?

Mr. MERITT. Oh, yes. We have information in the office relating to this matter.

Mr. CARTER. There is absolutely no justification on page 522. It appears to be simply a statement of the language desired in the bill, with no reference to it in the hearing.

Mr. HAYDEN. All of the stenographer's notes that were printed on that page refer to the construction of a bridge.

Mr. CARTER. And not to these claims at all.

Mr. MERITT. It was placed in the Indian bill by the Senate committee without very much discussion.

Mr. KONOP. Where is the discussion or evidence that these two delegates appeared before the committee in the Senate? You say they appeared before the committee; but I do not find anything in the hearing showing that they testified to anything.

Mr. MERITT. The hearing will show that these Indians did appear before the Senate committee, as is shown on pages 522 and 557; but there seems to have been no discussion of this matter in the hearings.

Mr. CARTER. Mr. Hawley, do you want to be heard on some of these items; and if so, which ones?

STATEMENT OF HON. WILLIS C. HAWLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON.

Mr. HAWLEY. I appear in behalf of the amendment on page 80 of the bill—amendment 113. In addition to what is stated in the Senate hearings, I have recently gone through the plant at Chemawa and have examined the system they have there—both the sewer system and the heating system. I would like to support the amendment of the Senate for the remodeling of the sewer system. That was estimated for in the estimate submitted by the department in order to furnish an outlet and better disposal of the sewage from the buildings. The testimony of Senator Lane—whom I understand was at the school this summer, as I did not have an opportunity to go

there—is that the toilets at that time were incapable of use by reason of the fact that they were clogged by not having a sufficient outlet for the sewage running through the pipes.

MR. CARTER. Mr. Hawley, the House allowed that item, as I remember it, did it not—\$5,000 for the sewer system?

MR. HAWLEY. Yes; but that was not all that was asked for the sewer system by the department, if I remember correctly.

MR. CAMPBELL. That is all the Senate allows—\$5,000.

MR. MERITT. We asked for \$5,000 for remodeling the sewer system.

MR. CARTER. The department asked for only \$5,000.

MR. CAMPBELL. The House allowed \$5,000 and the Senate allowed the same amount. All the Senate did was to change the language. It did not change the amount at all but simply transposed the language.

MR. CARTER. That will not be in conference, then, Mr. Hawley.

MR. CAMPBELL. There is no controversy between the House and the Senate on that item.

MR. HAWLEY. I supposed that there was some modification of it by reason of the fact that the Senate had put in new language there.

MR. CAMPBELL. The language of the House bill is "For remodeling sewer system," and that is the language of the Senate bill.

MR. HAWLEY. It occurs to me, however, that there was some additional estimate for the disposal of the sewage, but if the item is the same in both Houses there will be no necessity for a conference on them. But the heating plant is insufficient for the heating of the buildings, especially during a winter that is as cold as this last one. It is very seldom that they have as cold a winter as this past winter, but it is rainy there in the wintertime and damp. The heating plant is insufficient to furnish enough heat for all of the buildings, and there has been complaint about that for the past three or four years. They need something additional to the present heating system in order to make the schoolrooms and dormitories comfortable for the children and employees. The new laundry item, Senator Lane states, is put in there to more adequately provide the necessary machinery to take care of the work of the school. In the last few years there has been an addition to the school population by reason of the admission of Indians from Alaska. Some had been admitted before, but others have been added by reason of an amendment inserted in the bill two or three years ago.

Now, as I understand it, this is to take care of the additional school population, and is to replace machinery that has been used for a long while and which is incapable of doing its maximum work or accomplishing its maximum of efficiency. It is because of those conditions that this small expense is necessary. Senator Lane makes the statement that the bedding of the children was not changed as often as it should be by reason of the fact that they were not able to wash and dry the laundry. As to the brick oven have no information; that must have been a new matter, and you will have to take whatever Senator Lane and Mr. Meritt have to say about that. I suppose the proviso as to the unused balance of \$9,830 was recommended by the commissioner for the reason that the former appropriation would, in all probability, lapse. I suppose that is the reason for that provision, and Mr. Meritt can make the necessary explanation to you. Now, on page 81—

Mr. CARTER (interposing). Before you get away from that, the bureau estimated \$102,000 for 600 Indian pupils; for general repairs and improvements, \$15,000; and for remodeling sewer system, \$5,000. Now, we gave the bureau all that it asked for with the exception of cutting down the amount for repairs and improvements from \$15,000 to \$12,000, which was really a smaller cut than we made as to most of the repair and improvement items.

Mr. HAWLEY. There was a cut of \$3,300, as I understand it?

Mr. CARTER. \$3,000. All of these other things asked for were not estimated for by the Indian Bureau at all but were placed in the bill at the suggestion of the Senator from that State because, I presume, he wanted to see the school built up. I find that the per capita cost at this school is \$213.50, which is considerably above the average, although this is a very large school. The bureau usually tells us, when we ask about the high per capita cost at a school, that it comes about by reason of the school being a small school, but this is a school of 600 pupils.

Mr. HAWLEY. This is a very large school.

Mr. CARTER. It seems to me that the per capita cost is very high, and it is so high that it would not seem to justify continuing the up-building of the school over other schools that have a less per capita cost.

Mr. HAWLEY. We are not asking that any other school suffer, you understand, in order to provide for this one. The clerk of the committee asked me to come here, and stated you were having a hearing on these items, and it was courteous, indeed, to notify me and allow me to make a statement. I have stated the conditions at the school and the reasons which moved Senator Lane to offer these amendments, and if the committee can see its way clear to make provision for these amendments I think it would be money very well expended. It will very greatly promote the health of the children in the school, and unless school boys and girls are healthy and grow up strong in body they have been harmed rather than benefited by the school facilities provided. It is especially true that Indian children should be properly cared for in the schools so that they may grow up strong in body and mind, and it is in the interest of these children that I come here to speak a word in behalf of the proposed amendments.

Mr. KONOP. Could not the per capita cost at some of these schools be reduced by reducing the teaching force and assistants? I do not mean the assistants to the teachers, but I mean the matrons, the servants, and the other employees around the schools.

Mr. MERITT. That would be one way of reducing the per capita cost.

Mr. KONOP. Is there a policy which the bureau follows as to the number of pupils they require for one teacher or one employee? Has that ever been figured out in that manner?

Mr. MERITT. It is estimated that at these nonreservation schools there is 1 employee to about every 10 pupils. A number of those are Indian employees; and because of the fact that the Indian children are boarded and clothed at the school, more employees are necessarily required than if the Indians simply attended a regular university and boarded at their homes or at some other place.

Mr. KONOP. I visited an Indian school last fall and saw a number of pupils around there. I do not think there were to exceed 30, and

I remember that there was a principal and that there were 3 assistants. I thought that that school was top-heavy, as far as teaching force was concerned.

Mr. MERITT. At a school of that character, Mr. Konop, there should not be over two employees; there should be a teacher and a house-keeper.

Mr. KONOP. I do not know whether there were any more pupils anywhere else or not, but I saw only about 30 at this particular school.

Mr. HAWLEY. This school at Chemawa not only gives the Indian pupils training in letters, but they give them industrial training, training in dairying and agriculture; they have quite a large farm attached to the school, which prepares them for active work as citizens.

Mr. KONOP. How does the number of teachers at Indian schools compare with the number of teachers at normal schools or colleges in the country of about the same size?

Mr. MERITT. I took that question up with our supervisor of Indian schools, and he told me that under like conditions we did not employ any more people than were employed in outside schools; but we do not frequently find similar conditions in outside institutions.

Mr. KONOP. Mr. Hawley, is the cost of supplies and other things needed for the children at this school higher around Salem, Oreg., than they are in Nebraska and in other parts of the country?

Mr. HAWLEY. I should not think so. These supplies are secured under contract, and there are persons in Salem who supply these things; there are a number of butchers and others who supply the foodstuffs and they are supplied under contract. I have the impression that they get their supplies at very reasonable prices. Then the school raises a considerable portion—I think almost all—of the vegetables and fruits that are used by the school and also the milk that is used by the school.

Mr. CARTER. Mr. Meritt, how many employees have you at the school?

Mr. MERITT. We have 51 employees there.

Mr. CARTER. You had an average attendance last year of how many?

Mr. MERITT. Five hundred and fifty-four.

Mr. CARTER. That would mean an employee to every 10 or 11 children.

Mr. MERITT. Yes, sir.

Mr. CARTER. Is that about the average?

Mr. MERITT. Yes, sir.

Mr. CARTER. Is it necessary at an Indian school to have an employee of every 10 or 11 children attending the school?

Mr. MERITT. I did not think so when I first investigated the matter, but the supervisor of schools explained to me the necessity for that number of employees. Of course, you will recall that quite a number of those employees receive only \$300, \$400, and \$500 a year, and a good many of them are Indian employees. At these nonreservation schools we are required not only to keep the Indian children but to provide them with clothing and also to board them.

Mr. HAYDEN. There is an Indian school on the Pacific coast, the Sherman Institute at Riverside, Cal., where they have 100 more pupils than at this school, and yet the salaries paid at the Sherman

Institute are only about \$1,000 more than they are at this school. The salaries at the Sherman Institute amount to \$39,582.70, for a school of 700, and you have salaries at this school for 600 pupils amounting to \$38,482.21.

Mr. HAWLEY. Mr. Hayden, the average attendance for 1916, as shown on page 30 of the document entitled "Various positions in the Indian Service, together with salaries paid on July 1, 1915," was 570, and the enrollment 732.

Mr. HAYDEN. The average attendance at the Sherman Institute was 637 and the enrollment 752. So there are about 100 more pupils and yet a very much less salary roll in proportion. It seems to me that too much is paid in salaries at this school.

Mr. HAWLEY. Do they teach manual training and the industrial arts at the Sherman Institute?

Mr. HAYDEN. The Sherman Institute is one of the finest schools in the service.

Mr. CARTER. I think they have the best manual-training system at the Sherman Institute of any school.

Mr. MERITT. I have visited quite a number of these schools and the Sherman Institute is one of the finest Indian schools that we have. The superintendent of that school is one of the best administrative officers in the Indian Service.

Mr. KONOP. What is a disciplinarian?

Mr. CAMPBELL. A sort of a policeman around the grounds, is he not?

Mr. MERITT. Yes, sir.

Mr. KONOP. A disciplinarian at \$900 and an assistant disciplinarian at \$700.

Mr. MERITT. They keep order around the school grounds. Where you have 600 Indian pupils it is necessary to have employees to maintain discipline.

Mr. KONOP. Besides the wages you pay to the teachers, do they get their board, their washing, and quarters?

Mr. MERITT. They do not get their board; they get quarters.

Mr. KONOP. They have to board themselves out of their pay?

Mr. MERITT. Yes, sir.

Mr. CARTER. That is rather a large increase in the clerks?

Mr. MERITT. That is quite a number of clerks. There is an enormous amount of correspondence in connection with a school of that size. They are corresponding with the parents of the Indian children, answering their letters, and there is also a good deal of correspondence in connection with the purchase of supplies.

Mr. CARTER. Do you suppose that they have six times as much correspondence as a Congressman?

Mr. MERITT. They also have to make reports and keep books.

Mr. CARTER. Some Congressmen receive from 50 to 100 letters a day.

Mr. MERITT. Of course, that calls for a good deal of work.

Mr. CARTER. I notice that you have seven matrons.

Mr. MERITT. We have a matron for each dormitory.

Mr. CARTER. You have seven dormitories?

Mr. MERITT. That is usual.

Mr. CARTER. And you have seven matrons?

