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STATEHOOD FOR OKLAHOMA.

HEARING

BEFORE THE

U.S. Congress. House

COMMITTEE ON THE TERRITORIES

OF THE

HOUSE OF REPRESENTATIVES.

January 20, 1904. [- Feb. 15, 1904]

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COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20, 1904.

The committee met at 11 o'clock a. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. Gentlemen, the committee meeting has been called this morning for the the purpose of hearing gentlemen on the question of the admission of Oklahoma as a State. We will now hear Mr. Clarke.

STATEMENT OF HON. SIDNEY CLARKE, OF OKLAHOMA CITY, OKLA.

Mr. CLARKE. Mr. Chairman and gentlemen of the committee, the story of Oklahoma is so well understood by the country that it seems almost superfluous to occupy the time of this committee by restating it here. But in asking you to favorably report to the House and secure its passage the enabling act introduced by Mr. McGuire, providing for the admission of Oklahoma into the Union as a State, we desire to make a careful and conservative record which will abundantly justify the willing support of every member of the House. In all its essential provisions, the bill is an exact copy of that part of the omnibus bill relating to Oklahoma which received the unanimous approval of this committee in the last Congress. I desire to say, in the first place, that I am not here to make any idle boasts in regard to Oklahoma, but as I have resided in that Territory since the opening of the country to settlement in 1889, and have had something to do with its affairs, I confess to you, gentlemen of the committee, that I feel, in common with all Oklahomans, a pride that I can not express in words at the marvelous drama in American civilization that has been enacted there. I have often said, and I repeat it here, that the development of Oklahoma and the rapid increase in its wealth and population in so short a period of time has been more of a surprise to the early settlers of the Territory than to the country at large. The world never saw the like before, and it will never see it again. It will be for all time a significant object lesson in our national history, illustrating the energy and enterprise of the American people in building a new commonwealth.

The first settlement in Oklahoma was made on the 22d of April, 1889. On May 2, 1890, a Territorial government was established by Congress. All that part of the Indian country west of the Five Civilized Tribes was included within the boundaries of the new Territory, and Oklahoma commenced its remarkable career as a separate political entity among the geographical subdivisions of the United States. In

the same organic act, the country of the Five Tribes, embracing an area nearly as large as the State of Indiana, and larger than any one of nine States now in the Union, was designated as the Indian Territory, but without the establishment of a Territorial government. The reason for this was found in the treaties between the United States and the Indians, which provided at that time that the country they occupied should never be included within the limits of any Territory or State. More than this, the whole body of the land was held by the Indians by a fee simple title, as most of it is held now, and no basis existed for a system of taxation on which a local government could safely rest. Thus it was that two new Territories were marked out on the map of the United States.

The Territory of Oklahoma contains 39,030 square miles, or 24,979,200 acres, corresponding in area to the State of Ohio. There are 12 States in the Union of less area, and by the last census 15 States of less population than the present population of the Territory. The average area of the States east of the Mississippi River is 33,910 square miles. As I have already said, the rapid increase of the population of Oklahoma has no parallel in the history of the world. In 1890, one year after the first settlement, the population by the Federal census was only 61,834. In 1900 the Federal enumeration was 398,331, an increase in ten years of 544.2 per cent. By the same census the number of persons of voting age was 109,191, and of school age, 147,656. In the nearly four years that have elapsed since June, 1900, the increase of population has been more rapid than ever before. I call the attention of the committee to the table on page 6 of the governor's report, showing the increase of population from 1890 to January, 1902. There can be no doubt but what our population at this time is not less than 650,000. This number exceeds the population of each of the following States, as shown by the Federal census of 1890: Colorado, Delaware, Florida, Idaho, Montana, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming.

In this connection it is pertinent to recall the policy of Congress in the past relating to the admission of Territories as States. What has been the population required heretofore to entitle a Territory to statehood? The following table, showing the date of admission of each State, the population by the census previous to admission, and the population by the following census, conclusively answers this question:

State.	Date of admission.	Population by census next previous to admission.	Population by following census.
Vermont	Mar. 4, 1791	85,425	154,465
Kentucky	June 1, 1792	73,667	220,955
Tennessee	June 1, 1796	35,691	105,602
Ohio	Nov. 29, 1802	45,365	230,760
Louisiana	Apr. 30, 1812	76,556	152,923
Indiana	Dec. 11, 1816	24,183	146,388
Mississippi	Dec. 10, 1817	75,448
Alabama	Dec. 14, 1819	40,352	127,901
Illinois	Dec. 3, 1818	12,292	55,162
Maine	Mar. 15, 1820	228,865	298,532
Missouri	Aug. 10, 1821	66,557	140,455
Arkansas	June 15, 1836	30,388	97,574
Michigan	Jan. 26, 1837	31,679	212,267
Florida	Mar. 3, 1845	54,477	87,445
Texas	Dec. 29, 1845	212,592
Iowa	Dec. 28, 1846	43,112	192,214

State.	Date of admission.	Population by census next previous to admission.	Population by following census.
Wisconsin	May 29, 1848	30,945	305,391
California	Sept. 9, 1850	101,597	327,263
Minnesota	May 11, 1858	6,077	169,654
Oregon	Feb. 14, 1859	13,294	52,288
Kansas	Jan. 29, 1861	107,017	368,485
West Virginia	June 19, 1863	442,013
Nevada	Oct. 31, 1864	6,857	39,316
Nebraska	Mar. 1, 1867	28,778	122,906
Colorado	Aug. 1, 1876	39,677	194,327
North Dakota	Nov. 2, 1889	36,909	182,496
South Dakotado.....	98,268	328,808
Washington	Nov. 11, 1889	75,116	349,390
Idaho	July 3, 1890	32,610	84,219
Wyoming	July 11, 1890	20,789	60,700

It will be seen by the foregoing table that among the States admitted into the Union since 1790, 16 States had less than 50,000 population by the census previous to admission, 6 States less than 100,000, and that only 3 had a population of over 100,000. By the census following admission, 8 States had less than 100,000 population, 11 less than 200,000, 4 less than 275,000, and with the exception of West Virginia no State had a population in excess of 350,000.

The combined population of Illinois, Missouri, Minnesota, Vermont, and Indiana, at the census following their admission was not equal to the population Oklahoma now has.

At the election of 1902 the total vote of Oklahoma was 94,210. If gentlemen of the committee will refer to the returns of the last State and Congressional elections you will find that in 18 States less votes were cast than in Oklahoma. Of these States 12 were Northern and 6 Southern. The following table gives the total vote of Oklahoma, and of the 18 States in each of which a less number of votes were cast:

Total vote of States.

Oklahoma	94,210
Alabama	92,184
Delaware	38,285
Florida	39,652
Georgia	87,314
Idaho	61,544
Louisiana	67,904
Mississippi	59,103
Montana	63,641
Nevada	11,310
New Hampshire	78,694
North Dakota	50,396
Oregon	90,698
Rhode Island	63,642
South Carolina	50,812
South Dakota	74,647
Utah	93,180
Vermont	69,935
Wyoming	25,052

It is evident, therefore, that no legitimate objections can be made to conferring the inalienable right of self-government upon the 650,000 population now residing within the present boundaries of Oklahoma, so far as population is concerned.

If other reasons are needed why we are now abundantly qualified for independent statehood, they are readily apparent in the enormous resources of Oklahoma—developed and undeveloped—which appear on every hand. Not less than 3,000 miles of railroad are now in operation, permeating all of the 26 counties in the Territory and connecting with the great trunk lines of all the surrounding States. More miles of railroad were constructed in Oklahoma last year than in any State or Territory. Many other roads are projected and under construction, and it can be safely said that no section of the United States will be better provided with transportation facilities than the State of Oklahoma. Unlike the States north of us and of the Middle West, our cereal products, and our cotton and live stock, are within easy reach of Galveston and New Orleans, the chief exporting ports of the Gulf coast, from which they can be sent to the markets of the world.

When it is remembered that in 1903 the wheat crop of Oklahoma was over 36,000,000 bushels, the corn crop 65,000,000 bushels, and that our cotton crop was more than 200,000 bales, and that our live stock numbers 1,674,276, of which 1,036,662 are cattle, 304,713 horses 234,218 sheep, 63,452 mules, as returned for taxation, and that over 35,000 carloads of our products were shipped out of the Territory and 27,000 carloads of freight shipped in, the magnitude of our trade will be fully comprehended.

There are in the Territory 280 grain elevators and 66 flouring mills, sending to market over 10,000 barrels of flour per day. There are 232 cotton gins now in operation, and up to December 12, 1903, 155,242 bales had been ginned.

The banking facilities of Oklahoma are far superior to those in many of the States. There are 79 national banks and 247 Territorial banks, with combined deposits on the first day of January, 1904, of \$22,456,510. I submit for the information of the committee the consolidated report of all banks of the Territory, both national and Territorial, by the bank examiner, showing the resources and liabilities:

RESOURCES.

Loans and discounts	\$15,481,253.09
Overdrafts	1,853,877.35
Bonds and securities	1,135,853.03
United States bonds to secure circulation	1,382,550.00
United States bonds to secure United States deposits	330,000.00
United States bonds on hand	2,290.00
Premium on United States bonds	138,147.19
Due from banks	6,987,234.82
Banking house furniture and fixtures	1,089,715.85
Other real estate and mortgages	96,527.50
Cash	2,414,518.00
Exchanges for clearing house checks and items	506,609.75
Five per cent redemption fund	67,915.00
Due from United States Treasurer	2,163.00
Total	<u>31,488,654.58</u>

LIABILITIES.

Capital stock	5,511,700.00
Surplus	572,241.43
Undivided profits	999,386.31
Circulation	1,372,687.50
Due to banks	2,297,248.56
Individual deposits	18,851,810.17

All other deposits and cashiers' checks	\$1, 307, 451. 53
Bills payable.....	404, 119. 13
Bills rediscounted	160, 833. 64
All other liabilities	11, 176. 31
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Total	31, 488, 654. 58
Total deposits in all banks in Oklahoma	22, 456, 510. 26

The valuation of property in Oklahoma for the purpose of taxation is rated at less than one-fourth of its actual value. For 1903 the total valuation was \$84,134,472. Under our Territorial system, as in many of the States, the larger proportion of personal property escapes taxation. There is no doubt but what the real wealth of the Territory is in excess of \$400,000,000, and that at the present rate of increase it will reach \$425,000,000 before statehood would be finally secured under the provisions of an enabling act passed by the present Congress.

There are 250 weekly newspapers, 28 daily papers, and a large number of monthly and semimonthly publications published in the Territory, representing every phase of our political, social, religious, educational, and industrial life. We have 2,192 district schoolhouses, and 180,000 school children enrolled, and 191,433 children of school age. Nearly 3,000 students are attending the university, Agricultural and Mechanical College, and normal schools, while the denominational colleges and private educational institutions are numerous attended. The common school system and the high school system are the pride and glory of all the people. They are not equalled by any State in the Union. Oklahoma is essentially American. The percentage of foreign born is only 3.5 per cent and of illiteracy 5.9 per cent.

By the provisions of the organic act creating the Territory of Oklahoma, and by sundry acts of Congress opening various Indian reservations to settlement, 2,055,500 acres of land have been reserved for the future State for the benefit of common schools, colleges, normal schools, public buildings, and for charitable and penal institutions. At the present time the income from these lands under the rental system authorized by Congress is more than \$1,000 per day. If prudently managed in the future by the State authorities the lands will largely increase in value, producing a yearly income that will greatly reduce the rate of taxation for all the purposes for which the lands have been reserved.

Such, briefly stated, are some of the conditions existing in Oklahoma at this time. Marvelous as this development has been, the natural resources of the Territory have been scarcely touched. The vast possibilities of the future are no idle dream. It is already demonstrated that the salt, gypsum, oil, natural gas, and coal deposits are unusually abundant. The salt and gypsum beds cover thousands of acres, and the supply is so plentiful that they can never be exhausted. Oil, coal, and gas are being found in many sections, while the mineral deposits in the Wichita Mountains promise profitable results.

It has been said by some unacquainted with our situation, and by some local politicians for local and political reasons, that Oklahoma has reached the zenith of its development. This statement has no foundation in fact. That the wealth and population of to-day will be doubled in the next decade must be apparent to all who are conversant with the trend of affairs in that section of country. Oklahoma lies directly

in the path of empire which is marching on to the great Southwest with irresistible force. With no more continental Territories to organize, immigration no longer follows the lines of latitude. The Southwest is now the favored section for the changing population of the States, and Oklahoma is the central point where the home seeker finds a home, and where the investor of capital under a State government will find a sure and profitable return.

It can be safely asserted, therefore, that Oklahoma, in accomplished results and in her future possibilities, has all the qualifications to enter the Union without further delay and without reference to the Indian Territory. Her metropolitan citizenship, gathered from all the States, with her advanced civilization and irresistible progress, sweep away any possible objection to immediate emancipation from territorial rule. Governor Ferguson, in his recent report to the Secretary of the Interior, well says:

Oklahoma is entitled to statehood—entitled to it now. There are in the Territory 650,000 intelligent American citizens who are deprived of the right of self-government. A conservative estimate of the wealth of Oklahoma places it at \$400,000,000. There are seven educational institutions of higher learning under the control of the Territory, besides numerous high schools and colleges under the control of religious denominations. Our people are in every respect entitled to that which is dear to the heart of every progressive American—the right to govern themselves.