Mr. MERITT. We may have an assistant matron for some of the larger dormitories.

Mr. CARTER. You have one head matron and six assistants?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. The matrons and the assistants do the chamber work?

Mr. MERITT. They take care of the dormitories and see that the children are properly clothed and that their clothing is kept in repair.

Mr. CARTER. Do not the girls do the chamber work?

Mr. MERITT. The Indian girls do a part of the chamber work.

Mr. CAMPBELL. They do their own chamber work?

Mr. MERITT. Very largely.

Mr. CAMPBELL. Under the direction of these matrons?

Mr. MERITT. Yes, sir.

Mr. CARTER. The girls do the chamber work for themselves and for the boys, too?

Mr. MERITT. I do not think so. The boys attend to their own dormitories under the direction of the matron and the disciplinarian.

Mr. HAWLEY. As to the item on page 81, I hope the language inserted by the Senate will be kept in the bill. I took it up with Senator Lane and asked him to insert that language. As I remember, it has already passed the House once. This agency is being rapidly divided up and the Indians are becoming self-supporting. Many of them are on the tax roll of the county and the greater portion of the children attend the white schools.

Mr. CARTER. You are speaking in reference to amendment No. 114?

Mr. HAWLEY. Yes, sir. The children attend the white schools at the suggestion of the parents. The Indians had some schools of their own but they abandoned them. They are now paying taxes in the county and go to the white schools. They are becoming citizens and they want to have all the strings taken off and go on their own initiative.

Mr. CAMPBELL. How many of them are there?

Mr. HAWLEY. About 600, as I remember.

Mr. CAMPBELL. How much money have they to their credit?

Mr. HAWLEY. In a bill reported by this committee there was something like \$10,000, I think, to be distributed. The bill passed the House the other day, as I recall. In this particular case it is the money derived from the sale of six reserved sections. What those reserved sections will bring when they are appraised and sold, I can not say, but it ought to run something like—it depends on how much is timber. I can not tell. It might be \$30,000 and it might be \$75,000.

Mr. CAMPBELL. Have you an estimate of the amount of money that will come to these Indians as a result of the disposition of this land?

Mr. HAWLEY. I do not think I have ever seen an estimate of the timber.

Mr. MERITT. We have no estimate. These Indians have in the Treasury at this time \$33,000.

Mr. CAMPBELL. Some more money will come in if these lands are disposed of?

Mr. MERITT. Yes, sir. It is not a very large amount.

Mr. HAWLEY. I am very much obliged to the committee.

Mr. CARTER. The next item is on page 84, amendment No. 123, strike out "\$61,500" and insert "\$62,955."

Why this increase?

Mr. MERITT. That is merely for the purpose of correcting the amount that should be appropriated for that school. It only brings the total up to \$167 per capita, in addition to the salary of the superintendent.

Mr. CARTER. It was a mistake in the figures?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. You did that all through the estimates this year. Where you had a school that the per capita was less than \$167 you uniformly raised it?

Mr. MERITT. The superintendent wrote us that his school would be somewhat embarrassed if he did not get the regular amount for the school, \$62,955.

Mr. HAYDEN. He only had \$61,500 last year and the year before?

Mr. MERITT. This is in accordance with our estimate for this year.

Mr. HAYDEN. But he has been getting along in previous years with \$61,500?

Mr. MERITT. Yes, sir.

Mr. JOHNSON. Mr. Peirce, the superintendent, ranks high as a superintendent?

Mr. MERITT. Yes, sir; he is a good superintendent.

Mr. JOHNSON. And the expenditure of funds is made as judiciously as by any superintendent, is it not?

Mr. MERITT. I would say that he has proved himself to be a good administrative officer. He has been in the service a number of years and is recognized as a very competent man.

Mr. JOHNSON. I have been through this school many times. It is not in my district. I believe that the superintendent of that school gets as much value out of any money you give him as any I know of and as any superintendent in the State of South Dakota.

Mr. HAYDEN. My remarks had reference not directly to this school, but to the general proposition.

Mr. CARTER. The next amendment is on page 84 of the bill, to insert:

Provided, That the unexpended balance of the \$10,000 appropriated by the act approved August first, nineteen hundred and fourteen, for repairing buildings and replacing equipment destroyed or damaged by the tornado of June tenth, nineteen hundred and fourteen, at Flandreau Indian School, South Dakota, is hereby reappropriated and made immediately available for the purchase and installation of a water tank and the purchase of dairy cattle for said school.

Mr. MERITT. This item is discussed on page 663 of the Senate hearings and on page 368 of the House hearings. There is an unexpended balance of \$1,450 remaining of the appropriation of \$10,000 which we should like to have for the purpose of installing a water tank and the purchase of dairy cattle. We are trying to build up the cattle herd at each one of these nonreservation schools. We find that the milk and butter is very fine food for the Indian children, and we should like to have this money appropriated for that purpose.

Mr. CARTER. The next amendment is No. 125 on page 84, line 24, strike out the word "boiler" and insert the word "boilers." The next amendment is at the top of page 85, No. 126, strike out the words "in all, \$55,750" and insert "for barn, \$5,000; in all, \$60,750."

Mr. MERITT. That item is discussed on page 128 of the Senate hearings and on page 370 of the House hearings. We need a new barn at that school.

Mr. CARTER. Why was not that barn estimated for?

Mr. MERITT. For the same reason that we cut out new construction at a large number of nonreservation schools, in order to keep the estimates down to the lowest possible point.

Mr. CARTER. But you did recommend the construction of several buildings in the bill?

Mr. MERITT. At the most urgent places.

Mr. CARTER. Is not this about as urgent as any of them?

Mr. MERITT. We should like very much to have this appropriation.

Mr. JOHNSON. I would say to the committee that I have had some correspondence with Mr. Burke, formerly a member of this committee. He has been over the situation, and in his opinion it is necessary. He urgently requested me to make that statement to the committee. I have not been over the barn myself.

Mr. KONOP. Has the agent asked for this?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 127; on page 86, add:

That the Secretary of the Interior be, and he is hereby, authorized to provide adequate school facilities for Indian children now without Government or public school facilities in the Sioux Indian country, and there is hereby appropriated \$250,000 for this purpose, which shall include the purchase of necessary sites, to be immediately available.

Mr. JOHNSON. I would ask the committee that after Mr. Meritt has made his statement that further consideration be postponed until Mr. Gandy can be present. He is unavoidably detained at the Indian Bureau this morning.

Mr. CARTER. What have you to say about this amendment, Mr. Meritt?

Mr. MERITT. That item is discussed beginning on page 660 of the Senate hearings.

Mr. CARTER. Did the department request to have that amendment inserted in the bill?

Mr. MERITT. No, sir.

Mr. CARTER. At whose suggestion was it inserted?

Mr. MERITT. I believe Senator Gronna offered that amendment.

Mr. CARTER. What is the necessity for it?

Mr. MERITT. There are some tribal funds being used for maintaining mission schools in the Sioux country. Objection has been made to that method of financing those schools by a number of people, and it was for the purpose of meeting this objection that this amendment was offered.

Mr. CARTER. Does your bureau think that it would be a good idea to start out there in the establishment of new schools which will probably run into millions of dollars before we get through with it, when we have schools on the reservations already adequate for that purpose?

Mr. MERITT. It is claimed that there are not sufficient school facilities for the Indians on those reservations.

Mr. CARTER. Do you intend to supplement the schools you have or do away with some schools that the children are now attending?

Mr. MERITT. If this appropriation is finally passed by Congress the bureau will supplement the schools now existing.

Mr. CARTER. And none of the educational facilities being furnished the children would be dispensed with?

Mr. MERITT. None of the Government schools that are now in operation would be dispensed with.

Mr. CARTER. I understand that, but would it be necessary, in order to build these schools, to take children out of the schools they are already attending?

Mr. MERITT. That may be one of the objects of the appropriation.

Mr. CARTER. You ask for \$250,000. That would not furnish adequate improvements to take care of all of the children that you would have to remove?

Mr. MERITT. You understand that we are not asking for this appropriation.

Mr. CARTER. I want the information. In your opinion, would the \$250,000 you ask to have appropriated be sufficient to take care of all the children in the mission schools?

Mr. MERITT. There are 581 Indian children in the mission schools at this time under contract, for which we are paying \$62,748.

Mr. KONOP. The per capita is how much?

Mr. MERITT. It is quite low; about \$110.

Mr. CAMPBELL. Do you know of any way in which you could get school facilities at as reasonable figure as that for those pupils?

Mr. MERITT. \$110 per capita in the mission schools is less than the amount it costs to educate Indian children in the Government schools.

Mr. CAMPBELL. By what per cent?

Mr. MERITT. From an average of \$50 to \$100 per capita.

Mr. CAMPBELL. Cheaper?

Mr. MERITT. Yes, sir.

Mr. CAMPBELL. This money is paid out by the Government, or out of the funds of the Indians, if the Indians have the funds?

Mr. MERITT. Yes, sir. We are not permitted to pay out gratuity appropriations by Congress for the education of Indian children in mission schools. We are authorized under a decision by the Supreme Court in the Quick Bear case (210 U. S., p. 51) to use tribal funds for the purpose of educating Indian children in mission schools.

Mr. CARTER. The next amendment is No. 128, which is simply the correction in the number of the section, making it section 23 instead of section 22.

The next amendment is on page 89, line 16, No. 129, as follows:

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Kaibab Indian Reservation, Utah, the sum of \$9,000: *Provided*, That such sum shall be expended under the direction of the Secretary of the Interior in such manner and at such times as he may deem proper in the employment of Indian labor for the construction of said road or highway.

Mr. HAYDEN. Have these Indians any money to their credit?

Mr. MERITT. No, sir. This item is discussed on page 119 of the Senate hearings.

Mr. HAYDEN. They have a very small reservation, as I remember it.

Mr. MERITT. Yes, sir.

Mr. HAYDEN. How many Indians are there?

Mr. MERITT. There are less than 300 Indians.

Mr. HAYDEN. This reservation, if I remember correctly, is located about 150 miles from a railroad and in a very inaccessible part of the country. Is any part of this reservation in Arizona, or is all of it in Utah?

Mr. MERITT. All of it is in Utah.

Mr. HAYDEN. There is a Kaibab Reservation in Arizona, is there not?

Mr. MERITT. No, sir; I think not. I have a map of the Indian reservations here and the reservation is shown to be entirely within the State of Utah. It is a very small reservation.

Mr. HAYDEN. What is the reservation south of it in Arizona?

Mr. MERITT. The Moqui Reservation is southeast of it.

Mr. HAYDEN. What do you know about this appropriation?

Mr. MERITT. The Senator from Utah made a request for that appropriation. It seems that the roads have been constructed up to the reservation and this is for the purpose of making a through road.

Mr. HAYDEN. The local authorities have contributed money toward constructing this line of road so that the Indians can get out to the railroad, and it is to pay the Indians' share that you need this appropriation?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 130, page 90, line 6, as follows:

To reimburse the board of education of Box Elder County, State of Utah, for education of twenty-three Indian pupils at the Washakie School, Box Elder County, during the school year of nineteen hundred and thirteen and nineteen hundred and fourteen, and for the education of twenty-one Indian pupils at the same school during the school year of nineteen hundred and fourteen and nineteen hundred and fifteen, \$1,684.

Mr. MERITT. This item is discussed, beginning on page 114 of the Senate hearings. The office did not have sufficient funds available to pay the tuition of these Indian children, but this is a just claim, and we would be glad to see the item carried in the Indian appropriation bill.