Against this proposition there can be no logical objection. Oklahoma has the intellect, the wealth, the moral force, the energy, the natural resources, the development already achieved, and the promise of a splendid future sufficient to justly entitle her to careful consideration and Congressional action. No logical reason can be urged against her early admission into the sisterhood of States.

This succinct statement of the governor in behalf of self-government will be commended by a vast majority of the people of the Territory.

In commenting upon the report, the *Daily Oklahoman*, a paper of opposite political faith, declares in a leading editorial:

Oklahomans are so accustomed to evidences of remarkable growth that arrays of astounding figures showing the development of the Territory have long since ceased to excite more than passing notice and are looked upon as a matter of course, but the outside world, which travels at a much slower pace, can readily see and can hardly fail to contemplate the showing made after fourteen years' development with less than genuine amazement. It is one which must necessarily impress them with the thrift of our people, the richness of our resources, and fertility of our soil.

But this showing, magnificent as it is, is not the result of fourteen years' development of the whole area embraced in the present Territorial limits. On the contrary, it lacks very much of it; but about one-eighth of the area of to-day has been under development during this period. The great bulk of the Territory's area has been opened to settlement in the past ten years, and it would be much nearer the truth to say that the achievements of to-day are the reward of ten years' effort rather than fourteen.

No Territory and no people in the history of the American Republic ever set a pace of progress commensurate with ours. From a handful of plucky, determined "boomers," many of whose limited fortunes were exhausted in the contention incident to the opening of the lands to settlement, we have grown in a decade to the proportions of a full-grown State with a population in excess of more than a dozen of the States of the Union and more taxable wealth than a score. Oklahoma has a right to be proud of her record. It is one which no State can equal, and which would be possible in no other section of the country.

But in spite of the proud position of Oklahoma, her large population and great wealth, possessing all the elements of a magnificent commonwealth, it may be claimed before this Committee, as it is claimed by a small minority in Oklahoma, that we should be kept out of the Union until the anomalous conditions that exist in the Indian Territory are finally composed, and that Territory joined with Okla-

homa in a single State. In other words, 650,000 people in Oklahoma, rapidly increasing in numbers, must be denied the sacred rights of self-government for an indefinite time because an unorganized Indian country is not ready for statehood. Let me say here that at least 90 per cent of the people of Oklahoma earnestly ask, as they have the right to ask under all the precedents relating to the admission of States since the foundation of the Government, that the pending bill be passed by this Congress, without infringing upon any right that properly belongs to the people of the Indian Territory, or in any way limiting the authority of Congress to do in the future what may seem best for that Territory. In view of the fact that the Constitution of the United States provides that the boundaries of a State shall not be changed without the consent of both the State and of the United States, the following provision has been inserted in the pending bill:

That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

This leaves Congress entirely free to exercise its best judgment when the proper time comes to deal with the Indian Territory on the statehood question. What the future of that country will be when that vast estate is finally settled by the executive branch of the Government, and the unfortunate conditions which exist find a remedy by proper legislation, it is impossible now to foresee or to correctly decide.

Let me say also that the people of Oklahoma have no ill feeling towards the people of the Indian Territory. We are not responsible for their misfortunes. We would be glad to see them protected by a Territorial government, preparatory to a State government, when the title to the land is finally settled and an equal basis of taxation provided. When that time comes, in the spirit of our republican system, the will of the majority of the people ought to be consulted as to the form of statehood they may desire.

It must be apparent to all that if the two Territories were to be united it should be on equal terms, and that the interests of the one should not be sacrificed to the interests of the other. Oklahoma, as I think I have conclusively shown, in her established institutions, intelligent and orderly government, and in all that is necessary to make a great and prosperous State, has established an individuality to which she is justly entitled. All of her \$400,000,000 of property she has created for herself. Until the Indian Territory has accomplished the same results, or Congress has stepped in and equalized the conditions in many particulars, there can be no equal partnership—no peaceful union based upon equity and justice.

I have lived on the borders of the Indian Territory for many years, and have been so situated in public and private life that I have necessarily been familiar with its history and conditions. Whatever may be the will of Congress hereafter, I believe it would be best for all concerned to provide a territorial government for that Territory, with statehood to follow at the proper time.

The objections to the immediate single statehood policy as outlined by its local advocates are numerous, and to my mind absolutely conclusive.

In the first place, the agreements between the United States and the Five Tribes provide that the tribal governments shall continue until the 4th of March, 1906, and it is well understood that said agreements can not be violated without national dishonor.

There are in the Indian Territory 85,000 members of the Indian tribes. The negro population noted in the last census is 36,000. The Indians are unanimous in protesting against a union with Oklahoma. They desire the creation of a separate State when their connection with the Government is finally terminated. With customs and habits entirely foreign to those of the people of Oklahoma, the assimilation of so large a number of tribal population into the body politic of a new State and in the formation of its constitution would be highly objectionable in many particulars.

The Indian Territory is not in a condition, and will not be for several years, to bear its just proportion of taxes for the support of a State government in connection with Oklahoma. The allotments of land to the Indians for homesteads are not subject to taxation for any purpose for twenty-five years. The exemption of such a large proportion of real property from taxation for the support of a State government and for the purposes for which taxation would be required in maintaining necessary State institutions, would be gross injustice to the taxpayers of that part of the single State now comprising the Territory of Oklahoma.

The character of the population and the general conditions existing in the two Territories at this time are so dissimilar that peace and prosperity in single statehood would be seriously imperiled by racial prejudices, sectional ill-feeling and geographical strife. A large per cent of the people in the Indian Territory are situated wholly unlike the people of Oklahoma. In the former Territory there is no common school system, and more than 150,000 children are without schools of any kind.

The Muscogee Phoenix, one of the leading papers in the Territory, places the number at 200,000 and says:

They are growing up in ignorance for the want of a school system, and in the absence of better teaching are taking Belle Star, Bill Dalton, Sam Bass, Cherokee Bill, and Jesse James as their models in life.

In the same editorial the editor further says:

Here in the heart of the United States more than half a million people, apparently forgotten by God and man, are struggling against these things from which a civilization should hide its face in shame.

Twenty per cent of the entire population are illiterate, as reported by the census of 1900. In Oklahoma only 5.9 per cent of the voters are illiterate, while in the Indian Territory the number of illiterate persons, voting age, is 15.9 per cent. With no school system in the Territory, no schoolhouses, no school funds, and impossible to establish an equal system of taxation because of the exempted Indian allotments, it would be unjust to the educational interests of Oklahoma to be forced into an unequal union, as proposed by the advocates of immediate single statehood. There are no public lands in the Indian Territory to be reserved for common schools, for higher institutions of learning, for charitable and penal institutions, or for public buildings. On the contrary, the public lands held in reservation in Oklahoma are sacredly pledged by Congressional legislation to the State of Oklahoma when it enters the Union as bounded by the organic act.

To be required to divide this patrimony with the Indian Territory, as proposed by the immediate single statehood advocates, would be an appalling injustice not only to the 191,000 school children now in Oklahoma but to the unborn generations of the future.

The claim has been made in Oklahoma in behalf of single statehood that the coal and asphalt lands in the Indian Territory can be appropriated by Congress for a school fund, and for other public purposes, of equal value of the lands already pledged to Oklahoma. This claim is without any foundation whatever. The agreements with the Indians provide as follows:

The proceeds arising from the sale of coal and asphalt lands, and coal and asphalt deposits, shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita with the other moneys belonging to said tribes in the manner provided by law.

Nothing but a direct appropriation of money by Congress, equal in amount to the value of the lands reserved for Oklahoma, would place the two Territories on an equal basis so far as the public schools, normal schools, colleges, public buildings, and penal and charitable institutions are concerned.

If we turn to the criminal records of the Indian Territory courts, and the cost of said courts, the people of Oklahoma, and all good citizens in the adjacent States, may well be alarmed. During the fiscal year ending June 30, 1903, \$630,872 was expended by the United States for the suppression of crime and other court expenses. This was an increase of nearly \$150,000 over the previous year. Prisoners are sent to the penitentiaries in the States by the carload, and the jails in the several court districts are constantly filled with many hundreds of the criminal classes, and many criminals are not prosecuted because of the insufficiency of the number of courts and jails. The Attorney-General reports that the number of criminal suits terminated during the fiscal year was 2,767, and that the number pending on July 1, 1903, was 3,276. At the same date 558 convicts from the Indian Territory were in prison at Fort Leavenworth, Kans., at Atlanta, Ga., Booneville, Mo., in the District of Columbia, and in the Ohio Penitentiary. In the absence of schools, and of the machinery of civil government, in the Indian Territory, as everywhere else, ignorance and crime go hand in hand. Such a condition of affairs is not a partnership to be desired by the intelligent and orderly people of Oklahoma, at least until these deplorable conditions are corrected by preparatory legislation.

The introduction of all kinds of spirituous liquors into the Indian Territory has been prohibited by act of Congress since the occupation of the country by the Five Tribes. If incorporated into Oklahoma, without constitutional prohibition, it is believed by many that the Indians would be demoralized and destroyed. No State has ever been admitted into the Union with a clause in its constitution prohibiting the manufacture and sale of intoxicating liquors. But in view of the traditional policy of the General Government in dealing with the Five Tribes, it is certain that whenever the affairs of the Indian Territory are permanently settled, and the conditions justify the establishment of a State government, a demand will be made that Congress require in the enabling act that a prohibition clause be inserted in the State constitution.

It is claimed by some excellent gentlemen who will probably address

this committee that to cross State lines is an impediment to cheap railroad transportation and that railroad freights would reach Oklahoma at a lower rate in a single State. This is an assertion unsupported by any legitimate proof. Not a case can be cited in the United States, so far as I know, in support of this contention. The rates for passengers and freight on the trunk-line railroad systems in Oklahoma, with one exception, are limited by the charters under which they were built, and if any law is violated the Interstate Commerce Commission will have the same power there as elsewhere in the United States.

In thus stating a few of the reasons, gentlemen of the committee, why Oklahoma should be admitted to statehood now, and why it is impracticable and unadvisable to include the Indian Territory in the enabling act at this time, I would not, if it were in my power, obstruct in any way any measure of relief for the deplorable conditions which exist in that Territory. It is the misfortune of the large white population, who are intelligent and worthy, that they have been left so long without civil government. The Dawes Commission has been with them for ten years, with its army of petty officials, at a cost of nearly \$2,000,000, and yet the final settlement of the estate is in the distant future. They are justly entitled to the prompt consideration of Congress. In my judgment they should not only be given a Territorial government and a Delegate in the House of Representatives, but appropriations should be made for a public school system, for charitable and penal institutions, and provisions for public roads, and additional courts for the suppression of crime should be provided without delay. A great section of country, nearly as large as the State of Indiana and four-fifths as large as Kentucky, Virginia, Ohio, or Tennessee, and in all the elements of wealth capable of making one of the richest and most populous States in the Union, deserves something better from the American Congress than to be longer left without any form of civil government.

It has not been my purpose to deal with the political phases of the statehood controversy. It is enough to say that local, personal, and partisan interests sink into insignificance compared with the fundamental reasons that ought to govern in the admission of new States. The right of a free people to govern themselves under one republican system is supreme, has been so held in all the stages of our national history by constructive statesmen, and rises far above the selfish policies of local politicians or temporary partisan interests.

Both the great political parties of the country have recognized the rights of the Territories to statehood in successive national conventions. In 1896 the Republican national platform declared:

We favor the admission of the remaining territories at the earliest practicable date, having due regard to the interests of the people of the Territories and of the United States.

Again, in the Republican national convention of 1900 the following emphatic pledge was made in the platform:

We favor home rule for and the early admission to statehood of the Territories of New Mexico, Arizona, and Oklahoma.

The Democratic national convention of 1900 declared as follows:

We denounce the failure of the Republican party to carry out its pledges to grant statehood to the Territories of Arizona, New Mexico, and Oklahoma, and we promise the people of these Territories immediate statehood.

Surely, gentlemen of the committee, in view of these emphatic pledges to the people of the Territories by both national parties, there can be no political rivalry now in redeeming the promises made, as there was none in the last Congress when this committee reported and when the House of Representatives passed the statehood bill.

I was recently asked by a distinguished public man: "Why do you want statehood in view of your wonderful growth and prosperity?"

To such a question there can be but one answer: We want it because we are American citizens, and because we are justly entitled to it. A Territory is only a temporary contrivance—a preparatory device for something better. It is a nonentity in all that relates to the General Government. A State is an integral part of the nation, with a potent voice in all its affairs. With its representatives in both Houses of Congress, it can protect its own interests and contribute to the welfare of sister States. Oklahoma has reached a period in its history when it has a double right to representation in Congress. It has more than double the population of any Territory ever admitted to statehood. It has more than five times the wealth of three-quarters of the Territories when they were welcomed to the Union. No qualification is lacking for her to take at once her rightful place as a sovereign State.

The Indian Territory is not ready for statehood without much preparatory legislation, and will not be for several years, for reasons I have stated. It would be unjust to the 650,000 people of Oklahoma, rapidly increasing toward the million mark, to require them to wait for an undesirable union with the Indian Territory at an indefinite time in the future. Oklahoma has made for herself a name and fame never before equaled in the progress of American civilization. She is not unlike other Territories and the States in her desire to maintain her distinctive character. Like the States you gentlemen represent in this committee, she has a history around which cluster the pride and hopes of her people. There, more than anywhere else, the wisdom of the free-home policy has been demonstrated. She is certainly entitled to the benefits that will come to her—all she has earned in the fourteen years of her existence—without her wonderful prosperity being crippled at this time by a forced union with the Indian Territory, with its nontaxable lands, and anomalous conditions, which are likely to remain unsettled for many years. What one of you would be willing to merge your established institutions—the cherished history of your respected States—with an unorganized country, rent with racial prejudices, and so permeated with troubles and complications, legal and otherwise, that they have defied the wisdom of all branches of the Government for the last quarter of a century.

Three favorable reports have heretofore been made by the Committee on the Territories for the admission of Oklahoma as a State, with its present boundaries. At the second session of the Fifty-third Congress Mr. Wheeler, of Alabama, from the Committee on the Territories, favorably reported a bill for the admission, by the unanimous vote of the committee, although the Territory was then less than five years old. In recommending the passage of the bill, the report said: "The committee are convinced that there is a very enviable future for this Territory, and that its progress would be much enhanced by its being admitted to statehood."

Again, in the Fifty-fifth Congress the Territorial Committee reported

in favor of the admission of Oklahoma, concluding the report as follows:

In the opinion of the committee no Territory has ever been better fitted to enter the Union as a State.

And still again, in the last Congress the committee unanimously reported as a part of the omnibus bill the enabling act now pending, and the same was passed by the House without a division.

It is a new and strange proposition in regard to the creation of new States that our remaining continental Territories should be blotted out and forced into geographical unions against all of the precedents in our national history. When the Territory of Kansas was organized its western boundary extended to the east line of Utah, on the summit of the Rocky Mountains. When that State was admitted to the Union the Territory was divided and two great and prosperous States—Kansas and Colorado—are now within the original limits of Kansas Territory. The same policy was followed in regard to Nebraska Territory. Its western boundary was fixed at the crest of the Rocky Mountains, but when it was admitted as a State the Territory was divided and room was left for the State of Wyoming. The great Territory of Dakota was divided into two magnificent States in recent years.

Kentucky and Tennessee were carved out of territory belonging to Virginia and North Carolina. It does not appear in the history of that period that anybody shouted loud and long in favor of "single statehood," or that there was any danger in admitting too many States to the Federal Union. On the contrary, it does appear, except during the contest over the question of slavery, that Congress has promptly added more than thirty States to the original thirteen, and that this is the first instance where it has been contended by anybody that vast areas of territory and great populations should be combined in order to limit the number of States hereafter, and thus reduce representation in the United States Senate to which a great section of our common country is justly entitled.

It seems to me that the wiser and better plan is to preserve the autonomy of the Territories and to follow the policy so successfully pursued in the past in admitting new States, a policy which more than anything else has added to the wealth and glory of the nation.

In conclusion, I desire to say that I am aware that it will be strenuously asserted by gentlemen who are in favor of "single statehood or none," that a majority of the people of Oklahoma desire a union with the Indian Territory. The real truth is that outside of three or four counties where the people are influenced by local interests, and of a few ambitious politicians of both political parties, nine-tenths of all our people are praying for the passage of the bill introduced by Mr. McGuire. They are ready for statehood now. They are entitled to it. In their behalf I appeal to the statesmanship of this committee and of this Congress to welcome Oklahoma into the family of States.

The CHAIRMAN. Gentlemen of the committee, any one who desires to make inquiries of Mr. Clarke will now have an opportunity to do so.

Mr. ROBINSON. Mr. Clarke, are you familiar with the racial matter in the Indian Territory?

Mr. CLARKE. I think I am.

Mr. ROBINSON. About how many Indians are there in the Indian Territory?

Mr. CLARKE. It is impossible to tell. There are various speculations in regard to that matter.

The CHAIRMAN. You have not examined the census report?

Mr. CLARKE. Probably the tribal population amounts, in round numbers, to 85,000. Of course all of that population are not full-blood Indians. It is, so to speak, using a plain term, a conglomeration. Some have full blood, some half blood, and some a third. Some are pretty thoroughly bleached out; and in addition to that, we have the squaw men to make up the whole number of the five tribes.

Mr. ROBINSON. In separating the Indians into two classes—one composed of the Indians who largely need the support of the Government and its protection, who could be styled wards of the Government, and the other composed of thoroughly adept business men, ranking fairly well with the whites—what number of each class would you say there are in the Indian Territory?

Mr. CLARKE. It would be impossible to state that, so far as I know. Those that would be called business men are numerous in the Cherokee country and in the Creek country; less so in the Choctaw country; less so in the Chickasaw country in proportion to the whole number of the members of the Five Tribes.

Mr. ROBINSON. But I would include in this class of men able to take care of themselves, as the whites are able to take care of themselves, business men, farmers, and what we would style a good American citizen. Could you give us the number that are in that grade?

Mr. CLARKE. If you would go into the Indian Territory among the farming population, you would be surprised at the number of the tribal population that are cultivating good farms. In the Cherokee country they are numerous, but in the other nations there are very few. Speaking generally, it is a vast rental system.

Mr. ROBINSON. But could you give us the separation of the class, by the number in each, of the Territorial population Indians as a whole?

Mr. CLARKE. It would be impossible for any person on earth to do that. They are not specified in the census, and I have heard statements before Congressional committees in the past, and possibly they are made here which, in my judgment, are very wild in connection with that matter. It is a pure matter of speculation.

Mr. ROBINSON. You would not venture an opinion?

Mr. CLARKE. I have no positive information on the subject, but I have just as much information as anybody else, because I am quite familiar with the conditions that exist throughout the Indian Territory.

Mr. ROBINSON. I think I have no more questions.

The CHAIRMAN. Ask him what his guess is, Mr. Robinson.

Mr. ROBINSON. I would rather not have a guess.

Mr. STEVENS. I think I can make a suggestion along that line. The Dawes Commission has been searching for ten years, at a cost of \$2,000,000, and they have only been able to find 40,000 Indians.

Mr. CLARKE. The remainder being what are known, in popular parlance in that country, as squaw men.

Mr. STEVENS. No; I mean people they have found to be Indians, entitled to allotments. They have only found 40,000. With all the power and influence the Government has given them they have not been able to find more Indians than that.

Mr. CLARKE. If you will refer to the statistics, I think you will find there are from 80,000 to 85,000.

Mr. LLOYD. Is it not a fact, however, that that 85,000 includes negroes?

Mr. CLARKE. Possibly the freedmen.

Mr. LLOYD. And they are about 36,000?

Mr. CLARKE. A portion of the tribes are what is known as freedmen, more in the Creek and in the Cherokee country, and perhaps in the Chickasaw country, than anywhere else. I understand that the 36,000, in round numbers, just given you as colored population in the Indian Territory, includes all the colored population, the freedmen as well, except the Indians of mixed blood.

Mr. LLOYD. And that the 85,000 you speak of includes the negro population.

Mr. CLARKE. It includes all the freedmen connected with tribal relations. I want to say further, in regard to a statement made by Mr. Stevens, that the business of the Dawes Commission has not been concluded, and how many will be put upon the rolls after the special court provided for by the last Congress gets through with its work, and the Dawes Commission is terminated some years in the future, it will be impossible to state.

Mr. STEVENS. Let me ask you if we can not figure it this way. If it takes ten years to find 40,000, how many years will it take to find 85,000?

Mr. CLARKE. So far as the Dawes Commission is concerned, and the work they are doing and have to do in the Indian Territory, I know of no intelligent man, whatever may be his views in regard to statehood, who has any hope that that Commission will conclude its work in the next five or six years. I desire to say, however, and I think the examination of reports of the Dawes Commission from year to year will bear out the statement, that they have been continually saying during all these ten years, when they have come to Congress for the purpose of securing appropriations, that they would complete the work in a very short period of time. Ten years have elapsed, and in my judgment five years more will elapse before that question is finally settled.

Mr. LILLEY. What is the total population of the Indian Territory?

Mr. CLARKE. By the census of 1900 it was given as 392,000 and some hundreds.

Mr. LILLEY. What is it, in your opinion, to-day?

Mr. CLARKE. I think the population of the Indian Territory would reach at least 550,000.

The CHAIRMAN. Now, Mr. Clarke, to what tribe do these Indians belong—those included in the numbers from 40,000 to 85,000, as you have stated?

Mr. CLARKE. All of the tribes.

The CHAIRMAN. Name them.

Mr. CLARKE. The Cherokees, the Creeks, the Choctaws, the Seminoles, and the Chickasaws, constituting the five tribes, which originally moved from Georgia and Alabama to the Indian Territory.

The CHAIRMAN. It has been suggested that the Delawares should be added.

Mr. McGUIRE. That is correct.

Mr. CLARKE. The Delawares are not a distinctive tribe in the Indian Territory. I think it was in 1868—I remember very well, because I was a member of this House at the time—that the Delawares moved

from Kansas, surrendering their reserve and selling it, and became merged with the Cherokee tribe; and while they are known as Delawares, yet at the same time, according to the terms of the treaty, they are members of the Cherokee tribe.

The CHAIRMAN. Do these Indians maintain tribal relations now? I am asking these questions assuming that the committee has no information such as you are imparting to us to-day. Do these Indians maintain tribal relations at this time?

Mr. CLARKE. Every one of them, and it is provided in the agreements that they shall continue until March 4, 1906. There is, however, no absolute prohibition by the terms of the agreement that they may not continue longer. The language, if I remember correctly, is that they shall continue until 1906.

The CHAIRMAN. What arrangement is made with reference to these Indians maintaining tribal relations in this way?

Mr. CLARKE. The laws under which the Dawes Commission are operating provide for the division of the whole body of the land among the members of the five tribes and the final settlement of the estate. The termination of tribal governments will follow.

The CHAIRMAN. And are bodies of land assigned to these five tribes?

Mr. CLARKE. The different treaties relating to the five tribes provide that a certain number of acres shall be assigned to the Indians as homesteads, which are nontaxable for the period of twenty-one years.

The CHAIRMAN. Do these Indians own the homestead in severalty or do they belong to the tribe?

Mr. CLARKE. They receive, under the act, a nontaxable fee-simple title in severalty.

The CHAIRMAN. In severalty?

Mr. CLARKE. In severalty, for the period of twenty-one years.

The CHAIRMAN. From and after what date does the twenty-one years run?

Mr. CLARKE. From the date of the patent which they receive from the Government.

The CHAIRMAN. Can you give some of those dates?

Mr. CLARKE. With the exception of the Seminole country, which is a very small fraction of the entire Indian Territory, very few patents are being issued at this time. Those that have been issued are mostly in the Creek country. The ways of the Department of the Interior are, I am told by citizens of that Territory, provokingly slow.

Mr. ROBINSON. Mr. Clarke, not having been able to give a judgment as to the number of these two classes that I first designated, may I ask you to state if there are not thousands of Indians in the Indian Territory whom nonexperts could not distinguish from an American in their appearance, in their habits of industry, and in their business and employment?

Mr. CLARKE. I think if any of you gentlemen would go among the members of the Five Tribes you would see quite a number of what are known as squaw men, who are white men—Americans—who have gone down there and married in among the Indian tribes for the purpose of personal benefit in a financial way; in other words, in order to obtain rights to allotment in the land. Those people are what are known as squaw men, and if I were to take my choice between the real Indians and the squaw men I would choose an Indian every time; and I think you, Mr. Robinson, would do the same.

Mr. ROBINSON. That is hardly responsive, Mr. Clarke. I said among those Indians of part Indian blood. You said 85,000, and Mr. Stevens suggests 40,000.

Mr. CLARKE. No; you will excuse me for interrupting you. I do not understand that that is Mr. Stevens's suggestion. He says that only about 40,000 have been enrolled by the Dawes Commission up to this time.

Mr. STEVENS. Yes; about 40,000 have been enrolled.

Mr. ROBINSON. Let it go at that. Among those who are tintured in any way with Indian blood, and so styled in this estimate of the number, are there not thousands, who, by reason of their business employments, their appearance, their dealings with their neighbors, and all, would scarcely be detected by a nonexpert?

Mr. CLARKE. They are white men.

Mr. ROBINSON. White men with Indian blood, you mean?

Mr. CLARKE. No, sir; I mean they are white men, known as squaw men in that country, who have married into the Indian tribes.

Mr. ROBINSON. Then you think all the Indians in any way tintured with Indian blood need the protection of the United States Government in the manner you have suggested in your general remarks?

Mr. CLARKE. I think they need a great deal of preparatory legislation before they should be admitted to statehood; to wit, provision for public schools, provision for public roads, provision for the care of the insane, provision for a reform school for boys, a reform school for girls, and all the other institutions which a civilized community ought to have for the protection of its interests, and especially I think they need more courts and jails, in order that the vast volume of crime that exists there may be more effectively suppressed.

Mr. ROBINSON. But I was trying to draw out their individual strength and characteristics, and I will ask you if those persons tintured with Indian blood class within the general number that has been mentioned? Are they not bankers, lawyers, merchants, and do they not fill every avenue of useful business and occupation?

Mr. CLARKE. That is true of a certain per cent.

Mr. ROBINSON. Do not thousands of them so fill those places?

Mr. CLARKE. I am unable to state the number; but in the Cherokee tribe especially, and in fact in all of the tribes, there is a very considerable number that have all the qualifications to which you refer.

Mr. ROBINSON. There being 500,000 to 600,000 white people, except the number that has been stated variously, there are a good many of the white people who need good government there, and the proportion of Indians who need it is very small?