Mr. CARTER. The next amendment is No. 131, page 90, line 14, as follows:

For the education of twenty-two Indian pupils at the Indian school at Washakie, Box Elder County, for the school year nineteen hundred and fifteen and nineteen hundred and sixteen, or so much thereof as may be necessary, \$882.

Mr. MERITT. That item is also discussed on page 114 of the Senate hearings, and the statement I have just made applies to this item.

Mr. KONOP. Have we been appropriating money for these schools?

Mr. MERITT. Congress has allowed us to use \$25,000 of the general appropriation for the payment of tuition of Indian children in public schools. That appropriation is so limited that we did not have funds in sufficient amount to pay for all of the Indian children in public schools.

Mr. KONOP. If the general appropriation allowed you were increased in this bill there would not be any necessity for substituting these items, would there?

Mr. MERITT. Yes, sir; for the reason that the service has already been rendered, and the lump-sum appropriation would not be available under those circumstances.

Mr. HAYDEN. But you would not have to ask for these items next year.

Mr. MERITT. No, sir.

Mr. KONOP. This provides "For the education of 22 Indian pupils at the Indian school at Washakie." Is that a Government school?

Mr. MERITT. That should be "at the school"; that word "Indian" should be stricken out.

Mr. KONOP. That is a State school, is it?

Mr. MERITT. Yes, sir.

Mr. KONOP. For 1916 you could take the amounts out of the general fund, could you not?

Mr. MERITT. The appropriation provided in this Indian bill will be available for the next fiscal year.

Mr. CARTER. The next amendment is No. 132, page 90, line 18, as follows:

To enable the Secretary of the Interior to protect the north abutment of the Government bridge at Myton, Utah, from high water, \$1,000, to be immediately available.

Mr. KONOP. Was this bridge constructed under the Bureau of Indian Affairs?

Mr. MERITT. Yes, sir; under an act of Congress, and we need a small appropriation to protect the bridge. The hearings are found on page 119 of the Senate hearings. This bridge was authorized under the act of August 5, 1909 (38 Stat. L., p. 124).

Mr. KONOP. Is it a Government bridge?

Mr. MERITT. Yes, sir.

Mr. KONOP. And it is not an Indian proposition?

Mr. MERITT. It crosses a stream at Myton, Utah, adjoining the Indian reservation.

Mr. KONOP. How was it built; out of Government funds?

Mr. MERITT. Yes, sir; there was an appropriation of \$25,000 for the construction of this bridge.

Mr. KONOP. Out of Indian funds or out of Treasury funds?

Mr. CARTER. I understood you to say that this item of \$25,000 for the construction of the bridge was carried in the Indian appropriation bill?

Mr. MERITT. That is my recollection.

Mr. KONOP. This bridge is not on the Indian reservation?

Mr. MERITT. I think one end of the bridge is on the Indian reservation.

Mr. KONOP. There are some items in this bill providing for the construction of bridges on Indian reservations, and the money is to be taken out of Indian funds. Do you not think this is setting a bad precedent, namely, to take the money out of the General Treasury and build the bridge, especially when it is outside of the Indian reservation?

Mr. MERITT. I see no objection to making this item reimbursable out of the tribal funds of the Indians.

Mr. KONOP. Have the Indians any funds?

Mr. MERITT. Yes, sir.

Mr. CARTER. How much?

Mr. MERITT. They have \$2,376,359.

Mr. CARTER. Then why not appropriate the amount necessary out of their funds?

Mr. MERITT. That would be satisfactory.

Mr. CARTER. You have no treaty which that action would violate, have you?

Mr. MERITT. No, sir.

Mr. CARTER. The next amendment is No. 133, page 90, line 21, as follows:

That the lands and also all the mineral therein, within the former Uncompahgre Indian Reservation, in the State of Utah, which were specifically reserved for future action of Congress, in the act approved March third, nineteen hundred and three (Thirty-second Statutes, page nine hundred and ninety-eight), and the remainder of the lands within even numbered sections, in said reservation, reserved in the act approved June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes, page eighty-seven), as containing gilsonite, asphaltum, elaterite, or other like substances, and which were, by said act of March third, nineteen hundred and three, authorized to be sold and disposed of in tracts not exceeding forty acres, shall, unless otherwise reserved, be immediately open to settlement, location, occupation, and entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein.

What have you to say about that?

Mr. MERITT. This item was discussed on page 5746 of the Congressional Record of March 28, 1916. The item was inserted at the request of Senator Smoot, of Utah.

Mr. CARTER. What justification have you to offer for it, if any?

Mr. MERITT. We do not ask that this item be carried in the Indian bill.

Mr. CARTER. Has a bill covering this proposition been introduced in the House or in the Senate?

Mr. MERITT. There was a bill introduced (S. 6623, Sixty-third Congress, second session) providing that lands and the minerals therein within the former Uncompahgre Indian Reservation, in the State of Utah, reserved for future action of Congress—

Mr. CARTER (interposing). Did that have the same purpose in view as this amendment?

Mr. MERITT. This is one of the purposes of that bill.

Mr. CARTER. Was that submitted to your bureau for a report?

Mr. MERITT. Yes, sir; a report was made on S. 6623 by the Secretary under date of January 7, 1915, and that report is found on page 5746 of the Congressional Record, March 28, 1916.

Mr. CARTER. Is the report favorable or unfavorable?

Mr. MERITT. It is favorable.

Mr. TOWNSEND. I will state that Senate bill 43 was referred to the Committee on Public Lands of the Senate, passed by the Senate, and the bill referred to the Committee on Indian Affairs, and at the request of the chairman I have asked that that Senate bill 43 go to the Committee on Public Lands of the House.

Mr. KONOP. The amendment refers to it as a former Indian reservation.

Mr. MERITT. These lands belong to the Indians of the Uncompahgre Indian Reservation until finally taken up by white settlers, and the disposition of surplus lands thrown open to settlement is under the jurisdiction of the General Land Office.

Mr. CARTER. These lands are Indian lands?

Mr. MERITT. Yes, sir; until finally disposed of to white settlers.

Mr. KONOP. As long as the bill passed the Senate and is now before the Committee on Public Lands of the House, do you not think it ought to take its course before that committee?

Mr. MERITT. I think it would be desirable that this legislation be considered as a separate bill.

Mr. CARTER. The next amendment is No. 134, which is the change of a section number.

The next amendment is No. 135, on page 92, line 2, increasing the sum of \$13,000 to \$15,000.

Mr. MERITT. We would like very much to have the item increased to \$15,000. The item is discussed on page 111 of the Senate hearings and on page 390 of the House hearings. We asked for \$18,000 and the Senate allowed us \$15,000.

Mr. CARTER. Last year you had only \$13,000.

Mr. MERITT. But we have a new agency that we are supporting out of this appropriation.

Mr. CARTER. That agency was not in existence during the year 1915?

Mr. MERITT. No, sir.

Mr. CARTER. How much does that agency cost?

Mr. MERITT. It will cost \$5,000 or \$6,000 a year.

Mr. CARTER. I notice you had an unexpended balance of \$3,300 in 1915.

Mr. MERITT. We have been using some tribal funds that are no longer available for those agencies, and we feel that we will need at least the amount that is appropriated by the Senate, \$15,000.

Mr. CARTER. The next amendment is No. 136, page 94, line 19, as follows:

For the third installment in payment of \$635,000 for water supply for irrigation of forty acres of each Indian allotment on the Yakima Indian Reservation irrigation system in the State of Washington, provided by the act of August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and four), \$100,000 to be covered into the reclamation fund.

Mr. MERITT. We estimated for this item to go into the sundry civil bill with the Montana irrigation items; we felt that it was more of a Reclamation Service item than an Indian item. This legislation is the result of the recommendation made by the joint Indian commission which visited the Yakima Reservation two years ago and made a thorough investigation of the water rights of those Indians. The Indian Bureau has been contending for years that the Yakima Indians had a right to one-half of the flow of the Yakima River, about 1,000 second-feet. There has been allowed heretofore only 147 second-feet to the Yakima Indians, and we felt that was a great injustice to those Indians. After the investigation by the joint Indian commission they reached the conclusion that the Indians were entitled to at least 720 second-feet during the low-water season out of this river, and it is for the purpose of providing the Indians with this additional water that this appropriation is requested. It is carrying out the recommendations of the joint Indian commission and also the act of Congress of August 1, 1914.

Mr. KONOP. You say this belongs to the sundry civil bill?

Mr. MERITT. We asked that it go into the sundry civil bill along with the Montana items; it was left out and it is now necessary to put it in the Indian bill.

Mr. HAYDEN. Heretofore the money for the Yakima project has been appropriated in the Indian bill?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. When did you change the policy and ask that the appropriation be carried in the sundry civil bill?

Mr. MERITT. This year; we felt that we should ask that this appropriation be carried in the sundry civil bill.

Mr. HAYDEN. This is the first year that request was made?

Mr. MERITT. Yes, sir.

Mr. HAYDEN. If you had known that the Committee on Appropriations would not accept jurisdiction of this matter you would have included it in your estimates to this committee?

Mr. MERITT. Yes, sir. This item was discussed on page 5744 of the Congressional Record and was offered by Senator Jones in the Senate.

Mr. KONOP. It was offered in the Senate and not to the committee?

Mr. MERITT. Yes, sir.

Mr. CARTER. It was not offered to the committee?

Mr. MERITT. No, sir. It is in line, however, with our estimates to Congress.

Mr. CARTER. The next amendment is No. 137, page 95, line 24, as follows:

That the Secretary of the Interior be, and he hereby is, authorized to sell and dispose of any portion of the lands included within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes, as provided for in the act approved August first, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page five hundred and eighty-four), at not less than the appraised value thereof, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State.

Mr. MERITT. This item was offered by Senator Jones, of Washington, on the floor of the Senate, and is discussed on page 5747 of the Congressional Record of March 28, 1916. There is a letter from the department, dated March 24, 1916, which reads as follows, the letter being addressed to Hon. Henry F. Ashurst, chairman Committee on Indian Affairs, United States Senate:

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1916.

MY DEAR SENATOR: I have the honor to acknowledge receipt of your letter of March 15, 1916, inclosing for report copy of an amendment intended to be proposed to H. R. 10385, authorizing the sale of the land in the abandoned Fort Spokane Military Reservation, Wash.

The proposed amendment authorizes the sale and disposition of any portion of the lands included within said military reservation not necessary for hospital purposes at not less than the appraised value thereof.

The lands in question are no longer needed for Indian school purposes, and inasmuch as such lands as may be necessary for hospital purposes are expressly excepted from the operation of the proposed amendment, I see no objection to the enactment of the proposed amendment into law, provided that it be modified so as to make the proceeds available for use in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians. I suggest that this be accomplished by adding the following after the word "thereof," in line 8 of the proposed amendment:

"And to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State."

There is inclosed a redraft of the proposed amendment, with the modification above suggested incorporated therein, and as modified I recommend that the proposed amendment be enacted into law.

Cordially, yours,

ANDRIEUS A. JONES,
Acting Secretary.

Hon. HENRY F. ASHURST,
*Chairman Committee on Indian Affairs,
United States Senate.*

Mr. KONOP. How large is this military reservation; do you know?

Mr. MERITT. It is a very small reservation and contains 640 acres.

Mr. KONOP. Do you know what the probable amount of money will be which will be realized from the sale of this military reservation?

Mr. MERITT. The land is said to be worth from \$100 to \$150 per acre.

Mr. KONOP. After this money is realized, you propose to construct and maintain Indian schools?

Mr. MERITT. Yes, sir.

Mr. KONOP. After the money which you get for this military reservation is exhausted, what are you going to do with those Indian schools that you construct and maintain?

Mr. MERITT. When there are no longer tribal funds for their support and maintenance we will ask for appropriations from Congress.

Mr. KONOP. Are these Indians now getting any education?

Mr. MERITT. Yes, sir; some of them are.

Mr. KONOP. Do you think that is the correct policy to follow, to sell this reservation and put the proceeds into new schools, and then when the money is gone come back to the General Treasury of the United States for money with which to continue those schools?

Mr. MERITT. If the Indians are in need of school facilities, I would say that that would be the proper policy.

Mr. KONOP. What kind of schools do you propose to start there?

Mr. MERITT. Probably small day schools.

Mr. KONOP. Not boarding schools or industrial schools?

Mr. MERITT. No, sir. The tendency of the department is to enlarge and increase the day schools on various reservations.

Mr. CARTER. You have no boarding schools on that reservation now, have you?

Mr. MERITT. No, sir.

Mr. CARTER. How many day schools have you?

Mr. MERITT. I think there are three day schools on the reservation.

Mr. CARTER. The day school proposition is giving very satisfactory results, is it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 138, page 97, line 11, as follows:

The Secretary of the Interior is authorized and directed to lease to citizens of the United States for mining purposes unallotted mineral lands on the diminished Spokane Reservation in the State of Washington for periods of 25 years with privileges of renewal, on such reasonable renewal conditions as may be determined by the Secretary of the Interior, and also with reasonable conditions, to be fixed by the Secretary of the Interior, providing for the prosecution of mining development and operation. Such leases shall be made to applicants in the order in which applications shall be made. Free opportunity shall be given for prospecting of the said lands, and rental shall be based upon mining production, and shall be reasonable, and the proceeds of rental shall be paid into the Spokane Indian tribal fund.

What have you to say about that?

Mr. MERITT. That item was discussed on page 5746 of the Congressional Record, and was offered by Senator Poindexter, of Washington.

Mr. DILL. Do you know anything about the value of the mineral outcroppings on that reservation?

Mr. MERITT. It is claimed by some that there are mineral deposits of value, but our reports have indicated that there is no great amount of minerals on that reservation.

Mr. DILL. There are, I might say, some very fine outcroppings of copper there; I do not know how much they will amount to if developed; and I want to say also that the old Germania Tungsten mine is on the northern border of this reservation, and there is every reason to believe that the deposits have extended across the border.

Mr. MERITT. It is claimed that they have some tungsten on that reservation, and it is for the purpose of enabling development along that line that this item has been requested, I think.

Mr. DILL. This item was in the last Indian bill and was approved in conference, was it not?

Mr. MERITT. I do not recall.

Mr. DILL. I think Senator Poindexter states that in his remarks. Does the department approve the matter or not?

Mr. MERITT. I think the item is worded so that the interests of the Indians would be protected.

Mr. DILL. Those Indians are about 600 in number; I think that is what the figures show.

Mr. MERITT. There are 611 Indians on that reservation.

Mr. DILL. They are very poor, are they not?

Mr. MERITT. Yes, sir.

Mr. DILL. I think they have \$25,000 to their credit. They have never been paid any money in the way of a per capita allowance, I believe.

Mr. MERITT. I do not recall any per capita payment due them.

Mr. DILL. The farm on the reservation is not bringing in any great return, is it?

Mr. MERITT. No, sir.

Mr. DILL. So that they are really in need of funds for tribal purposes, are they not?

Mr. MERITT. Yes, sir. They have less than \$25,000 to their credit in the Treasury.

Mr. DILL. I want to say for the record that there is every reason to believe that there is a great deal of valuable mineral land in this reservation, but it is tied up, as it is on all of the reservations. It is only a few miles out of Spokane and it is in line with some of those great copper mines. It is extremely important that this land be developed for them as soon as possible.

Mr. MERITT. The department has asked Congress for general legislation which would enable us to make mineral leases on these reservations.

Mr. HAYDEN. The difficulty about the legislation asked for is this, that it is proposed to give a man permission to make a lease and go upon the reservation; but the leases will be revocable leases, and he will not want to do it unless he has some protection. It is the same

difficulty that has been thrashed out in connection with the coal-leasing bill and the water-power bill. If there is to be a lease, it should not be a lease revocable at the will of the department, but it should be one subject to cancellation by a United States court only because of a breach of its terms and conditions. Then the man making the lease will know where he stands. Unless you have some arrangement of that kind, I do not think it will be satisfactory.

Mr. NORTON. Why not prescribe the terms and conditions of the lease?

Mr. HAYDEN. I think it would be more satisfactory to the Indians to have the lease based on the value of the ore in the mines. Then, if the mine is not profitable, they will simply quit operating it.

Mr. CARTER. The conditions that would warrant a cancellation of the lease could be specified.

Mr. HAYDEN. I have introduced a bill relative to mining leases which, I understand, is in the hands of a committee from the Indian Office, the General Land Office, and Geological Survey. I am looking for a report from the Secretary, and I hope to have it soon. I would be glad to get that report and submit it to the conferees.

Mr. DILL. My reason and Senator Poindexter's reason for wanting this provision in the bill is that these minerals there are very close to other mines, and these Indians are so poor that they ought to have some returns from those mines if they can be had. If the bill that you refer to is passed, then this provision could be repealed.

Mr. HAYDEN. The only thing I am suggesting is that we do not want to pass legislation holding out false hopes to those Indians.

Mr. DILL. I think under this provision they would be benefited. As I understand it, the minerals there are extremely valuable.

Mr. MERITT. We would like to develop all of those reservations that contain minerals, and would do it if we had the funds.

Mr. CARTER. The next amendment is No. 139, beginning with line 1, page 98, as follows:

That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, \$95,000, to be used by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, in the acquisition of water rights for the lands heretofore allotted to Indians, situated within the boundaries of the West Okanogan Valley irrigation district, Okanogan County, Washington, and for the payment of the proportionate operation and maintenance charges of the said district. The Secretary of the Interior is authorized to negotiate for said water rights and to pay therefor as he may deem appropriate, such part of the sum herein appropriated as he may determine to be necessary for the best interests of the Indians: *Provided*, That nothing herein contained shall be construed to authorize any lien or claims upon or against said allotted lands not herein specifically appropriated for: *Provided further*, That the amounts expended under this appropriation shall be reimbursed to the United States by the owners of the land on behalf of which such expenditure is made, upon such terms as the Secretary may prescribe, which shall be not less favorable to the Indians than the reimbursement required of settlers upon lands irrigated under the provisions of the reclamation act of June seventeenth, nineteen hundred and two (Thirty-second Statutes at Large, page three hundred and eighty-eight), and acts amendatory thereof or supplementary thereto; and if any Indian shall sell his allotment or part thereof, or receive a patent in fee for the same, any amount of the charge made to secure reimbursement remaining unpaid at the time of such sale or issuance of patent shall be a lien on the land, and patents issued therefor shall recite the amount of such item.

Mr. CARTER. What have you to say as to that?

Mr. MERITT. That is an item that was discussed beginning with page 570 of the Senate hearings, and was incorporated in the Indian bill at the request of Senator Poindexter. There has been an irrigation district formed, and we find that there are about 1,400 acres of Indian lands in that district. We would be glad to see the item carried in the Indian bill as finally passed.

Mr. CARTER. Why was not this estimate submitted before?

Mr. MERITT. It was brought to the attention of the Indian Office after the Indian bill passed the House.

Mr. CARTER. The Indian Bureau knew nothing about it until that time?

Mr. MERITT. We had general information about the situation, but we did not know that the matter was so urgent as it is.

Mr. DILL. It was reported upon favorably by the department, was it not?

Mr. MERITT. Yes, sir; a favorable report upon it is contained in Secretary Lane's letter dated February 23, 1916, to be found on page 572 of the Senate hearings. It is estimated that it will cost about \$63 per acre to irrigate this Indian land, and that is a very reasonable cost for irrigation purposes in that part of the country.

Mr. DILL. There is an annual maintenance charge of \$4 per acre, which is assessed annually against all the land under the project?

Mr. MERITT. Yes, sir.

Mr. DILL. This \$63 per acre is to pay their proportionate share of the construction charges on this land?

Mr. MERITT. That is my understanding.

Mr. DILL. This extra money would be for the purpose of purchasing water for those Indian lands. About how much of this money does the department think it would need or could use advantageously if it were appropriated?

Mr. MERITT. I do not believe we would use the entire \$95,000 during the present fiscal year. We could probably use to advantage \$30,000.

Mr. CARTER. Why would you need that much of it this year?

Mr. MERITT. In getting water on the Indian allotments. We will make an effort to get as many Indians to farm their allotments as possible during the first year.

Mr. DILL. It will take about \$5,000 to pay the maintenance charges. That is the first item, and then you would require whatever additional amount was necessary in buying water rights for the Indians to use on their lands. You think you could use about \$35,000 in that way?

Mr. MERITT. Yes, sir.

Mr. DILL. And it is not probable that more than that will be used the first year?

Mr. MERITT. No, sir.

Mr. CARTER. The next amendment is No. 141, line 23, page 99, as follows:

There is hereby appropriated the sum of \$95,000, to be used in addition to the tribal funds of the Stockbridge and Munsee Tribes of Indians, for the payment of the members of the Stockbridge and Munsee Tribes of Indians who were enrolled under the act of Congress of March third, eighteen hundred and ninety-three, equal amounts to the amounts paid to the other members of said tribe prior to the enrollment under said act, and such payments shall be made upon the certificate and order of the Commissioner of Indian Affairs upon claims being filed with him, showing to his satisfaction that such claimants, or the

ancestors of such claimants, were enrolled under the act of March third, eighteen hundred and ninety-three, entitled, "An act for the relief of the Stockbridge and Munsee Tribes of Indians of the State of Wisconsin."

Mr. KONOP. I have introduced in a number of Congresses a bill carrying an appropriation of \$90,000, I believe, and I have had favorable reports from the department upon it. I have been pressing it, and have offered it as an amendment to the Indian appropriation bill, but points of order have always been made against it. I think this is a just and honest claim that should have been paid long ago. I see they are asking \$95,000, and as I remember it, the bills I introduced asked for only \$90,000. What is the reason for the increase of \$5,000? Is that for interest?

Mr. MERITT. No, sir. We have looked into the claims carefully, and we find that \$95,000 will be required to meet all outstanding obligations.

Mr. KONOP. This will be in final settlement with those Indians?

Mr. MERITT. Yes, sir.

Mr. HERNANDEZ. How did these claims arise?

Mr. MERITT. This amendment is intended to provide an appropriation to pay certain members of the Stockbridge and Munsee Tribe of Indians enrolled under the act of March 3, 1893 (37 Stat. L., 744), the amount of payments made prior to their respective enrollments. Section 6 of the act of February 6, 1871, provided for the determination of the persons who were members of the Stockbridge and Munsee Tribe and their future relations to the Government. Two rolls were prepared, one containing Indians who it was thought desired to separate their relations from the tribe and become citizens, and the other those who desired to retain their tribal character and remain under the guardianship of the Government. It subsequently appeared that some of those Indians who were placed on the first roll did not desire to sever their relations with the tribe, and they were again enrolled under the provisions of the act of March 3, 1893 (37 Stat. L., 744-745). The Indians enrolled under that act are entitled to payments of the amounts paid to other Indians contained on the rolls during the time their names were omitted. Claims amounting to approximately \$121,676.24 have been filed, and there is not a sufficient amount of money available to pay them. An appropriation of \$95,000 is urgently needed to settle these claims. The Indians are very insistent that they be paid, but unless the proposed appropriation is made nothing can be done for their relief. We have in the Treasury a sufficient amount with the appropriation of \$95,000 to meet the outstanding obligations. This item was discussed beginning on page 531 of the Senate hearings, and in those hearings you will find a letter from the department dated April 23, 1914, setting out the nature of the claims and explaining the matter fully.