Mr. CLARKE. The records of the courts show that they need it very badly.

Mr. ROBINSON. But the proportion of whites is very large, is it not, in the Indian Territory population?

Mr. CLARKE. It is so.

Mr. ROBINSON. In your judgment, is there any legal objection to a statehood government for the Indian Territory, aside from the question of joint or single statehood?

Mr. CLARKE. The treaties provide that the tribal relations shall be extended until the 4th of March, 1906; and if the gentleman will refer to what is known as the Atoka agreement, which was made between the United States and the Choctaws and Chickasaws some

years ago, he will find that it is stated in substance that the conditions that are expected will be produced by the terms of that agreement would be such that no further interference on the part of the Government of the United States would be expected previous to the 4th of March, 1906.

Mr. ROBINSON. Would that be a moral or a legal deterrent, in your opinion?

Mr. CLARKE. It would be such an agreement, in my judgment, that it would be substantial and real if made between two individuals, and would involve their honor if it was violated.

Mr. ROBINSON. Has Congress the legal authority to make a State out of the Indian Territory, either single or joint, in your opinion?

Mr. CLARKE. I think that Congress is substantially supreme in all these matters. The Supreme Court of the United States has decided that Congress has the power to override a treaty.

Mr. ROBINSON. Of course I would like to go into the subject of the Dawes Commission with you, but I understand it to be outside of your general purpose, and will not inquire about that. I share your opinions, however, as they have been expressed.

Mr. LLOYD. Your conception is that there is no legal barrier to statehood so far as the Indian Territory is concerned?

Mr. CLARKE. After the 4th of March, 1906.

Mr. LLOYD. You did not restrict it, as I understood the answer.

Mr. CLARKE. I intended to restrict it until the 4th of March, 1906, because those are some of the specific provisions of the agreements.

Mr. LLOYD. Did you not say that Congress was supreme in the matter and that Congress had the power to override treaties?

Mr. CLARKE. I said that the Supreme Court of the United States has decided that an act of Congress can supplant a treaty.

Mr. LLOYD. Then there is no legal barrier if Congress was disposed to grant statehood to the Indian Territory.

Mr. CLARKE. Well, I hardly know whether you would call it legal or not. It would be the exercise of an arbitrary power, because they possessed it and because they were desirous to exercise it before the expiration of the existing agreements.

Mr. LLOYD. Are there any Indians in Oklahoma?

Mr. CLARKE. The total number is 11,938, as reported by the Indian agents, besides about 300 Apaches held as prisoners of war at Fort Sill.

Mr. LLOYD. Are they on reservations—all of them?

Mr. CLARKE. No, sir; with the exception of the Poncas, the Otoes, and the Osages their lands have been allotted in severalty.

Mr. LLOYD. With reference to pure blood, which you spoke of a while ago, are these Indians full bloods, or are they a mongrel breed?

Mr. CLARKE. They are somewhat mixed, but not very much.

Mr. LLOYD. Is it not a fact, Mr. Clarke, that there are as many pure blood Indians in Oklahoma as there are in the Indian Territory?

Mr. CLARKE. Oh, no, sir.

Mr. LLOYD. Will you contradict the statement that has been made before this committee that there are not more than 2,000 pure-blood Indians in the Indian Territory?

Mr. CLARKE. I certainly would, and I am surprised to hear that such a statement should be made by anybody before this committee, because I am perfectly certain it will not be borne out by the facts in the case.

Mr. LLOYD. You speak of the necessity for schools in the Indian

Territory. Is it not a fact that the Indians in the Indian Territory have good schools at present?

Mr. CLARKE. Very few compared with the whole population. However, the white people are excluded from the Indian schools, and in this connection, if the gentleman will allow me to answer further, I refer the committee to a report made last year by the special agent of the Interior Department, Mr. Churchill, which covers that whole question of the Indian schools, as well as the necessity for white schools in the Indian Territory. It is a very interesting document, and will give the committee full information in regard to the conditions that exist there.

Mr. LLOYD. I have not been fortunate enough to read that book, but I am concerned to get at this question—that is, the kind of schools the Indians have in the Indian Territory.

Mr. CLARKE. Mr. Churchill deals with that very subject, and I regret to say that he has a very low official opinion of the character of the Indian schools. I think he bases it on too low an estimate of the character of those schools.

Mr. LLOYD. What is your opinion of the schools, because you are familiar with the situation there, as stated in your opening statement?

Mr. CLARKE. I have been made familiar with the schools in Oklahoma Territory, and I am quite familiar with the Indian Territory, but I am free to say the Indian schools in the Indian Territory, in their standard of excellence, are far below the schools which exist among the white population of Oklahoma or in any of the States.

Mr. LLOYD. But the Indians have better schools than the whites in the Indian Territory?

Mr. CLARKE. Oh, no; in the towns of the Indian Territory which have been segregated from the Indian domain under the laws which have been passed by Congress, good schools have been established, because there has been an opportunity to tax the town property.

Mr. LLOYD. Are there any Indian schools in the Indian Territory outside of the incorporated towns that have a population of 200?

Mr. CLARKE. Mr. Churchill reported last year in his report to the Interior Department that outside of the towns there are no common schools for white children in the Indian Territory.

Mr. ROBINSON. You represented Kansas in Congress?

Mr. CLARKE. For six years.

Mr. ROBINSON. And I assume from that that you are rather familiar with the Indian population of Kansas.

Mr. CLARKE. I was for six years a member of the Committee on Indian Affairs and for two years its chairman, and I was necessarily made familiar at that time with the conditions in the Indian Territory. I have since lived on the borders of the Indian Territory.

Mr. ROBINSON. Are there more blanket Indians in Kansas than there are in the Indian Territory?

Mr. CLARKE. Oh, no; the only blanket Indians that remain in Kansas many years ago are what are known as the Prairie band of the Potawatomi tribe. They are located north of Topeka, the capital of that State, and only a small band. I do not know whether they have abandoned the blanket or not.

Mr. ROBINSON. You think you are quite correct in the opinion that there are not more blanket Indians in Kansas than in the Indian Territory?

Mr. CLARKE. I am. It is a matter of opinion, however, and as I stated some time ago it would be a matter of opinion with anybody else who would make a statement in connection with that question.

Mr. ROBINSON. Is there a single blanket Indian in the Indian Territory?

Mr. CLARKE. Well, sir, it is possible there may be, or it is possible there are not. Just how they are dressing at this time, during this cold weather, I am not able to say.

Mr. ROBINSON. I mean generally, during a year's time. Will you venture an opinion that there are any blanket Indians of considerable number in the Indian Territory?

Mr. CLARKE. I can not say what dress they are using at this time.

Mr. REID. Mr. Clarke, you spoke of the per cent of illiteracy in the Indian Territory, and I believe you mentioned it as about 15 per cent.

Mr. CLARKE. About 15.9 per cent.

Mr. REID. That includes the Indians, does it—the Indian population?

Mr. CLARKE. 15.9 per cent of the voters and about 20 per cent of the entire population. These figures are shown in the census.

Mr. REID. You gave some data in regard to the criminal court records in the Indian Territory?

Mr. CLARKE. They are taken from the report of the Attorney-General up to the 30th of June, 1902.

Mr. REID. Have you the same data in regard to Oklahoma?

Mr. CLARKE. I have.

Mr. REID. How does it compare with the Indian Territory?

Mr. CLARKE. It can be found in the report of the Attorney-General.

Mr. REID. Have you instituted any comparison between them?

Mr. CLARKE. I have not. It is a mere fraction compared with the Indian Territory; but I want to say, in this connection, that the costs of the United States courts in the Indian Territory are more than twice as much as those of the United States courts in the State of New York, with its vast population.

Mr. REID. The expense of conducting the courts is greater there.

Mr. CLARKE. The report of the Attorney-General shows, in round numbers, that the costs of the United States courts in the Indian Territory, in which there are four judges, are twice as much as all the United States courts in the State of New York.

Mr. LLOYD. Do you think that is a fair comparison of criminal costs, when you compare the costs of New York, or any other State, with the costs of criminal prosecutions in the Indian Territory?

Mr. CLARKE. Eliminating the prosecutions in the Indian Territory under the intercourse act, it would be a comparative statement. That would have to be eliminated in order to make it a fair comparison.

Mr. LLOYD. Is it not true that all cases that are tried in the Indian Territory are tried under the laws of the United States?

Mr. CLARKE. Criminal offenses?

Mr. LLOYD. Yes; all criminal offenses are tried under the laws of the United States.

Mr. CLARKE. That is true.

Mr. LLOYD. But in Oklahoma they are under the Territorial law; they are tried by circuit judges and justices of the peace?

Mr. CLARKE. That is true.

Mr. LLOYD. Can you tell us how many cases there were tried in the circuit courts of the Territory of Oklahoma?

Mr. CLARKE. You refer to the United States courts?

Mr. LLOYD. No, I mean the Territorial courts. How many criminal cases were tried in the Territorial courts of Oklahoma?

Mr. CLARKE. I have not the figures at hand, but I can state the number of convicts in the penitentiary sentenced by the Territorial courts of Oklahoma, as stated in the governor's report, is 326. The number of convicts now serving in the penitentiary, sent by the courts in the Indian Territory, is 558.

Mr. LLOYD. That is getting at a percentage that is legitimate.

Mr. CLARKE. I refer the gentleman to the report of the Attorney-General, which gives all of these items in regard to the courts, with reference to which gentlemen have made an inquiry.

Mr. LLOYD. You spoke a short time ago in your statement about the people of Oklahoma being in favor of separate statehood, and you said nine-tenths of them were in favor of it.

Mr. CLARKE. Yes.

Mr. LLOYD. You made a statement to the effect that there was nobody except a few politicians and persons who had some personal ax to grind who are not in favor of it. Is it not true that the chamber of commerce in your own town of Oklahoma has passed some resolution with reference to this matter within the last two or three weeks; and if so, what is that resolution?

Mr. CLARKE. You have not correctly summarized my statement in regard to the sentiment of Oklahoma.

Mr. LLOYD. I beg your pardon if I have not.

Mr. CLARKE. I beg leave to remind you and the committee of what my statement was, that with the exception of three or four counties and a few ambitious politicians of both parties, nine-tenths of the people of Oklahoma were in favor of the bill introduced by Mr. McGuire.

Mr. LLOYD. What three or four counties are those?

Mr. CLARKE. I refer to counties in the eastern and southeastern portion of the Territory of Oklahoma, some of which adjoin the Indian Territory.

Mr. LLOYD. What counties are they? Name the counties, please.

Mr. CLARKE. I think it would be fair to name Cleveland County, Oklahoma County, Pottawatomie County, and perhaps Lincoln County.

Mr. LLOYD. What per cent of the population of Oklahoma is in those counties?

Mr. CLARKE. I can not give it to you accurately on the spur of the moment, but I would estimate about one-sixth of the population of the entire Territory on a basis of 650,000 people.

Mr. LLOYD. Is it not true that in the last campaign there was an issue joined in your Territory on the question of statehood between the parties?

Mr. CLARKE. I want to say, in answer to that question, that in Territorial politics and the election of Territorial delegates and all county officers, and such officers as we are permitted by the grace of Congress to elect in a Territory, a great many side issues enter into the contest—for instance, personal issues, local issues, questions in regard to the location of the capital of the future State, commercial interests, railroad interests, etc.

MR. LLOYD. Do you consider the question of statehood a side issue in your Territory?

MR. CLARKE. Not with me.

MR. LLOYD. I mean with your people. I do not mean so far as you are concerned.

MR. CLARKE. It could hardly be called a side issue.

MR. LLOYD. Would it not be a main issue in a political contest?

MR. CLARKE. I hardly know what you would call a main issue. It would not necessarily reflect the sentiments of all those who voted for the candidates. Personal politics in the Territories are, in the main, supreme.

MR. LLOYD. Is it not true that one of the political parties in your Territory declared in favor of single statehood and one declared for separate statehood?

MR. CLARKE. Not necessarily that; substantially so. One of the parties has maintained in that Territory that it is practicable to obtain immediate single statehood, with emphasis on the immediate, and arguments were made all over the Territory that the proper way to get Oklahoma admitted into the Union promptly as a State by this session of Congress was to have immediate single statehood. The real truth is that these politicians to whom I refer—and they are very excellent gentlemen; one of them is my distinguished friend here who sits on the right—

MR. LLOYD. And one on the left.

MR. CLARKE. The real truth is that at home it is openly announced that no statehood is desired until 1906, or even near the end of the decade, unless the purposes of these distinguished gentlemen who call themselves in favor of single statehood can be accomplished.

MR. LLOYD. You say one party does that. What party is it you speak of?

MR. CLARKE. In the last campaign it was a combination of the Democratic and Populist parties.

The CHAIRMAN. Mr. Lilley desires to propound a question.

MR. LILLEY. Do I understand that nine-tenths of the people supported a candidate who was for immediate statehood?

MR. CLARKE. Oh, no.

MR. LILLEY. That was your former statement.

MR. CLARKE. No; the candidate who was in favor of statehood for Oklahoma, with a provision requiring the consent of the constitutional convention that Congress might at any time hereafter exercise their own judgment in the matter, was elected, and he is sitting here on my left, Mr. McGuire.

MR. MOON. Mr. Clarke, did I understand you correctly to say that it is not advisable to unite Indian Territory with Oklahoma in one State?