Mr. NORTON. Should there not be a provision there to the effect that none of this money shall be subject to attorneys' liens or claims?

Mr. MERITT. We would have no objection to that amendment?

Mr. NORTON. I think that ought to be added.

Mr. CARTER. I notice that Mr. Hannan appeared before the Senate committee on this item.

Mr. MERITT. He is the Secretary to Senator La Follette. Senator La Follette at that time was not in the city.

Mr. CARTER. Did you say that there are no attorneys' fees to be paid out of this?

Mr. MERITT. I know of no claims for attorneys' fees outstanding, but we would have no objection to the amendment suggested by Mr. Norton.

Mr. CARTER. It really ought not to be in the Indian appropriation bill.

Mr. KONOP. Was there a contract approved by the Interior Department with any attorneys representing these claimants?

Mr. MERITT. No, sir.

Mr. NORTON. The reason I suggest that is because it was brought to my notice that there were some attorneys here in this city who make it a practice to file claims against funds that are due Indian claimants. Now, I was told some months ago that they did not do that, but it has come under my personal observation that they are doing it. I saw an officer serving a notice of that kind in one case upon the Treasurer of the United States, and that was rather convincing proof to me that the practice was being followed. I inquired from the officer whether he had served papers in other cases, and he said, "Yes; in a great many cases of that character." Mr. Meritt, do you know of attorneys filing claims against moneys due Indians in cases where appropriations are made for them and the distributions are provided for? Are those notices served upon you or upon the Treasury Department?

Mr. MERITT. Occasionally we have letters from attorneys who contend that Indians owe them attorneys' fees, and asking that they be paid out of any funds to the credit of those Indians in the hands of the Interior Department.

Mr. NORTON. Do you know of a series of claims having been filed by Mrs. Belva Lockwood?

Mr. MERITT. Mrs. Lockwood has filed certain claims for attorney's fees, and I believe there was a contest between Mrs. Lockwood and Susan Saunders, a Cherokee Indian. There was an appropriation made for Mrs. Saunders under an act of Congress a year ago, and Mrs. Lockwood claimed attorney's fees out of that appropriation, and certain papers were filed in the Treasury Department in connection with that appropriation.

Mr. NORTON. Have the Saunders people received their money?

Mr. MERITT. My last information was that Mrs. Saunders refused to take the money out of the Treasury because this claim was pending.

Mr. NORTON. As a matter of fact, the payment of that claim has been enjoined by the courts on the request of the attorneys?

Mr. MERITT. There has been some litigation, but it is in another department of the Government, and I am not thoroughly familiar with the details of it.

Mr. KONOP. For the further information of Mr. Norton, I want to say with reference to this claim of \$90,000 for which I have been introducing bills, that I have received one letter from Mr. Thompson, of Oshkosh, asking me to urge the passage of this bill or claim; and then Mr. Dennison Wheelock, an Indian attorney from Wisconsin, who appeared before the committee this year, also spoke to me about this, stating that it was a just claim; but I do not know whether those gentlemen have entered into any contract with the Stockbridge

and Munsee Tribes of Indians or not or whether their contract, if any was made, has been approved by the Bureau of Indian Affairs.

Mr. MERITT. The Bureau of Indian Affairs has not approved any contract with either one of those attorneys regarding this claim.

Mr. CARTER. The next amendment is No. 142, line 13, page 100, as follows:

For the purchase of pure-bred dairy cattle for the Oneida Indian School, Wisconsin, \$10,000.

Mr. KONOP. The first knowledge I had of this item of \$10,000 was when representatives of these Indians handed me a resolution adopted on January 28 last, by some committee representing the Oneida Indians. Among some of the things asked for in those resolutions was this appropriation of \$10,000 to buy dairy cattle. I know they do have a nice farm there, and I think they need the cattle. That is all I know about this item. That was the first time I heard about it.

Mr. MERITT. This item is discussed, beginning on page 536 of the Senate hearings. It was not estimated for by the bureau; but, if Congress deems it proper, we have no objection to the appropriation being included in the bill.

Mr. CARTER. You have, on page 13 of the bill, a general item for industrial purposes, which provides for the purchase of cattle, among other things. Those cattle could be purchased out of that fund?

Mr. MERITT. They could be purchased from that fund if this specific appropriation is not made; but if this specific appropriation is not provided, we would feel that we could use that appropriation to better advantage at other places, and I doubt if we would purchase those cattle for that agency.

Mr. CARTER. Then, do you think that the purchase of them is very necessary?

Mr. MERITT. We could use this to advantage; but we could use our general lump-sum appropriation to much better advantage at other places.

Mr. CARTER. Then, at least, you do not think that this is as necessary as the other purchases that you expect to make from the general appropriation?

Mr. MERITT. No, sir.

Mr. CARTER. The next amendment is number 143, line 6, page 101, as follows:

Provided, That, in order to train said Indians in the use and handling of money, not exceeding \$25,000 of the above appropriation may be paid to them per capita or be deposited to their credit, subject to expenditure in such manner and under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. KONOP. I think that is a good item; and I am thoroughly in sympathy with the plan of taking \$25,000 of this fund and giving it to the Indians or placing it to their credit.

Mr. DILL. What will they do with it?

Mr. KONOP. It would be taken out of this \$100,000 fund that we allow the Pottawatomie Indians, the \$25,000 to be either distributed or placed to their credit for use in buying implements or anything of that kind they may need.

Mr. MERITT. This item is discussed on page 630 of the Senate hearings, and we will be glad to see the item carried in the Indian bill.

STATEMENT OF HON. JOSEPH HOWELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH.

Mr. CARTER. Mr. Howell, are there some amendments you wish to discuss?

Mr. HOWELL. Yes, sir. Amendment No. 129 provides an appropriation of \$9,000 to construct a highway through the Kaibab Indian Reservation in the southeastern part of Utah. I understand that there is a project on foot for a highway between Colorado and Utah, passing through this reservation, and this appropriation is to enable the Secretary of the Interior to spend \$9,000, or so much thereof as may be deemed necessary, in the furtherance of that project.

Mr. KONOP. Will that be sufficient for the purpose?

Mr. HOWELL. That will be the proportionate share of the expense of the Indian reservation in the construction of this road. It is the plan in the expenditure of this money to employ Indian labor in the construction of the road. The road will be of benefit to the Indians and their property, and, in addition, it will afford them employment. It will be of direct benefit to them. That is about all the information I have on that subject. Senator Smoot introduced the amendment in the Senate, and it seems to have met with the approval of the Senate committee.

Mr. CARTER. The House committee has adhered closely to the rule that they would not appropriate money out of the Federal Treasury for roads on Indian reservations, the committee believing that the money should come out of the Indians' funds. Have these Indians any funds?

Mr. HOWELL. I do not know that they have any funds. They are right down in the extreme southeastern part of Utah. Perhaps Mr. Meritt knows whether they have or not.

On page 90 you will find amendment No. 130, which is the next amendment I want to call to your attention. There is a little Indian community in Box Elder County where the Indians have their allotments, but they are not taxpayers. There is a little settlement of them in this county, and the educational board of the county have organized a school for them. Now, as I have said, these heads of families pay no taxes to the county, although they have their allotments. They pay no taxes to the county or State. The board of education of the county or the county authorities have gone ahead and established a school for the benefit of those Indians, and this item here carries only the expense of maintaining that school. The Commissioner of Indian Affairs is heartily in favor of it. The reason that it covers the year 1914 and 1915 is because the Indian appropriation bill for those years failed of passage. This should have been provided for in the last bill, but it failed of passage.

Mr. KONOP. I thought that Mr. Meritt stated that these 23 Indians went to white schools, and that this \$1,684 was for tuition, or, at least, that was my understanding of it.

Mr. HOWELL. I think that is not correct; I think it is an Indian school. This little town of Washakie is largely made up of Indians, and is named after an Indian chief. The population of the town is chiefly made up of Indians, and this school is for the benefit of Indian pupils primarily.

Mr. CARTER. It is maintained by the school district?

Mr. HOWELL. Yes, sir; it is maintained by the school district.

Mr. KONOP. Why is it that they have their allotments and are not taxed?

Mr. MERITT. This is not an Indian school in the sense that we have a school there under Government supervision. It is a local school, but Indians go to it.

Mr. HOWELL. It is a local school maintained by the board of education of the county for the benefit of the Indians, or the Indian pupils.

Mr. KONOP. Are there any white people in this school?

Mr. HOWELL. I think not. If there are any, there are very few.

Mr. KONOP. Are there any other schools in that immediate vicinity?

Mr. HOWELL. There are a number of small towns in the county. The county constitutes one school district under the board of education. There is a school in every community, but all of them are under the jurisdiction of the county board of education. They established this school primarily for the benefit of the Indians in and around the town of Washakie.

Amendment No. 132 provides \$1,000 to protect the north abutment of the Government bridge at Myton, Utah, from high water. This is a bridge which was built at a cost of \$15,000 by the Government some years ago for the convenience of the Indians on the Uintah Reservation and of the whites. There is very great danger at this season that the bridge may be seriously injured because of the prevailing high waters throughout the State. We have had an unprecedented depth of snow all over Utah this winter, and the rivers and mountain streams are very high. Great damage has already resulted from the high water in a great many localities. It is deemed necessary that this \$1,000 be appropriated and that it should be made immediately available in order to protect this valuable bridge from any possible danger from high water at this season of the year.

Mr. CARTER. In this case, have these Indians sufficient funds to pay for this?

Mr. HOWELL. I might say that this bridge was built from Indian funds, and if they have the money in the Treasury I presume that it will be entirely proper to charge the cost of the repair and maintenance of the bridge to that fund.

The next amendment is No. 133, and provides for the opening up to settlement of certain lands in the Uncompahgre Indian Reservation. I might say, in the first place, that legislation touching these lands has been upon the Indian appropriation bill before, and in 1894, I think it was, a commission was appointed to make allotments to the Indians. Provision was made that the Indians on this Uncompahgre Reservation might take their allotments on that reservation or on the Uintah Reservation. It was provided, in making these allotments, that all the unallotted lands should revert to and become the property of the United States, and that they should be reserved, with the minerals on them, for future disposition by Congress. In 1903 there was an item in the Indian appropriation bill providing that the even sections of this reservation should be sold by proclamation by the President of the United States, and in 1906 there was quite a large tract of land sold. From that time until the present these lands

have been tied up. The Secretary of the Interior is very anxious to have them opened and has written a letter recommending the passage of this item in the bill. He has recommended that the land be thrown open under the general land laws of the country. There may be some question about this being on the Indian appropriation bill, but it appears that all the legislation dealing with this tract of land has been had on Indian appropriation bills in 1894, 1897, and 1903, and now it is proposed that the land be opened under the general land laws of the United States.

Without taking the time to read it, I would like to insert in the record this letter from the Secretary of the Interior, recommending this provision.

(The letter referred to is as follows:)

DEPARTMENT OF THE INTERIOR,
Washington, January 7, 1915.

HON. HENRY L. MYERS,

Chairman Committee on Public Lands, United States Senate.

MY DEAR SENATOR: I am in receipt of your request for report upon S. 6623, Sixty-third Congress, second session, providing that lands and the minerals therein within the former Uncompahgre Indian Reservation, in the State of Utah, reserved for future action of Congress by the acts of March 3, 1903 (32 Stat., 998), and June 7, 1897 (30 Stat., 87), as containing gilsonite, asphaltum, elaterite, or other like substances, shall, unless otherwise reserved, be immediately opened to settlement, location, occupation, and entry under all the land laws of the United States.

The act of June 7, 1897, *supra*, opened to location and entry under the land laws of the United States the unallotted lands in the former Uncompahgre Indian Reservation, except lands containing the substances named, the title to the latter being reserved to the United States.

The act of March 3, 1903, *supra*, validated certain locations made upon the lands in question under the mining laws, provided that the even-numbered sections containing the minerals named might be disposed of by the President in tracts not exceeding 40 acres each, and that the balance of the lands and all mineral therein should be specifically reserved for future action of Congress. This reservation, it will be noticed, was of the odd-numbered sections within said former reservation.

The act of June 21, 1906 (34 Stat., 376), validated and confirmed, as against the United States, certain patents issued upon said lands prior to March 3, 1903, upon locations made prior to January 1, 1891.

The Director of the Geological Survey reports that, in so far as he is advised, no elaterite, ozocerite, or sand asphaltum has been produced in commercial quantities from these lands, but there are in existence therein extensive and valuable veins of gilsonite, estimating that there are situated upon the even-numbered sections within said reservation upon unpatented lands 20 miles of veins and upon the odd-numbered sections 30.2 miles of veins.

Letters have been written to this department by some residents of the State of Utah, urging the opening of these minerals to disposition under the general mining laws, on the ground that this would open to location and entry by the general public considerable areas of land containing the minerals described, and promote a healthy, competition with the owners of the deposits, the title to which has heretofore passed from the United States.

Upon careful consideration of the entire matter, I am of the opinion that the lands in question should be opened to disposition under the public-land laws. It is presumably the intent of the bill that lands containing valuable deposits of gilsonite or other minerals shall be subject to location, entry, and patent under the general mining laws of the United States, and the nonmineral lands, if any, be subject to disposition under appropriate nonmineral laws. In this connection, attention is directed to the act of July 17, 1914 (Public, No. 128), "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

In order to make it entirely clear that the lands in question, if mineral, shall be opened only to location and disposition under the mining laws, and if non-mineral, only under the nonmineral land laws of the United States, it might be

well to amend line 7, page 2, to read: "Entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein."

Cordially, yours,

FRANKLIN K. LANE.

This act has the sanction of the President, and if you adopt this provision you will simply be completing a series of bills dealing with the subject.

Mr. KONOP. I heard a statement made to the committee just before you came in, to the effect that a bill covering the same purpose had passed the Senate and was now before the Committee on Public Lands.

Mr. HOWELL. Before the Committee on Indian Affairs.

Mr. KONOP. No; it was referred to the Committee on Indian Affairs, and then jurisdiction was taken from this committee and it was referred to the Committee on Public Lands.

Mr. HOWELL. I suggested to the chairman of the committee, Mr. Stephens, that I had introduced a bill which was referred to the Committee on Public Lands: but as this Senate bill was originally referred to this committee, and as it dealt with an Indian reservation, I suggested that, as it had been referred to this committee, it take jurisdiction of it; and Mr. Stephens said, "All right." After I had rescinded the request to have it submitted to the Committee on Public Lands he said that the Committee on Indian Affairs, inasmuch as it was referred to it, would take jurisdiction of it. But, anyway, you have jurisdiction of it in this bill. I think that is all I wish to say, and I thank the committee. I think it would be entirely proper to consider this, because all of the legislation on this subject is connected with Indian legislation, and this simply contemplates legislation touching that question.

Mr. CARTER. The next amendment is No. 144, page 102, line 1, as follows:

Provided, That no lands shall be cleared for agricultural purposes, pursuant to the foregoing provision, excepting such lands as have been heretofore completely and wholly cut over.

Mr. MERITT. That item was discussed on page 651 of the Senate hearings. This amendment was suggested by Senator La Follette, of Wisconsin, who has taken a great interest in the project. We see no objection to the amendment.

Mr. KONOP. I do not think there will be any objection to that.

Mr. CARTER. The next amendment is No. 145, page 102, line 4, as follows:

Section three of the act of March twenty-eighth, nineteen hundred and eight (Thirty-fifth Statutes at Large, page fifty-one), is hereby amended to read: "That the lumber, lath, shingles, crating, ties, piles, poles, posts, bolts, logs, bark, pulp wood, and other marketable materials obtained from the forests on the Menominee Reservation shall be sold under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of all forest products shall be deposited in the Treasury of the United States to the credit of the Menominee Tribe of Indians. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

Mr. KONOP. This item was submitted to this committee when it had the bill under consideration, was it not?

Mr. MERITT. Yes, sir.

Mr. KONOP. This is simply to get away from a lot of red tape that has to be gone through in order to sell the products of the mills.

Mr. MERITT. Yes, sir. This item was included in our estimates and was discussed on page 408 of the House hearings and also on page 518 of the Senate hearings. Under section 3 of the act of March 28, 1908, we are required to sell the products of the Menominee mills for cash. That embarrasses us somewhat in competing with other milling operations. If we could sell the lumber and the other products of the mill on the basis of 60 or 90 days' credit, we could earn \$50,000 more a year for the Menominee Indians. This is very important legislation and is solely for the benefit of the Indians on that reservation.

Mr. KONOP. I know this to be the fact, that when any lumber dealer from any town in Wisconsin, say Oshkosh, Green Bay, or any other place, goes over to the mills and tries to buy any lumber there, even though there may be lumber that he wants, he can not afford to take it because he can not pay spot cash, but requires 60 or 90 days, but they can not give him that credit, so he goes somewhere else where he can get those terms, and the superintendent told me they were greatly hampered in making sales of the lumber being manufactured at the Menominee mills.

Mr. MERITT. This legislation has been recommended by every one who has ever looked into the affairs of that mill.

Mr. CARTER. The next amendment is No. 146, page 102, line 18, as follows:

That without bias or prejudice to the rights or interests of any party to the litigation now pending, the Secretary of the Interior be, and he hereby is, authorized to sell the timber on the so-called "school lands" and "swamp lands" within the boundaries of the Bad River and Lac du Flambeau Indian Reservations in Wisconsin, and to which the State of Wisconsin has asserted a claim; to keep a separate account of the proceeds of such sale with each legal subdivision of such land and to deposit the said proceeds at interest in a national bank, bonded for the safe-keeping of individual Indian moneys, to be paid over, together with the interest thereon, to the party who shall finally be adjudged to be the owner of such land: *Provided*, That the consent of the State or parties claiming title therefrom be obtained before any such sale shall be made.

Mr. MERITT. This proposed legislation was included in our estimates, and reference to it is found on page 408 of the House hearings and 523 of the Senate hearings. There is some dispute as to the ownership of the land, and there is timber on this land that should be sold. The milling companies are gradually manufacturing the surrounding timber, and if we do not get this legislation soon this timber will be left standing and the mills will be moved away, and it will be almost impossible to sell the timber for its real value.

Mr. KONOP. Mr. Esch, of Wisconsin, introduced a bill which was referred to this committee and, I think, it was considered by a subcommittee; this was two or three years ago, and a favorable report was made to the full committee, but the full committee never reported it to the House. That bill provided for a commission to settle these differences that are now existing in Wisconsin by reason of this contest as to who owns the land and who owns the timber. This condition does not only prevail on the Lac du Flambeau Reservation but also on the Menominee Indian Reservation, and on other reservations in Wisconsin. Is not that true, Mr. Meritt?

Mr. MERITT. There is a dispute as to the ownership in fee of the land on a number of those Wisconsin reservations. Several cases have been taken to the courts. There is a case now pending in the Supreme Court, I believe, involving this subject.

Mr. KONOP. As a matter of fact, the history of this is very brief: In 1847, under the enabling act, the Federal Government gave to the State of Wisconsin every section 16 in each township and all swamp lands for school purposes. Subsequent to the passage of that enabling act they created these reservations, the Menominee Indian Reservation and these other reservations. The State of Wisconsin has patented some of these sections, or some parts of these sections, to private individuals and now the Indians are in possession of them, and there has been considerable controversy as to who is entitled to every section 16 of these swamp lands—whether the State of Wisconsin is entitled to them, whether the United States Government did not intend to give them to the State for school purposes, or whether the Indians are entitled to them.

Mr. NORTON. Are there reservations in Wisconsin that have not been opened to settlement?

Mr. KONOP. Oh, yes.

Mr. NORTON. And the lands on those reservations are not allotted to the Indians?

Mr. KONOP. Well, take the Menominee Indian Reservation, which is close to my district, part of it being in my district, and it has not been allotted.

Mr. NORTON. It is held by the tribe in common?

Mr. KONOP. Yes. But there are sections 16 in that Menominee Indian Reservation, or parts of section 16 in the Menominee Indian Reservation, for which the State has given patents to private individuals. Now, they do not know whether they own them or whether the Indians own them, or whether the State owns them. For that reason Mr. Esch has introduced a bill in this Congress, H. R. 11071, providing for the appointment of a commission of three persons to go down there and find out just what the trouble is and devise some way of settling it.

Mr. NORTON. Is not that a matter for the courts to settle? Should not that be tried out in a court by all of the interested parties?

Mr. KONOP. They have taken it into the courts and the courts say the Indians are entitled to a possessory right.

Mr. NORTON. That would be a matter purely for the adjudication of the courts.

Mr. MERITT. The decisions of the courts so far have been favorable to the possession of the lands by the Indians so long as they hold the lands in common.

Mr. KONOP. The courts say the Indians have a possessory right.

Mr. MERITT. We have no objection to the item now in the Indian bill, but we would like, if this legislation is to be changed, for an opportunity to be given us to submit a report on any proposed change.

Mr. NORTON. What item is that?

Mr. MERITT. Amendment No. 146, on page 102.

Mr. KONOP. I am merely suggesting to the committee of conference that Mr. Esch has introduced this bill again, and that his former bill had the unanimous report of the subcommittee to the full committee,

and that if possible his bill be inserted as a substitute for amendment 146.

Mr. NORTON. It would seem to me that the Secretary could go ahead and sell the timber on those lands and then if the State had any right to it it could come in and enjoin the Secretary from selling and thus have the matter determined by the courts. I think that that matter should be determined and that it can be determined in the courts without any legislation. I do not think the legislation changes it one way or the other.

Mr. CARTER. The next amendment is No. 147, page 103, line 8, as follows:

The allotment of any Indian on the Lac du Flambeau Reservation, in the State of Wisconsin, or any part of such an allotment, with the consent of the allottee, or, in case of death of his heirs, may be leased for residence or business purposes for terms not exceeding twenty years, under such rules and regulations as the Secretary of the Interior may prescribe, and with the consent of the Indians of the Lac du Flambeau Tribe, to be obtained in such manner as the Secretary of the Interior may require, the unallotted tribal lands within the said reservation may be leased under like conditions and for similar terms and purposes.

Mr. MERITT. This item was included in our estimates. It is justified on page 409 of the House hearings and is discussed on page 520 of the Senate hearings. We are simply asking permission to lease for residence or business purposes for terms not exceeding 20 years the lands on this reservation. This place is quite a summer resort, and we feel that the Indians can derive a handsome income from their property if this legislation is enacted.

Mr. CARTER. What do you mean by the language "with the consent of the allottee, or in case of death of his heirs"?