MR. CLARKE. At least not until proper preparations are made and reforms are instituted in regard to the prevalence of crime, the establishment of a school system, and such other legislation as would place the Indian Territory on an equal basis with Oklahoma.

MR. MOON. Then what is the purpose of that provision in the bill by which you seek to dismember the Territory and add it by piecemeal to Oklahoma?

MR. CLARKE. I do not understand that it is a provision which seeks to dismember the Territory, but inasmuch as the Constitution of the

United States provides that the lines of a State shall not be changed without the consent of the State and of the United States, it was deemed advisable to give the consent of Oklahoma, through its constitutional convention, so that when affairs were composed in the Indian Territory and Congress was in a position to form a correct judgment with regard to the conditions which exist in that Territory, if they were so disposed, they could then exercise the right without requiring the consent of the State after its formation.

Mr. MOON. Why say anything about it at all? If you want statehood, why not have statehood for Oklahoma and not interfere with the conditions in the Territory?

Mr. CLARKE. It is one of those things which it was deemed advisable to insert in the bill in order to leave Congress free hereafter to exercise its independent judgment.

Mr. MOON. Now, to get down to business, is not the purpose this: That if you admit Oklahoma in its present shape, there may be some doubt about its political complexion, but if you have in a provision by which you can attach the Republican party of the Territory to you, it makes you safe.

Mr. CLARKE. Well, it is very hard to define the motives of men when you come to political questions.

Mr. MOON. Would it not be the fair thing to let the Territory alone and admit your State by itself?

Mr. CLARKE. I think it would be entirely fair, entirely just.

Mr. MOON. And let them fight it out themselves.

Mr. CLARKE. I think it would be entirely fair and just.

Mr. MOON. Then you think this provision in your bill ought to be eliminated?

Mr. CLARKE. I have confidence in the good judgment of this committee, and if they should eliminate that provision I do not think there would be any complaint on the part of any considerable number of people in Oklahoma, unless there might be on the part of my friend here, Mr. Doyle, and gentlemen who are cooperating with him to secure what they call single statehood alone.

Mr. MOON. I am not talking about the discretion of the committee in the matter; it is not limited. I am talking about your judgment as to a fair condition of things out there, and as to what ought to be done. Is it not your opinion, in view of what you said about the Territory and the unfairness of the tribal relations at present, or of making any provision hereafter for the dismemberment of the Territory, that the fair thing is to let the Territory alone and fight for your own statehood?

Mr. CLARKE. I think that would be a very fair proposition.

Mr. MOON. Then you agree with me that this provision should be eliminated? That is your judgment?

Mr. CLARKE. I should say that you had acted the part of a statesman if you should favor the elimination of that proposition. (Laughter.)

Mr. LLOYD. Mr. Clarke, I want to ask you some other questions. There is considerable said, I think, on the outside about the question of what you have in the Territory in the way of mineral deposits. In your statement I understood you to say that you had an abundance of salt, gypsum, oil, and coal?

Mr. CLARKE. Yes.

Mr. LLOYD. Where are the coal beds in your Territory?

Mr. CLARKE. Coal has not been extensively developed for commercial purposes, but it has been discovered in the vicinity of Stroud and in various portions of the Territory; and the indications are that as time goes on more coal deposits will be discovered.

Mr. LLOYD. Is it not true that there is the very greatest inducement to your people to open up the coal fields because of the excessive price of coal in Oklahoma Territory?

Mr. CLARKE. I can refer the gentleman to several instances where borings are being made and are to be made very soon for the purpose of developing the coal, oil, and gas.

Mr. LLOYD. What is the price of soft coal in Oklahoma Territory?

Mr. CLARKE. I am not able to give you the price. I think it is somewhere from \$4 to \$6.

Mr. LLOYD. I am told it is \$8 for soft coal.

Mr. CLARKE. I do not think it is \$8 on the line of the Sante Fe road.

The CHAIRMAN. It is now past 12 o'clock, and I want to ask what is the desire of the committee as to whether we shall rise now and continue these inquiries of Mr. Clarke later. I think the inquiries are illuminating and we had better take plenty of time.

Mr. DOYLE. Mr. Chairman, it has been stated by Mr. McGuire that I shall probably address the committee. At this time I desire that an order be made for an abstract of the census reports of the Indian Territory and Oklahoma Territory.

Mr. LLOYD. They are right here in the record.

Mr. DOYLE. Also volume 1 of the Revised Statutes of the United States and the Session Laws of 1901.

Mr. LLOYD. They are in the room.

Mr. DOYLE. I have not been able to find the Session Laws.

The CHAIRMAN. The clerk of the committee will be able to get them at the Library.

Mr. LLOYD. Mr. Chairman, I wish to state a personal matter. It becomes necessary for me to leave the city to-morrow afternoon, and I am very anxious that so much of this inquiry as can be had shall be made before I leave. If the committee can accommodate me by meeting this afternoon and finishing at least Mr. Clarke's statement, so that Mr. Doyle can take up the single statehood matter to-morrow, we can practically hear the two sides in the two principal arguments that will be made. I take it that Mr. Clarke is stating the case for Oklahoma.

The CHAIRMAN. For Oklahoma, excluding the Indian Territory.

Mr. LLOYD. Of course I do not mean by that that Mr. McGuire will not make the real statement of the case, but I mean as to the persons he represents. Mr. Clarke will probably present the case for Oklahoma separately. Is that correct?

Mr. McGUIRE. Yes, sir.

Mr. LLOYD. And Mr. Doyle will probably state the position of the single statehood people.

Mr. McGUIRE. Yes, sir; I think that is right.

Mr. DOYLE. I would be glad to have both those statements before I go away, if we can possibly arrange it in that way. That is the arrangement suggested to me this morning, by Mr. McGuire.

The committee thereupon adjourned.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 26, 1904.

The committee met at 10.30 o'clock a. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. The Hon. Thomas H. Doyle will address the committee on the subject of statehood for Oklahoma.

STATEMENT OF HON. THOMAS H. DOYLE, OF OKLAHOMA.

Mr. DOYLE. Mr. Chairman and gentlemen of the committee, not unmindful of the great responsibilities resting on this committee, in that your action as the Committee on Territories to a very great extent molds the destiny of more than 3,000,000 people living in the six Territories of the United States, and with a profound respect for the wisdom and statesmanship of the committee as a whole and a proper respect for the judgment and sense of duty of each individual member of this committee, I shall in this argument for single statehood for Oklahoma and Indian Territories, as provided for by the Robinson bill, be guided by that great rule of human conduct, a golden rule in cases of this kind, where a man seeks to represent his people. That rule is that you should be careful concerning the principles you select as a test of their rights and obligations. Mindful of the fact that the question of creating and admitting a new State into the Union is one of the most important questions that can possibly come before this committee or the Congress of the United States, I would ask you to remember that this question of statehood is the question of supreme importance to all the people of Oklahoma and Indian Territories.

Mr. Chairman, far to the west in the south-central part of this country lies the fairest and richest domain of this land. It is the home of more than 1,000,000 white people who have been born, reared, and trained to the duties of self-government in their former homes. They are the best of our country's enterprising pioneers. They are an industrious, intelligent, patriotic, and liberty-loving people. All are competent to become citizens of a State, all are capable of self-government. They have come from every State in the Union, and this fact is one of the happiest circumstances attending the settlement of the twin Territories.

Mr. Chairman, our people have bound themselves to this region by all the ties that bind men to their homes. They have made it one of the richest and most prosperous portions of America. Nature had already done its share. In the language of the eloquent Grady: "There is centered all that please or prosper human kind. A perfect climate above a fertile soil yields to the husbandman every product of the Temperate Zone. There by night the cotton whitens beneath the stars, and by day the wheat locks the golden sunshine in its bearded sheaf. Of the essential items of all industries—coal, cotton, iron, and wood—that region has an abundance. Field, mine, and forest." That, sir, is the picture and promise of our land, the State proposed to be made by the union of both our Territories.

That great author Washington Irving visited our country at an early date and he has described it in one of his works, *The Prairies*. You have all read that book. There is pictured our grand primeval

forests, fertile and extended prairies, magnificent rivers, and beautiful mountains.

With all these blessings what more is necessary to make us a happy and contented people? That one thing, the birthright of freemen. Our God-given heritage as American citizens. A people's government, made for the people, made by the people, and answerable to the people. In other words, the sacred right of self-government; the right to participate in the affairs of this nation—our country.

Mr. Chairman and gentlemen of the committee, you have heard Senator Clarke, and you will hear other gentlemen distinguished for their ability and influence, men of eminence and high place in our Territories advocating that Oklahoma alone is entitled to statehood, and that conditions in the Indian Territory are not right for statehood. This raises the main question that is now before you, the question of single or separate statehood for these Territories.

This question is one of vital importance to the people of both Territories, as not only their future prosperity depends upon its right solution, but also their social and political status in this nation as well.

There can be but little doubt that a large majority of the people of Oklahoma and Indian Territory favor their union as a single State, and they believe that not only the interest of all the people of both Territories, but the interests of the nation as well, would be better served by their union than by maintaining a separate existence. This sentiment among our people is founded not only on sound sense and State pride, but on high and patriotic motives, in that they are prompted by the great consideration of how they can most certainly "sow greatness to their posterity and successors."

HISTORICAL.

When the Indian Territory was created and defined in 1834, the boundaries were practically what constitutes the outer boundary of Oklahoma and Indian Territory to-day. All of Oklahoma is included except what is now Beaver County, formerly known as "No Man's Land," which was added to and became a part of Oklahoma by act of Congress of May 2, 1890.

March, 1889, the act passed, creating Oklahoma, and opening to settlement 3,000,000 acres of land in the heart of what now constitutes Oklahoma Territory. This land was opened April 22, 1889. No form of government was provided for until May 2, 1890, then the organic act was passed. September, 1890, the Sauk and Fox, Iowa and Potawatomi Indian reservations, containing 1,282,434 acres in the eastern part of the Territory, and the Cheyenne and Arapaho reservations, containing 4,297,771 acres in the western part, were opened to settlement.

September 16, 1893, the Cherokee strip, containing 6,014,239 acres, was open to settlement.

In 1895 the Kickapoo Reservation, containing 206,662 acres, was open to settlement.

1896 Greer County was added by a decision of the Supreme Court of the United States.

In 1901 the Kiowa, Comanche, Apache, and Wichita reservations were opened to settlement, containing _____ acres.

And we still have the Osage, Ponca, and Oto reservations and the

Kiowa and Comanche pasture reservations, approximating 2,000,000 acres, still reserved from settlement. This, in brief, is the history of the opening to settlement of Oklahoma. One after another the Indian reservations have been added to original Oklahoma, which constitutes less than one-eighth of the present Oklahoma.

The provisions of our organic act provide for the further adding to Oklahoma in the future the remaining area of the original Indian Territory that now constitutes the Indian Territory. Section 1 of our organic act reads as follows:

Section 1, page 38, Statutes of Oklahoma: That all that portion of the United States now known as Indian Territory, except so much of the same as is actually occupied by the Five Civilized Tribes and the Indian tribes within the Quapaw Indian agency and except the unoccupied part of the Cherokee outlet, together with that portion of the United States known as the public-land strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma. That portion of the Indian Territory included in said Territory of Oklahoma is bounded by a line drawn as follows:

I have hung a map on the wall there. The red line is the division line, and I will leave out reading the minute description of the boundary.

Then, following after the boundary, in the same paragraph, it reads:

Whenever the interests of the Cherokee Indians in the land known as the Cherokee outlet shall have been extinguished, and the President shall make proclamation thereof, said outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation, or a tribe owning such lands, shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of the Territory of Oklahoma, and the President shall thereupon make proclamation of the same.

Section 2 provides for the further right of Congress to add to any State Oklahoma proper.

Thus we see by the language of that act and all other acts relating to Oklahoma and Indian Territory, that it has been the intention of Congress at all times in the past that the original Indian Territory, out of which Oklahoma was formed, should eventually become one single State as originally outlined by the fathers. And when we view the ragged, irregular, eccentric boundary line that now divides the two Territories we can not believe that this boundary line was other than temporary.

When the first Oklahoma legislature assembled it adopted the great common seal for the new Territory. This design, as shown here on page —, General Statutes of Oklahoma, shows after the motto "Labor omnia vincet" Columbia as the central figure, representing justice and statehood; on her right is the American pioneer farmer; on her left is the American Indian. These representatives of the white and red races standing there beneath the scales of justice symbolize the intended union of Oklahoma and Indian Territory, and is emblematic of equal justice to all. Beneath are the words "Grand seal of Oklahoma Territory."

All territorial legislation has been with the intent and expectation of the ultimate union of both Territories as a single State. For instance, the Territorial University was located at Norman, on the banks of the South Canadian River, where said river constitutes a part of the boundary line between both Territories. You will see by this

map that it is centrally located as to both Territories and is east of a large portion of Indian Territory.

The agricultural and mechanical college at Stillwater is located to the north, near the boundary line, and this point will be in the eastern half of both Territories when united as a State.

The oldest normal school is located at Edmond, which is very near the geographical center of both Territories, and at present our laws provide for the admission of pupils from the Indian Territory to all our Territorial institutions on an equality with our own students.

I think these facts are entitled to more consideration than the remark made by Mr. Clarke that nine-tenths of the people of Oklahoma are against single statehood, and I say to you that all men having only the best interests of our people at heart, and who have given the question thought, believe that the idea of forming two States out of these Territories is a visionary theory that is destitute of practical wisdom, as it would only tend to waste the energies and dissipate the resources of all our people; and that these advocates are men who have allowed personal ambition and selfish interests to guide them as against the best interests of our people. These separatists offer no argument in support of their position not based on sectionalism, party expediency, or partisan advantage. They want to do wrong for the sake of party policy. Let me say to them that any political party that will violate its principles and the principles of good government out of policy or expediency will always pay the debt with sorrow and regret.

Mr. Chairman and gentlemen of the committee, I take it that the two greatest considerations in the creation of a State are population and area. The questions, however, of natural resources and natural division should be considered also and given their proper weight. Population alone is but one of the considerations entering into the question. State sovereignty does not rest on population alone, as in the United States Senate neither population, size, nor resources are considered. Rhode Island, the smallest State, and Texas with its vast domain, there stand upon an equality. Nevada, with only a few thousand people, and New York, the great Empire State, with its many millions of inhabitants, are equal in that branch of the National Government. And such is the jealousy of the States of their representation in the United States Senate that no small State may hope to be admitted if it were not for partisan interests.

Because in the adding of a State to the Union every State gives up a part of its influence in all three coordinate branches of the National Government. It is an assignment, so to speak, of a part of their power and influence in national affairs, each State surrendering its proportionate share to the new State.

A wide discretion is given to Congress by the Constitution in the words, "New States may be admitted by the Congress into this Union." This, the only provision of the Constitution upon the subject, leaves Congress the sole judge of the expediency of admitting a State into the Union. For this reason we must remember that a new State primarily organized and admitted into the Union for the benefit of its own people, is in a large degree for the benefit of the whole people of the nation. And a Territory seeking admission ought in population, in area, in present and prospective development and intelligence of its people be on a par with the average of the other States of the Union,

thus the equilibrium of the States may be preserved and maintained in the Senate.

If a Territory falls short of this standard it is unjust to the other States to admit it into the Union on a footing of equality. These general principles are fundamental and ought to control.

On the question of population no one can dispute that the twin Territories united are entitled to statehood under any rule ever suggested in Congress, having a population of about 1,400,000 people and enough at the taking of the last census to entitle the new State to five Representatives in the House branch of Congress. The first rule regarding population was set forth in the ordinance of 1787 by the Continental Congress creating the Northwest Territory. Article 5 of said ordinance creating said Northwest Territory provides therein, whenever any of the proposed States shall have 60,000 free inhabitants, etc.

The ordinary and more general rule has been—that is, whenever any rule was followed—to require a population equal to the unit or ratio required in population for one member of Congress. The extreme rule was set forth by Senator Dillingham in his argument before the Senate upon the omnibus bill. That rule was to require a population which would equal the average population of all the States. Yet I believe the true rule to be that where a fair number of people demand State government there is no just cause for denial, provided the questions of area, natural divisions, and natural resources are settled, because progress in the development of a Territory's resources is dependent to a very great extent upon statehood. This last rule has been the rule generally followed by Congress in the admission of new States.

But even under the harsh rule suggested by Senator Dillingham, and which has never heretofore been invoked, Oklahoma and Indian Territory united would have the population necessary to fulfill that requirement. We would be to-day, if united as a State, ranking as the twenty-third State in point of population. We have passed Nevada, Alaska, Wyoming, Arizona, Hawaii, Idaho, Delaware, New Mexico, Montana, Utah, District of Columbia, North Dakota, Vermont ("Indian Territory," "Oklahoma Territory"), South Dakota, New Hampshire, Oregon, Rhode Island, Washington, Florida, Colorado, Maine, Connecticut, West Virginia, Nebraska, Maryland, Arkansas, South Dakota, Louisiana.

The above-named States and Territories rank in the order named, according to the report of the last census, commencing with the lowest in rank.

Oklahoma and Indian Territory separated rank as 38 and 39, that is, between Vermont and South Dakota.

Mr. Chairman, another matter in connection with the population of Oklahoma I wish to call your attention to is the census tables. They show a density of population in Oklahoma of 10.3 and the Indian Territory of 12.6 persons to the square mile. The opening of the Kiowa, Comanche, and Wichita reservations to settlement since the census was taken would now make our density equal at least to that of Indian Territory. The question now arises, What may we expect to gain in population in the future? Practically all our Indian reservations have now been opened to settlement and our future increase of population will be in the ordinary way.

We find by these tables that Nebraska in 1890 had a density of population of 13.8 and in 1900 13.9 persons to the square mile, an increase

of only one-tenth of one in ten years. Kansas had in 1890 a density of population of 17.5 and in 1900 18 persons to the square mile, a gain in ten years of one-half of one to the square mile; and the tables show that even this small gain was made in the manufacturing and mining parts of the State, and that there was a decrease in the rural population. We find Arkansas had in 1890 a density of population of 21.3 and in 1900 24.7 persons to the square mile, a gain of 3.4 persons to the square mile, due mostly to the developments of its mineral resources. These statistics are significant. It shows that when the population of an essentially farming State reaches a certain density its future increase is slow. However, this is not true in cotton-growing districts of recent settlement. The tendency there is to divide up what ordinarily constitutes a homestead into small tracts; and in Oklahoma we have a large cotton area, but not so great as that in Indian Territory.

The average increase in population in the United States for the decade between 1890 and 1900 was 21 per cent. The increase in the States of Kansas and Nebraska was only 3 per cent. It can not be contended in the light of the census figures that our Territories are sparsely settled. As it is we have a greater density of population than Nevada, which has 0.4; Wyoming, 0.9; Idaho, 1.9; Montana, 1.7; Utah, 3.4; Oregon, 4.4; North Dakota, 4.5; Colorado, 5.2; South Dakota, 5.5; Washington, 7.7; California, 9.5, and Florida 9.7 persons to the square mile.

In addition to the question of increase, I wish to call the attention of the committee to the showing made by the census abstract to show that even with all the wonderful and marvelous developments we have had in Oklahoma Territory from its opening in 1889—the first census taken in 1890, the last census, upon which these propositions are based, being taken in 1900—that even in those ten years, in that decade, it did not have the per cent of increase in population which other States have had during that particular period when they were being settled up and the lands were being thrown open to settlement; and since that time in those States the increase has been slow, Dakota being the highest, ranging in the thousands.

The percentage of increase of Oklahoma for that decade was 407.6, the highest of any State or Territory in the Union, the next highest increase being the Indian Territory. In the decade between 1880 and 1890 the percentage of increase in the State of North Dakota was 1,434.7. I simply call the attention of the committee to this as against the statement of Mr. Clarke that no such increase as that of Oklahoma was ever known before.

In the State of South Dakota for that decade the per cent of increase was 734.5. In Colorado it was 387.5.

And so on, gentlemen. You may view these tables and you will find that when a country has been opened to settlement under the beneficent provisions of the homestead act, the increase is always marvelous, but we should not base the per cent of increase when those conditions are existing upon that which we may in prospect expect to have and continue in the future.

Mr. Chairman and gentlemen of the committee, the next greatest consideration involves the question of area. Oklahoma alone has an area of 38,830 square miles. Indian Territory has an area of 31,000 square miles. Both Territories united as a single State its area would be 69,830 square miles, which is about one-fourth the size of Texas

and much less than one-half the size of California or Montana. It would still be the smallest State west of the Mississippi River, with the exception of Iowa, Missouri, and Arkansas, whose areas are approximately the same as the new State would be. The gross area of the United States, including five continental Territories, is 3,616,484 square miles, and the average area of the 50 States and Territories is 72,330 square miles. The average area of the 45 States alone is about 62,000 square miles. This would leave the proposed State about 8,000 square miles above the present average; but when New Mexico, Arizona, and our Territories united are admitted as three more States the average area will then be but little less than the area of this proposed State. United as a single State we would have a less area than the following-named States and Territories, whose areas are as follows:

	Square miles.
Texas	265, 780
California	158, 360
Montana	146, 080
New Mexico	122, 580
Arizona	113, 020
Nevada	110, 700
Colorado	103, 925
Wyoming	97, 890
Oregon	96, 030
Utah	84, 970
Idaho	84, 800
Minnesota	83, 365
Kansas	82, 080
South Dakota	77, 650
Nebraska	77, 510
North Dakota	70, 795

And we would almost exactly equal Missouri's area—69,415 square miles—and Washington with 69,180 square miles. We would still have a much smaller area than any State north, south, or west of us.

Mr. Clarke called your attention to the average area of States east of the Mississippi River. As these Territories are west of said river I think it more logical to make the comparison with the average area of the 19 States west of the Mississippi River, which is 96,691 square miles, an average of 28,000 square miles more than both Territories united would be.

For statistical purposes there have been defined five geographical divisions of the States and Territories, known as the North Atlantic, South Atlantic, North Central, South Central, and Western divisions. The South Central division includes Oklahoma and Indian Territories and the States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, and Arkansas, the average area of the States in this division being 78,837 square miles. The average area of the States of the North Central division composed of the following States: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas, is 64,000 square miles. The average area of the States of the Western division composed of the following States: Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California, is 108,000 square miles.

So when we examine these figures of the area of other States I take it to be a self-evident fact that in the matter of area it is absolutely necessary to unite these two Territories as a State in order that the

new State may compare favorably with other States in the matter of area, and I think it would be the part of wisdom and statesmanship to do so; for this reason alone the fathers of this country made a rule for our guidance in this the first rule ever made regarding the area of new States. It is set forth in the ordinance of 1787 creating the Northwest Territory.

The average area of the five States created out of the Northwest Territories is 50,000 square miles, as upon the admission of said States it was deemed wise to follow natural boundaries, and a large portion of the Northwest Territory was afterwards included in Minnesota to give it an outlet on Lake Superior sufficient to make the average of the five States contemplated by the ordinance to be 70,000 square miles. I ask you, has any man ever doubted or questioned the wisdom and statesmanship of the fathers who formulated that ordinance? Of the thirteen original States five of them had areas approximating the territories united. They are as follows:

Georgia.....	59,475
New York.....	49,170
North Carolina.....	52,250
Pennsylvania.....	45,215
Virginia.....	67,230

And I might say the State of Massachusetts, which then included not only the present State, but also the State of Maine, would make that State average as then existing almost the same as the two Territories. The State was afterwards divided for reasons with which the committee is familiar. You all know that Maine and Massachusetts were separated by the State of New Hampshire, and it was deemed to be against public policy to have a State formed out of two distinct and separated areas of territory.

Mr. SPALDING. From what States is the bulk of your immigration coming now?

Mr. DOYLE. From every State in the Union. The bulk at this time is coming from Missouri, Arkansas, Texas, Nebraska, Iowa, and Kansas.

Mr. SPALDING. And is it the same as to the Indian Territory?

Mr. DOYLE. Yes, sir; absolutely. I will say to you, in answer to that question, that the class of men who are coming there at this time are men who are taking advantage of the high prices of land in the States that they come from—Iowa, a great many from Minnesota and Nebraska—and have come there and have bought large tracts of land. That is the class of citizens that is coming from the North. I notice by a local paper this week that at least 7,000 came in on the excursion dates of this month.

Mr. HOWE. A large portion of them from Illinois.

Mr. DOYLE. Yes, sir; they are that class of men who have taken advantage of the high prices offered for land in those States and come to our Territories, where they can get more land cheaper for their boys and other members of their families.

Thus it will be seen that these Territories united fulfill every requirement on the question of area and natural division. Mr. Clarke says they have been divided on geographical lines by the organic act. You have heard read the provisions of the organic act and which, as a matter of fact, provides for their union and not division.

Mr. Chairman and gentlemen of the committee, in answer to Mr.

Clarke's statement I ask you to look at this map. Oklahoma alone there has the shape and outline of an Indian reservation or a Spanish land grant. The dividing line between the Territories looks like a Chinese letter. Irregular and unnatural in outline and misshapen in form are both Territories, separated even more so than those States whose boundaries were fixed in an unknown country by the charter acts of the English Crown.

Both Territories united would form a magnificent State, symmetrical in form and outline, and harmonizing in area, form, and outline with all the neighboring States.

Mr. Chairman, looking at that map of both Territories you see the majestic rivers which flow across Oklahoma eastward to their confluences with the great Arkansas River in the eastern part of Indian Territory. Here is the South Canadian, the North Canadian, the Deep Fork, the Cimarron, the Salt Fork, and the Arkansas rivers, and you see that they in their course flow eastward across both Territories and seem like ties binding them together. Their fertile valleys, commencing in the eastern part of Indian Territory, extend westward across both Territories, and the same may be said of the Washita River and the great Red River, which forms the southern boundary line of both Territories.

No geographical reason of any kind can be urged against the union of these Territories as a State, but all natural conditions prove the wisdom of the fathers when they defined the boundaries of the original Indian Territory. I ask you gentlemen to study well this map, as it is one of the strongest arguments in favor of our position—that is, for one State.

This map also shows a veritable network of railways interwoven east and west and north and south across both Territories. Six great trunk lines, Atchison, Topeka and Santa Fe and the Chicago, Rock Island and Pacific cross both Territories from north to south, and St. Louis and San Francisco; Missouri, Kansas and Texas; C. O. & G., and the Fort Smith and Western cross them from east to west. All these roads have numerous branch lines, and in addition the Indian Territory has the Missouri Pacific and Kansas City Southern, and Oklahoma has the Orient, D. E. & G., and G. and Elreno. The boundary between Oklahoma and Indian Territory is crossed by railways in sixteen places, and there has never been an acre of land granted to secure these railroads.