Mr. MERITT. We simply do not care to make a lease without getting the consent of the allottee or, in the event that the allottee is dead, the consent of the heirs.

Mr. CARTER. You do not say that; you say "or in case of death of his heirs."

Mr. MERITT. That is a typographical error.

Mr. KONOP. I would say "in case of his death."

Mr. MERITT. A comma after the word "death," in line 11, would correct that. That would make it clear.

Mr. KONOP. Why not say "with the consent of the allottee or his heirs"? A man has no heirs until he is dead. I would suggest that you strike out the words "in case of death of," and that would make it perfectly clear.

Mr. MERITT. Yes, sir; we could make it read "with the consent of the allottee or his heirs."

Mr. GANDY. Mr. Meritt, ought there not to be some provision there with relation to whether the Indian owner of the land is competent or restricted, or anything of that kind? It is understood that regardless of the competency of the Indian this legislation is proposed to give the department power to lease his allotment, although he may be using it himself and may be competent to handle it?

Mr. MERITT. We would not care to handle the property of any Indian who has received a patent in fee, and it might be well to have this legislation relate to any restricted Indian.

Mr. KONOP. The conditions up there are these: That a lot of summer people go to this place as a resort, and they want to lease some

property on which to build a cottage or a shanty for summer purposes; they want a lease for probably 10 or 15 years; and I think it would mean a pretty good sum of money for the Indians.

Mr. CARTER. The next amendment is No. 148, page 103, line 19, as follows:

With the consent of the Indians of the Lac Court Oreilles Tribe, to be obtained in such manner as the Secretary of the Interior may require, flowage rights on the unallotted tribal lands, and, with the consent of the allottee or of the heirs of any deceased allottee and under such rules and regulations as the Secretary of the Interior may prescribe, flowage rights on any allotted lands in the Lac Court Oreilles Reservation, in the State of Wisconsin, may be leased or granted for storage-reservoir purposes. The tribe, as a condition to giving its consent to the granting or leasing of flowage rights on tribal lands, and any allottee or the heirs of any deceased allottee, as a condition to giving his or their consent to the leasing or granting of flowage rights on their respective allotments, may determine, subject to the approval of the Secretary of the Interior, what consideration or rental shall be received for such flowage rights, and in what manner and for what purposes such consideration or rental shall be paid or expended; and the consideration or rental shall be paid or expended under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. MERITT. This item was offered by Senator Smith, of Michigan, on the floor of the Senate and was incorporated in the Indian bill. Reference to it is found on page 5744 of the Congressional Record of March 28, 1916. We have considered carefully the wording of this item, and we feel that it will protect the interests of the Indians.

Mr. CARTER. What do you mean by "flowage rights"?

Mr. MERITT. It is intended, if this legislation passes, to dam a river in Wisconsin, and the water will back up on certain Indian allotments, and we will require full compensation for any damages done to the lands of the Indians.

Mr. CARTER. Does anybody know what that means—flowage rights?

Mr. MERITT. That is the technical term.

Mr. KONOP. As I understand flowage rights, they refer to drainage rights. If you want to dig a ditch across another man's land in order to drain the land, you refer to flowage rights.

Mr. DILL. I think that is what it means.

Mr. CARTER. Mr. Hernandez, do you know what flowage rights are?

Mr. HERNANDEZ. According to Mr. Meritt, it is the inundating of the land of another; it means the submerging of it with water, and that is what I understand it means.

Mr. CARTER. The next amendment is No. 149, page 104, line 15, as follows:

For the repair and construction of sidewalks in the village of Odanah, within the Bad River Reservation, \$1,000, said sum to be reimbursed to the United States from any moneys which are now or which may hereafter be placed to the credit of the Bad River Band of Wisconsin Chippewa Indians.

Mr. MERITT. That item is discussed on page 530 of the Senate hearings. The town of Odanah is on the Bad River Reservation in Wisconsin, and the sidewalks in that town are in bad condition.

Mr. CARTER. What have we to do with the town of Odanah?

Mr. MERITT. It is an Indian town. This is a reimbursable appropriation, and we see no objection to the item.

Mr. KONOP. Have they no more than \$1,000 in the Treasury? The provision is "from any moneys which are now or which may hereafter

be placed to the credit of the Bad River Band of Wisconsin Chippewa Indians."

Mr. MERITT. They have no funds in the Treasury at this time, but they will have funds to their credit.

Mr. CARTER. The next amendment is No. 150, page 104, line 21, as follows:

For the completion of the road on the Red Cliff Reservation, \$6,500; to be reimbursed out of the funds of the Indians of said reservation, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. KONOP. Is there a Red Cliff Reservation in Wisconsin?

Mr. MERITT. Yes, sir; it is located on the shore of Lake Superior.

Mr. CARTER. What have you to say about this?

Mr. MERITT. We have expended some funds on a road, and we would like to have this appropriation in order to be able to complete the road. The item is discussed on page 632 of the Senate hearings.

Mr. CARTER. Have these Indians any funds on hand?

Mr. MERITT. No, sir.

Mr. CARTER. Have they anything from which funds may be derived?

Mr. MERITT. They may have some surplus lands from which they may be able to reimburse this amount.

Mr. CARTER. Is the department authorized to sell those surplus lands?

Mr. MERITT. I find from the record of the office that these Indians have no surplus lands.

Mr. CARTER. The next amendment is No. 151, which is the correction of a section number.

Amendment No. 152 is a change from \$1,721.66 to \$1,721. That amendment strikes off 66 cents.

Mr. KONOP. Was that done on the floor of the Senate or in committee?

Mr. MERITT. That was done in the Senate Indian Committee, and reference to it is found on page 115 of the Senate hearings.

Mr. CARTER. The next amendment is No. 153, on page 106, line 8, as follows:

Including the ceded lands of said reservation in Wyoming, \$5,000.

What have you to say about that?

Mr. MERITT. That item was discussed on page 117 of the Senate hearings. The item was included by the Senate committee at the request of Senator Clark of Wyoming. They want to broaden the item so that the investigation may cover lands included within the ceded part of the reservation.

Mr. CARTER. Will that not really mean, Mr. Meritt, an appropriation in the end?

Mr. MERITT. The object of this amendment is to have an investigation made with a view of further expenditures for irrigation purposes on the Shoshone Reservation.

Mr. DILL. What are the ceded lands?

Mr. MERITT. Lands that were formerly within the Wind River Reservation which had been opened to public entry.

Mr. HAYDEN. Mr. Mondell spoke about this matter before the committee?

Mr. MERITT. Yes, sir.

Mr. CARTER. The next amendment is No. 155, page 106, line 15, as follows:

For payment of salary and expenses of Joseph H. Norris as supervisor of Indian schools, October twenty-first to November eleventh, inclusive, nineteen hundred and twelve, \$257.

What have you to say about that?

Mr. MERITT. The department has heretofore submitted a favorable report on this amendment. Mr. Norris had been in the service a number of years; he was formerly an inspector in the Interior Department and was transferred from that position to the position of supervisor in the Indian Service. He was later made the superintendent of the Wind River Indian Reservation in Wyoming. In his transfer from the Interior Department to a position in the Indian Service he failed to take the oath of office under his new position and the auditor held up his accounts and salary. He was on duty. It is simply a technical matter, and Mr. Norris should be compensated.

Mr. CARTER. The next amendment is No. 156, page 106, line 19, as follows: Strike out:

SEC. 26. Annually on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives estimates of the amounts of receipts to, and expenditures which the said Secretary recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided*, That from and after July first, nineteen hundred and seventeen, the Secretary of the Interior shall not expend any of the moneys which may be to the credit of any Indian tribe, whether received or held as a tribal fund or otherwise, except such amounts as are specifically authorized by Congress, and that all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Insert in lieu thereof:

SEC. 27. That section twenty-six of the Indian appropriation act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and three), is hereby amended so as to read as follows:

"On or before the first day of July, nineteen hundred and seventeen, the Secretary of the Interior shall cause a system of bookkeeping and accounting to be installed in the Bureau of Indian Affairs which will afford a ready analysis of expenditures by appropriations and by units of the service showing for each activity or class of work the expenditures for salaries and wages of employees; construction, repair, and rent of buildings; traveling expenses; transportation of supplies; stationery, printing, and binding; telegraphing and telephoning; heat, light, and power service; dry goods, clothing, and subsistence; purchase, repair, and operation of passenger-carrying vehicles; equipment; fuel; forage; school-room supplies; medical supplies; and for other purposes. Such further analysis and such additional changes and improvements in the system of bookkeeping and accounting shall be made as may be advisable in the judgment of the said Secretary.

"On the first Monday in December, nineteen hundred and eighteen, and annually thereafter, a detailed statement of expenditures, as heretofore described,

for the preceding fiscal year shall be transmitted to Congress by the Secretary of the Interior.

"The sum of \$12,000 is hereby appropriated for expenses of installing the new system of bookkeeping and accounting required by this section, including the pay of expert accountants, at a rate of not exceeding \$15 per day, and their assistants, to be employed by the Secretary of the Interior; transportation and sleeping-car fare of such employees when traveling under orders of the Commissioner of Indian Affairs; and the purchase of such books, stationery, and other supplies as may be necessary."

What justification have you for this change, Mr. Meritt?

Mr. MERITT. This new item, Mr. Chairman, is along the lines of the estimates submitted to Congress and is found on page 419 of the House hearings.

Mr. CARTER. What connection has the language stricken out with the language inserted? They do not seem to have any connection at all.

Mr. MERITT. The language stricken out is very far-reaching and would require us to make reports to Congress and to make estimates to Congress which would entail a great amount of work.

Mr. CARTER. It would require you to make the same estimates that you are required to make with reference to Treasury funds?

Mr. MERITT. Yes, sir.

Mr. CARTER. Nothing more than that?

Mr. MERITT. It is almost impossible to anticipate the amount of funds that will be on hand belonging to the tribes and also the amount that we may need to use out of the tribal funds.

Mr. DILL. You anticipate it in the case of funds from the Treasury?

Mr. MERITT. Yes, sir.

Mr. DILL. How much more difficult would it be to anticipate it in the case of private funds than in the case of the Treasury funds?

Mr. MERITT. Conditions constantly arise on these various reservations that it is difficult to anticipate. We are required to submit our estimates almost a year in advance of the time when the appropriation will be available.

Mr. DILL. But there are some Indian tribes that have no tribal funds from which the department can spend money?

Mr. MERITT. That is true.

Mr. DILL. And you are compelled to make your estimates as to how much you will need?

Mr. MERITT. Yes, sir.

Mr. DILL. This would simply mean that you would extend it to all the Indian reservations?

Mr. MERITT. Yes, sir.

Mr. DILL. There is another question that I should like to ask you. I notice that you want to amend the act of 1913. What is the reason for making it so much more in detail? The act of 1913 is much briefer and provides for—

a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries, and wages of employees, and for other expenditures.

What is the reason for wanting the detailed analysis provided for in this amendment?

Mr. MERITT. We want to get the analysis along the lines of the new method of bookkeeping that we hope to establish in the Indian Bureau.

Mr. DILL. For what purpose?

Mr. MERITT. So as not only to give the officials of the Indian Bureau but Members of Congress detailed information on these various subjects.

Mr. DILL. This \$12,000 is for the purpose of establishing such a system?

Mr. MERITT. It is for the purpose of establishing and installing that system.

Mr. DILL. You already have a system sufficient to meet the requirements of the act of 1913, and you make reports under that act?

Mr. MERITT. No, sir; because the appropriation was not made to carry out the provisions of that act, and we have been endeavoring either to get the appropriation or a repeal of the act. We submit annually detailed information to Congress on various subjects. We now submit about 20 annual reports to Congress.