Mr. Chairman, and gentlemen of the committee, no man thinks more highly than I do of Oklahoma Territory, her people, and her natural advantages, such as a fertile soil, and a climate, which is the finest in the world. There, fanned by gentle zephyrs and clothed in the sheen of eternal spring, is a country where honest industry is sure to receive its just reward. But, in the consideration of the further question of our natural resources, I must say that Oklahoma alone has not that diversity of resources that is necessary and essential for a State. It is principally a prairie country, some timber, and no mineral to speak of, devoted chiefly to agriculture and stock raising. In this matter of natural resources and climate the Indian Territory is the perfect complement of Oklahoma.

It has forests as valuable as any State in this Union, and mineral wealth as great as that which has given Pennsylvania precedence as a manufacturing State. The splendid natural resources of Indian

Territory need the aid of Oklahoma in their development. What Oklahoma lacks in order to become an industrially and productively powerful and prosperous State is entirely made up and supplied by the Indian Territory. By combining the two we get in wealth and resources a perfect State—agricultural, stock raising, lumbering, and mining—all that is needed for the development of an ideal commonwealth. All the resources of these two Territories combined ought to be utilized for one great State and for one people. Surely in this we find a strong argument for their union. That would give us physical advantages the equal of any State. The vast beds of coal in the Indian Territory are inexhaustible. It has vast undeveloped iron mines, it has the finest asphalt mines in the world, and large fields of natural gas and oil. The coal supply of Oklahoma is received from the Indian Territory.

It is essential to every industry in Oklahoma, from our steam threshing machines to our flouring mills, for our factories and in all lines where steam power is used, and also for cheapness of fuel in our homes, that we should be united with the Indian Territory as one State, in order that proper legislation may be had to protect our people from any unfair discrimination by the railroads in the carrying of this and other products. Then the State would have the power within itself to regulate that traffic, but if you separate these Territories and make two States then the control of each is limited, because under the Federal Constitution each State can only control and regulate the railroad traffic which is entirely local within the State itself, beginning and ending there, and that traffic which naturally will be carried on between the two States will be subject only to the provision of the interstate-commerce law, and subject only to Federal control instead of State control. Surely no man should want to see our industries crippled and our people and our resources placed at such a disadvantage, which would be the case if Oklahoma and the Indian Territory were separate States.

Oklahoma, united with the Indian Territory as a State, will have the essential and necessary diversity of resources in addition to the richness and fertility of Oklahoma's prairies.

Great manufacturing cities are growing in the neighborhood of the inexhaustible coal fields of the Indian Territory. A large part of said coal lands are soon to be sold under the provisions of a recent act of Congress.

We have in Oklahoma several fine cities near the border of the Indian Territory, Oklahoma City being the largest. In these cities is where the wholesale, jobbing, and manufacturing interests and the financial and commercial interests of both Territories are centering. The union of the Territories as a State will tend in every way to make within the borders of the new State several great cities, where wealth, one of the considerations in the creation of a State, will center.

All the trade relations, commercial intercourse, and business interests of both Territories require that they be united; all business associations cover both Territories. The bankers' association, which is composed of representative bankers of both Territories, indorsed single statehood at their last annual convention. A people whose industrial and commercial life is so interwoven and so naturally assimilated as is the people of these Territories should not be separated, and the good

sense and practical judgment of all our people realize this when they ask that single statehood shall be provided.

Mr. Chairman, by the union of these Territories as one State it will relieve the people of great burdens of taxation. We all know that it is nearly as expensive to conduct the government of a small State as it is of a large State. The two Territories united under one State government would probably save half the expense that would be involved in the maintenance of them as separate States. Now, it is for the interests of the taxpayers to have a State of good fair size, not only to have a State possessed of all the natural resources necessary to make a prosperous State, but it is also in the interests of the people of the State to have it of such a character that the cost of its government will not be a serious burden upon the people.

Mr. Chairman, united our Territories possess all the attributes of an ideal Commonwealth. We will have all that goes to make up a powerful and prosperous State. We will be a State that in population, area, form, and natural resources can compare favorably with all other States. Then we will have those honorable feelings of State pride that are prompted by patriotism, public virtue, and intelligence in the minds of all residents of a great and powerful State. Every consideration of sound public policy, both as to the welfare of the nation as well as for the best interests of both Territories, demands that they should be united as a single State.

And let me say to you, gentlemen of the committee, that while men have made comparisons between conditions existent in Oklahoma and Indian Territory and Arizona and New Mexico, they are absolutely different in every respect. One is the antithesis of the other. All lines of legislation have been for the separation of New Mexico and Arizona. All geographical lines favor their separation. Each is on one side of the great Rocky Mountain divide, and every condition incident to the creation of large commonwealths upon the frontier of our country would demand that they be separated. Legislation has been in that line. Public policy would demand, as a matter of fact, that they should continue to be separated, but public policy demands and all legislation has been with that intent, both national and local, that Oklahoma and Indian Territory should be united. Indian Territory has never been granted a single attribute of autonomy.

It has been there upon the map, possibly a blot upon the civilization of this country, by reason of its political serfdom, with 700,000 people—and that is the most recent report of the most authoritative body, the report of the Dawes Commission, filed this past week with the President, placing the population at 700,000 people entirely governed by the executive department of this Government. It has no legislative power in any way and no local laws other than by Congress enacted incidental to emergencies and exigencies that have arisen there. On the other hand, Oklahoma Territory has its autonomy. It has been recognized by the provisions of the organic act which I have read to you and given a constrained political existence, such as a Territory may have. Several provisions of the Constitution have been extended over it, but in all those articles and in the subsequent acts of Congress they follow the one idea, that eventually the Indian Territory shall be added before they may hope to become one of the sisterhood of States.

The CHAIRMAN. Can you give the committee, Mr. Doyle, some of

the details of government of the Indian Territory, as you have described it?

Mr. DOYLE. Yes, sir.

The CHAIRMAN. Go into detail somewhat in that line.

Mr. DOYLE. I want to say, in answer to that, Mr. Chairman, that the most degraded political existence that is known to the English-speaking race is found in the Indian Territory. Their condition is that of political slavery. They have not that much voice in their public affairs and in the administration of the law in that part of the United States as have the recently conquered Boer provinces of South Africa. Under that system of governing 700,000 people by the Executive branch of the Government as it sees fit, they have no voice even in the selection of an officer such as constable. Recently Congress has allowed them a school system in the various towns. They vote and select their school boards under that act of Congress; but even that particular branch is under an appointee of the Executive Department here who stands in the relation of what in a State would be a State superintendent of public instruction.

The CHAIRMAN. What provision have they for the maintenance of order?

Mr. DOYLE. In regard to the maintenance of order, the act of Congress describes and defines certain acts of the code of Arkansas and certain parts of the law of Arkansas that are made operative in that particular part of the country, to be administered by men upon the bench in the capacity of United States judges by their appointees in each recording district, in the capacity of a United States court commissioner; and when I speak of those courts I mean not the regular Federal courts, but United States courts for that specific purpose.

The CHAIRMAN. Then the constabulary is appointed?

Mr. DOYLE. The commissioner in each district has the right to appoint a constable. The United States executive department appoints a marshal for each of four districts in the Indian Territory; that is, a United States marshal for each judicial district, with all the powers that an ordinary marshal has in a United States Federal district subdivision of a State.

The CHAIRMAN. And the sheriff of a State?

Mr. DOYLE. And the sheriff of a State—the dual powers.

Mr. THAYER. Do you think people who have been as unfortunate as you represent these people to be are up to the standard of statehood?

Mr. DOYLE. I wish to say to you in answer to that, Mr. Thayer, that I do not believe a better people ever populated a State; that those people come there more legitimately in every respect than the people who landed upon the shores of Massachusetts 20 or 30 miles from where you and I were born; that they come there with every right in every respect better than the just settlers upon the Delaware, the Hudson, or here upon the Potomac. They went there upon the express invitation of the Indians. They went there under the provisions of the Curtis Act—that is, the great majority of them—which provided for the sale of the various town sites throughout the Indian Territory. They went there according to the acts of Congress that provided for the selection and leasing of the various coal, asphalt, and other mineral lands in that country.

Certainly it was not contemplated by Congress that when those acts

were passed the development of that country should be carried out by the native Indians alone. I want to say to you, Mr. Thayer, that in so far as the Indian part is concerned they have always had local self-government, and, as a rule, there is but a tincture of Indian blood in the greatest percentage of what constitutes the Five Tribes—just a trace. They were civilized before they left the States of Alabama and Georgia. They have maintained those tribal governments republican in form. They have had a code of laws in each of those five districts; and while it might be said that under their local governments they become arbitrary and corrupt in every respect, and the existing need for the Curtis and other bills which followed became absolute by reason of the fact that although they in their code invited originally those white men there, they made no provisions in regard to the white population living among them.

MR. THAYER. State whether they are, on the whole, a self-restrained people and would govern themselves well?

MR. DOYLE. Yes, sir. I say to you that I believe when a man stands up, as Mr. Clarke did here, and pictured those people as lawbreakers and outlaws, and said they were represented by such a type of people as Bill Starr and Cherokee Bill, as he did, he does it without any reason of any kind or character. They have as beautiful cities as there are in any part of the West. You find the American home in every one of the four hundred towns in the Indian Territory. You find men just as brainy in every respect, following the profession of the law before those courts as we do in your State of Massachusetts. You find a class of merchants there that are equal to any people. You see them here among you as they come before this committee.

They are representative; and it is attempted simply by sophistry to have you believe that crime is rampant in that country simply because, under the system of laws that govern it under the executive administration of affairs there, the Government of the United States prosecutes every crime from a simple assault and the use of profane language clear up to the highest degree of murder. Those matters here in Washington are subject to the police power. Every State delegates those trifling matters to its municipal bodies within its own borders. In making that computation they counted everything, from the giving an Indian a glass of whisky clear up to introducing and disposing. Those are the two crimes incidental to the whisky business there, and they comprise almost one-half of the whole per cent that he (Mr. Clarke) speaks of.

The CHAIRMAN. What are the provisions for public instruction?

MR. DOYLE. The provision for public instruction is just a recent one. It provides that each of those municipalities shall elect a board of education; that they shall have the right to tax all property within the bounds of that municipal corporation for the support of the schools.

The CHAIRMAN. What municipalities do you refer to?

MR. DOYLE. I refer to every municipality in the Indian Territory and there is a limit as to the incorporated towns. The limit of incorporation, I believe, is when they exceed 200. I will ask Mr. Howe about that.

MR. HOWE. That is correct.

The CHAIRMAN. Under what law are these towns incorporated?

MR. DOYLE. Under the Curtis Act and Arkansas statute.

MR. THAYER. I understand you are at a disadvantage with other

Territories; for instance, New Mexico. Wherein do you think New Mexico is treated better than the Indian Territory at present?

Mr. DOYLE. New Mexico for fifty years has had a political existence. They have been allowed to have a legislative assembly that provides its laws. That assembly, in the past fifty years, in its wisdom, has provided all the institutions incidental to a State. They have a beautiful State capitol building, they have a penitentiary. They have all the higher educational institutions that any State may have, and possibly one or two more, including a school of mines and a school of science. The Indian Territory has no law-making body. Towns can not pass ordinances covering the ordinary misdemeanors, which is a power that the ordinary city is granted by every State government to control.

Even the violation of what would constitute an ordinance in a little city or village is there prosecuted in the Federal court, and for that reason the Federal courts are behind in their work and can not reach the cases that should be reached. There is no provision of law for appeals in criminal cases in anyway there. So far as New Mexico is concerned, it has all those provisions, subject only to the will of Congress, which has the right to nullify any act, whether it be valid under existing law or not, or which has the right to make valid any law on their part that would be ultra vires under the law.

Mr. THAYER. I had supposed something in that line. Now, ought you not to walk before you run? Would it not be well if your Territories there were put on an equality with these other Territories before they demand admittance to statehood in connection with Oklahoma?

Mr. DOYLE. Mr. Thayer, I do not think you were here when I made my opening argument. I will repeat the burden of it as to the capability of our people or the people of the Indian Territory for self-government.

I wish to say in regard to that that I might, with propriety, quote the language of Daniel Webster, as I can do in substance. In that great oration that he delivered here where we now are on the 4th day of July, 1851, on the occasion of the dedication of the East Wing of this Capitol building. Speaking generally in regard to the American people and their capability of self-government, and particularly as to the people of the State of California, who had shortly before organized their State government, he pointed to it as an illustration of what had there been proven and what all Americans believe, and that is that wherever a large body of Americans go into a community or a country they carry with them the instinct and knowledge of self-government—the teachings of their youth and their experience in the exercise of that function—and the consequence is that to whatever region an American citizen carries himself he takes with him fully developed in his own understanding and experience our American principles and opinions, and becomes ready at once, in operation with others, to apply them to the formation of new governments. Of this a most wonderful instance is seen in the history of California, and that they are fully capable in every respect of self-government.

That is his language; and I say to you that that population in the Indian Territory now, which has come there, practically all of it, since the passage of the Curtis bill in 1898—the increase has been more than 100 per cent since that time—are people that are born, bred, and reared to all the conditions incidental to self-government. They have exercised that function in the other States. I will say that a large

part of that population are Union soldiers, men who went out and fought in defense of their country. You see their snow-white heads in every gathering of a public character. They are living in that particular community. No period of probation is necessary for that class of people, any more than it would be for the Indians, who have for a hundred years, in their minor governments, exercised the right of self-government.