Mr. DILL. The act of 1911, under which you make reports on expenditures, is the one you have reference to?

Mr. MERITT. Yes, sir; that is one of them. We should like to have the appropriation of \$12,000 made immediately available, because we want to purchase the new books and have the forms printed at the Government Printing Office prior to July 1, so that we can put the system in operation on that date.

Mr. DILL. The installing of this system would have nothing whatever to do with section 26, which has been stricken out, as to estimates?

Mr. MERITT. No, sir; it would not.

Mr. DILL. The only effect of section 26 would be that it would probably necessitate an increase in the clerical force.

Mr. MERITT. It would entail considerable work.

Mr. DILL. It would not necessitate any new system of bookkeeping?

Mr. MERITT. No, sir.

Mr. GANDY. I am not familiar with conditions on reservations outside of South Dakota, but on each reservation in South Dakota there are a large number of members of the tribes who are competent and are handling their own affairs, are they not?

Mr. MERITT. Yes, sir.

Mr. GANDY. On each of the reservations in South Dakota the Indians have some funds, and there are expenditures more or less from tribal funds, are there not?

Mr. MERITT. Yes, sir.

Mr. GANDY. Do you not think that the Congress of the United States or the members of those tribes ought to have something to say about how much or how little of their funds shall be expended?

Mr. MERITT. Congress has given the Secretary of the Interior authority to use tribal funds in certain cases in his discretion.

Mr. DILL. That is included in the series of acts referring to different tribes—first one year and then another?

Mr. MERITT. Yes, sir.

Mr. DILL. And unless there is such a provision you can not expend the money?

Mr. MERITT. No, sir; we do not expend tribal moneys without authority for it.

Mr. GANDY. In these expenditures the members of the tribes to whom the money belongs have nothing whatever to say as to how their money will be spent?

Mr. MERITT. Very frequently the department uses tribal funds without taking the matter up with the tribe.

Mr. CARTER. That is the rule?

Mr. MERITT. Yes, sir.

Mr. CARTER. Mr. Meritt, you are familiar with the language of a similar provision to this which was placed in the Indian appropriation act of 1912?

Mr. MERITT. Yes, sir.

Mr. CARTER. With reference to the Five Civilized Tribes?

Mr. MERITT. Yes, sir.

Mr. CARTER. And which has done about the same thing that the Dill item would do, and has accomplished the same thing which Mr. Dill's item would accomplish with reference to other tribes?

Mr. MERITT. Yes, sir.

Mr. CARTER. Your bureau appeared before the committee and offered very strong objections to that item, did it not?

Mr. MERITT. I do not recall the attitude of the office.

Mr. CARTER. I recall it quite well. At that time the representatives of the bureau appeared before the committee, and they made the same argument against the provision that has been offered against this item.

Mr. MERITT. I do not recall the argument that was made by the Indian Bureau against that legislation.

Mr. CARTER. The representatives of the Indian Bureau made the same arguments, to wit, that it was a complete reorganization amendment, that it would create havoc in the service, and that they could not possibly say how much of the tribal funds of the Five Civilized Tribes it would be necessary to use. That has not really caused any havoc in the administration of the affairs of the Five Civilized Tribes, has it?

Mr. MERITT. No, sir. That legislation, however, excepts the expenses for the tribal schools, and we are not required to estimate specifically for those expenses.

Mr. CARTER. You would not have any objection to this item, if it excepted the schools?

Mr. MERITT. Yes, sir; because we are constantly having to make expenditures for administrative purposes.

Mr. CARTER. Your principal objection is the interference it would cause with the schools?

Mr. MERITT. That would be one objection only. The principal objection would be the difficulty of drafting the Indian bill and procuring all the detailed information as the basis for the estimates. We now have probably the most difficult bill that is submitted to Congress. We have so many individual items in our bill that necessitate

a great deal of bookkeeping, and it would be a great burden to justify these items to Congress and to get the proper estimates from the field.

Mr. HAYDEN. As far as you are concerned, you would like to have Congress make a lump appropriation of \$9,000,000 or \$10,000,000 and then not bother Congress about Indian Affairs at all?

Mr. MERITT. I really think if Congress would give us a lump-sum appropriation and require us to submit detailed reports of those expenditures to Congress that we could expend it to better advantage than by having so many small appropriations.

Mr. HAYDEN. It is very unfortunate that Congress exists at all, except to appropriate money.

Mr. MERITT. I might say in that connection that the new bureaus that have been established have a much more liberal attitude in the expenditure of their appropriations than the older bureaus of the Government.

Mr. HAYDEN. I would be very much obliged if you would submit to the committee some of the organic acts creating bureaus which grant as liberal latitude as the Indian Bureau has. As a matter of fact, every appropriation bill except the Indian appropriation bill requires that the salaries shall be statutory. If you will refer to the bills reported from the Appropriations Committee you will find that to be true. This year the Committee on Agriculture has made all salaries in the Department of Agriculture statutory instead of allowing a lump sum to be spent. I think, as a matter of fact, that you have a freer hand in the Indian Bureau than almost any other bureau of the Government.

Mr. CARTER. You will admit, Mr. Meritt, that if Congress has to appropriate this money it would be adding a somewhat closer supervision?

Mr. MERITT. Yes, sir.

Mr. CARTER. And that it would be a system of check and balance, of which you have spoken so eloquently.

Mr. MERITT. Yes, sir.

Mr. CARTER. The Federal Government handles these Indian funds in a fiduciary capacity, does it not?

Mr. MERITT. Yes, sir.

Mr. CARTER. In the capacity of guardian to ward?

Mr. MERITT. Yes, sir.

Mr. CARTER. You are required to come to Congress with an estimate for every dollar and every cent of the Federal funds that you spend?

Mr. MERITT. Yes, sir.

Mr. CARTER. Do you think it is a tenable position for a man to contend that he has the right to handle trust funds in a fiduciary capacity with less accountability than his own funds?

Mr. MERITT. We submit reports to Congress showing the status of these funds each year, and the information is obtainable from the reports.

Mr. CARTER. The proposition of coming to Congress and having them appropriate money does result in a little closer accountability for the expenditure of these funds, and you would not contend that

we have the right to handle the funds of our wards with less accountability than we require in the handling of our own funds?

Mr. DILL. I want to be fair with the department, and if I can be shown wherein anybody is going to be wronged or wherein there is any great injustice in requiring the Indian Bureau to do the same thing with the Indian funds that it does with the public funds, then I will change my position; but my idea is simply to protect the Indians and to prevent in the future what has occurred in the past, namely, the expenditure of sums of money under this general authority by the Secretary. I do not see, as far as the schools are concerned, why they could not be exempted, but I do not see any reason why this language should be stricken out.

Mr. MERITT. Here is one objection which might be raised to this item: Under the act of March 2, 1907, we are authorized to pay the pro rata share of the funds of certain Indians upon application. It is impossible for us to estimate in advance how many Indians will make application for their pro rata share of tribal funds.

Mr. DILL. You can estimate approximately, just as you can not estimate other things exactly.

Mr. MERITT. We can not go into the details and estimate the number of Indians from the various reservations who will make application for these tribal funds.

Mr. GANDY. If the payment of the pro rata share to the Indians is exempted on the theory that that is paid directly to the Indians and that the money belongs to them, there will be just as much objection to that as to the remainder?

Mr. MERITT. I realize that the department has been given rather a free hand in the expenditure of the funds of the Indians, and I must say that if I were an Indian I would want a check on the expenditure of my own money by some one else.

Mr. GANDY. I want the record to show that while the statement was made to Congress, in pursuance to existing law, as to expenditures on Indian reservations, that the statement shows in one sum the disbursements from public or trust funds and that the item is not divided into how much of the money is trust funds and how much is public funds. Taking a specific example or two, the report in general shows that for the past fiscal year there was expended on the Cheyenne River Reservation, S. Dak., for support and civilization the sum of \$216,768.86; on the Rosebud Reservation, \$450,946.57; and on the Pine Ridge Reservation, \$399,621.39; but that statement does not show how much of the money was public funds and how much of it was tribal funds. Unless a Member of Congress is a public accountant, he would not be able to ascertain just how much of the tribal funds had been expended for these different items.

Mr. MERITT. If this legislation is to be enacted by Congress, we would like an exception made as to the funds that we pay direct to the Indians.

Mr. CARTER. You mean the per capita payments?

Mr. MERITT. Yes, sir.

Mr. CARTER. And the payments for the schools?

Mr. MERITT. We should also like to have the legislation so worded that it would not go into effect for a year later than indicated in the proposed legislation. That would enable us to install our new system

of bookkeeping, and we could probably get ready to meet this changed condition. It would be very difficult for us to meet these requirements on the 1st of July, and if we could install our new system—

Mr. DILL (interposing). Congress will meet against in next December?

Mr. MERITT. Yes, sir. We would have to make the accounting under the old system of bookkeeping. First, the Indian Bureau prefers that the legislation be not enacted; second, if it is to be enacted, we would want the legislation modified so that we would not be required to come to Congress with an estimate of the funds payable direct to the Indians; and, third, we would want the matter delayed a year longer than indicated in the legislation.

Mr. CARTER. You have just admitted, Mr. Meritt, that the department is given a little bit too free a hand in the handling of Indian tribal funds?

Mr. MERITT. I did not say a little too free a hand; I said that they were given rather a liberal latitude.

Mr. CARTER. That coming from the representative of the bureau would naturally be construed as a very free hand, would it not?

Mr. MERITT. Mr. Chairman, may I say right there that in my work before the committees of Congress I have always attempted to be perfectly frank with the committees and have answered all questions without evasion and have tried in every instance to state the truth.

Mr. CARTER. Eliminating all selfish interest, on what ground can you base a right to handle the funds of a ward with less accountability than your own funds?

Mr. MERITT. I think there is a strong argument for requiring the accountability of the expenditure of these funds.

Mr. CARTER. The next amendment is No. 157, which provides:

SEC. 28. On or before the thirty-first day of December, nineteen hundred and sixteen, the Bureau of Efficiency shall prepare and submit to the Secretary of the Interior a system of accounting for the Bureau of Indian Affairs that will meet the requirements of section twenty-six of the Indian appropriation act approved June thirtieth, nineteen hundred and thirteen (Thirty-eighth Statutes at Large, page one hundred and three).

How does it come that you have to have that language in the bill and also the other previous items?

Mr. MERITT. That was incorporated in the bill on the floor of the Senate at the suggestion of Senator Lane. We do not see the necessity for that legislation.

Mr. CARTER. There is no necessity for both provisions?

Mr. MERITT. No, sir.

Mr. CARTER. Since we have the Bureau of Efficiency already organized and doing efficient work, is there any real necessity for the spending of \$12,000 for the installing of a new system of bookkeeping and accounting, which would probably be done by some other bureau not already organized?

Mr. MERITT. We will need money to buy new books and to print new forms. We should like to have that money made immediately available so that we can have the books purchased and the blanks printed ready to be used by July 1.

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Mr. CARTER. Some books. You certainly would not require this language, "including the pay of expert accountants, at a rate of not exceeding \$15 per day"?

Mr. MERITT. We do not urge that part of the item.

Mr. CARTER. The language of this part of the amendment would seem to infer that the \$12,000 is to be used for some board or some committee of men to find a kind of system and for the purchase of books?

Mr. MERITT. If the Bureau of Efficiency is to do this work for us, of course, we would not require the services of the expert accountants mentioned in the previous paragraph.

(Thereupon the committee adjourned.)