The CHAIRMAN. Mr. Doyle, the committee will have to rise now. We will continue the hearing at a later date, to be fixed by the committee.

The committee thereupon adjourned, subject to call.

JANUARY 28, 1904.

STATEMENT OF THOMAS H. DOYLE—Resumed.

The CHAIRMAN. You may proceed, Mr. Doyle.

Mr. DOYLE. Mr. Chairman and gentlemen of the committee, to epitomize my remarks as made here on Tuesday, I take the position that every consideration of public policy in this nation demands that both these Territories should be united as one State in order that the equilibrium of the States may be maintained in the Senate. The area of each, separate, is diminutive in comparison with the other States of that particular section of the country. The other ground was that all legislation, both Congressional and legislative, in the Oklahoma part of the proposed State has been with that intent, anticipating the ultimate purpose of Congress to unite both as one State; that every geographical consideration demands that they both be united, as the river valleys and watersheds extend east and west and the division of both on the present line would be unnatural; that we are entirely different in every respect from the situation of New Mexico and Arizona, they being each on opposite sides of the Continental Divide, and all legislation for the past fifty years has been with the intent and purpose of creating them as separate Commonwealths.

As to the proposition advanced by the young man, Mr. Geissler, that it would be contrary to the intent and purpose of the treaties, he says the moral phase of the question is such that Congress can not at this time unite both Territories. I say the Robinson bill and the Quay bill both by their provisions do not take effect until the expiration of the last remaining vestage of the five Indian tribal governments. The Curtis Act provides that they shall be determined for all time on the 4th day of March, 1906. I take the position that the time is now opportune to anticipate, with a million and a half of people, under the conditions existing in that Territory.

It is absolutely necessary to have a proper presentation of the questions that will be submitted by the constitutional assembly that will convene under the provisions of this act, and at least five or six months is necessary, because all statehood bills provide that all State officers, including members of Congress and members of the first legislative assembly of the State and its judiciary, as provided for in the constitution, shall be elected at the time that the constitution, its provisions and ordinances, are submitted to the people for their rati-

fication. Five months is the usual time of the ordinary political campaign, and the provisions of the Robinson bill are, that immediately following the meeting of the next Territorial legislature the constitutional assembly shall convene. Then, holding the election a year from the next general election day gives only about four to five months for the proper presentation of these questions to the people.

On the question of the Indian treaties I want to say it is a very peculiar position these gentlemen take. The Indian treaties they refer to cover not only the present Indian Territory, but every portion of Oklahoma Territory with the exception of No Man's Land, now Beaver County, that was added in 1890. You all know the history of it. It was a part of Texas, and was left out under the provisions of the admission of Texas whereby the north line was fixed by the question of slavery or freedom. Texas waived its right under its compact to all part of the territory north of what now constitutes the south line of Beaver County, the line fixed by the Missouri compromise. It was called No Man's Land until organized and admitted as a part of Oklahoma Territory. It has only a trifle over 3,000 people, although it is almost 6,000 square miles, one-sixth of the entire Territory.

Mr. McGUIRE. You say it has only 3,000 people?

Mr. DOYLE. A trifle over 3,000 people, according to the last census.

Mr. McGUIRE. It has quadrupled since that time?

Mr. DOYLE. I hope so. It ought to. It is a good country, a good deal like New Mexico. It adjoins New Mexico.

A MEMBER. The land just opposite to that country, in New Mexico, is turning out to be some of our finest farming land.

Mr. DOYLE. Those treaties were abrogated by the opening up of the original Oklahoma, and prior to that time by establishing a United States court by act of Congress that year covering both Territories. The opening of original Oklahoma, amounting to 3,000,000 acres, being one-half of what constituted the Creek country, was an abrogation of those treaties. The opening of the Cherokee Strip in 1893 and all the other acts of reservation that have been mentioned by me in my preliminary remarks are in abrogation of those treaties.

The Curtis Act entirely abrogated every provision of those treaties. That was the act of 1898. It provided for the abolishing of the tribal governments; it provided for town sites within that country; it provided for courts within that country. Its provisions abolished the Indian courts then and there and for all time. They have had no courts since the passage of that act.

Mr. HOWE. And since that time they have all made treaties with the Government ratifying those provisions?

Mr. DOYLE. They have been ratified and accepted by those people, and the lands of the tribes that at that time were held in common have been allotted to the various members of the tribe. The allotment has been completed entirely in the case of the Seminoles and Creeks and practically completed in the other three nations. It will be completed, according to the report of the Dawes Commission and their estimate, before any statehood bill could possibly take effect; and provisions for the alienation of those lands, all except a homestead to each Indian, are contained in those acts of Congress.

Gentlemen, I want to read to you on this question that seems to be controverted the attitude of our people, from the house journal, the

veto message of Governor Barnes vetoing the bill providing for the organization of Oklahoma as a State council, bill No. 54, which was introduced and fathered by my friend, Senator Havens. I was a member of the assembly at that time and I distinctly remember it. I want to read this to show what Governor Barnes said at that time. He was a Republican, and I desire to say preliminary to that, while the Democratic and Populist parties have stood for single statehood—that is, the union of both Territories as one State, the Republican party has never favored statehood for Oklahoma alone. It has simply straddled. Mr. McGuire will tell you, and I will read to you before I conclude my argument the paragraph contained in the Republican platform, that it simply has said “We want statehood with such conditions and additions as Congress in its wisdom deems best and sees fit to give us.” That is practically what it said.

Governor Barnes, in vetoing the bill of Mr. Havens, a gentleman who will appear before you asking for Statehood for Oklahoma alone, said this, on page 1085 of the council journal for the Territory of Oklahoma, 1889:

GUTHRIE, OKLA., March 9, 1899.

To the Honorable Council of the fifth Legislative Assembly.

GENTLEMEN: I believe that the people of Oklahoma desire statehood in the American Union, because it is the highest and best form of free government known to the children of men, and I am in hearty sympathy with this desire and purpose; but I do not believe, all things considered, that the enactment of this bill into a law would advance the interests of Oklahoma toward the fruition of our hopes one iota. No sincere man will for a moment contend the statement that a State government would be much more expensive to maintain than is our present Territorial government. The expenses of a State government must be borne by taxation of the property of the people, and the people of Oklahoma who pay the taxes are not in condition nor do they wish to assume any additional burdens of that character.

It is true that our people have been generally prosperous for the past few years, but it is as well for those who have in keeping the welfare of the State as it is for the individual to consider carefully the result of any proposed enterprise before taking a step that will incur any additional obligations. We should not forget that Oklahoma is in some respects as yet an experiment. We might have a recurrence of the dry seasons of 1894 and 1895. This bill provides for the holding of two special elections, the expenses of which must be borne by the several counties. This, added to the expense of the proposed constitutional convention, will amount in the aggregate to not less than \$40,000 and perhaps to as much as \$60,000. This expenditure should not be made unless we are sure of receiving therefor a corresponding benefit.

The recent action of Congress, refusing to ratify treaties with the Cherokees and Creeks, pledging the United States to a policy of continued separation of the two Territories, is significant to the thoughtful mind and indicates a settled and well determined purpose in the minds of Senators and Representatives never to admit Oklahoma and the Indian Territory as two States, and I feel sure that the ultimate destiny of the two Territories is that of single statehood. This being true, to hold a constitutional convention at this time to form a constitution for Oklahoma upon the lines laid down in this bill would not advance the matter in the slightest degree, but on the contrary would retard and hinder the growth of a healthful political sentiment in the Indian Territory in favor of such a union. With the Indian Territory incorporated with Oklahoma as one single State we will place a star on the flag of our country whose luster would not be dimmed by the constellation of magnificent States by which we are surrounded.

Our varied resources of timber, mineral, agricultural, and grazing lands would forever furnish the necessary supplies to pay the expenses of a first-class State government and enable us to build and maintain penal, reformatory, and eleemosynary institutions that would compare favorably with those of the most advanced and progressive people, and all without the people who must always pay the taxes for the support of the government feeling in the slightest degree the burden of excessive demand by the tax gatherers. On the other hand, Oklahoma with her resources restricted to agriculture and the raising of cattle, without the hope of even of the development of coal and other minerals in paying quantities or the development of

manufacturing industries, would be but a weak and feeble commonwealth in the great sisterhood of States.

We have never yet raised a revenue in any one year sufficient to pay the running expenses of our Territorial government, and a casual deficit has been steadily increasing year by year. By reason of the Federal limitations upon our debt-creating power and by reason of a careful and economical administration of Territorial laws, aided in no small degree by the General Government, which pays a large share now of our governmental expenses, we have been able to maintain the credit and good name of our Territory. Our taxable valuation, placed last year at about \$40,000,000, was the subject of much criticism by the people, and the very first bill passed by the honorable House of Representatives of your honorable body was to reduce said valuation to \$32,000,000. I assume, therefore, that the people do not wish to incur the expenses of these elections and holding a constitutional convention without better prospects of ameliorating the condition of affairs than this measure seems to offer. I therefore feel constrained to return council bill No. 47, being "An act providing for the formation of a constitution and State government for the State of Oklahoma" to the honorable council in which it originated without my approval.

Very respectfully,

C. M. BARNES, *Governor.*

Mr. McGUIRE. May I ask a question, Mr. Doyle?

Mr. DOYLE. Yes, sir.

Mr. McGUIRE. Do you remember what the complexion of the legislature was at that time?

Mr. DOYLE. Yes, sir; I was a member of it. The Republicans had six majority in the lower house. In the upper house the Democrats had one majority, and Senator Havens and Senator Clark were both members of it.

Mr. McGUIRE. Notwithstanding that veto message, a bill looking to statehood for Oklahoma was passed by both those houses?

Mr. DOYLE. It was, as amended.

Mr. McGUIRE. It was passed by Democrats and Republicans?

Mr. DOYLE. Yes; I voted for that bill, and for one whole day I urged an amendment providing for the addition of the Indian Territory.

Mr. McGUIRE. But the bill passed looking to statehood for Oklahoma?

Mr. DOYLE. With the Indian Territory to be added if Congress, in its wisdom, accepted an enabling act.

Mr. McGUIRE. Just in the line of this bill?

Mr. DOYLE. Yes, sir; except that no State officials should be elected until Congress fixed our boundaries.

Mr. CLARK. Is the gentleman sure of that?

Mr. DOYLE. That is my memory of it, sir. I distinctly remember it in every way.

The CHAIRMAN. Senator Clark, if you desire to submit any questions to Mr. Doyle along that line I think the committee would be perfectly willing to have you do so.

Mr. CLARK. I do not desire to enter into any brief discussion.

Mr. DOYLE. I am going to read a bill that Mr. Clarke himself introduced. I was reading as to the fifth assembly. I want to read now as to the sixth. The views of the people of Oklahoma Territory were expressed in this matter in every way, so far as the public voice may be expressed, and not founded on partisan or sectional reasons in favor of a single State. I believe the assembly of Oklahoma Territory, when it convenes, is probably the most representative body that, under our conditions there, can convene; and I desire to read to you now from the session laws of 1901, two years later than the session that

I have referred to, joint resolution No. 2, as I remember, introduced by Mr. Clarke.

Mr. THAYER. I do not know that I quite understood what you read from the veto of the governor. He vetoed a bill making Oklahoma alone a State, and afterwards I understood you to say it was amended so as to unite the Indian Territory. What became of that bill?

Mr. DOYLE. It was amended before it went to him.

Mr. THAYER. He vetoed it after it was amended?

Mr. DOYLE. Yes; that is my memory of it. The bill was amended in the house.

Mr. THAYER. I thought his argument seemed to run toward the statehood of Oklahoma alone.

Mr. DOYLE. Yes, sir; that is the sense of that argument as made there. The bill provided for the admission of Oklahoma alone.

Mr. LILLEY. It passed over his veto, did it not?

Mr. DOYLE. No, sir.

Mr. LILLEY. Not as amended?

Mr. DOYLE. No, sir.

Mr. THAYER. What I want to get at is this: That argument in the veto was to the effect that the governor did not think they ought to have Oklahoma alone as a State. I understand Mr. Doyle to say that the proposition that was before him was not to make Oklahoma a State alone, but Oklahoma and Indian Territory. Therefore I fail to see the logic of the governor's position.

Mr. DOYLE. Mr. Chairman, before I proceed I desire to say, in answer to that proposition—that is, the provision of the McGuire bill—that Senator Clarke quoted in his argument to this committee, that it is known throughout our country as the piecemeal-absorption clause.

It provides that after Oklahoma Territory has been organized under its provisions Congress may in its wisdom add the Indian Territory, as a whole or by piecemeal. Mr. Chairman and gentlemen of the committee, that bill, in that particular provision and in one or two others to which I wish to call your attention, is absolutely and essentially vicious, both as a matter of law and as a matter of policy. As a matter of law it contravenes the provision of the Constitution of the United States which provides the manner in which the boundaries of a State may be changed. Section 3, Article IV, of the Constitution—the only provision of the Constitution for the change of boundaries of a State—provides that the boundaries of any State or States can not be changed except by the express consent of Congress and by the legislative assembly of the State affected. It says nothing about a constitutional assembly. As a matter of law constitutional assembly and legislative assembly are not synonymous in any sense. The one is a gathering of the representatives of the people to formulate the organic law; the other is the regular lawmaking body as formed under the constitution of the State; and that provision as a matter of law contravenes the Constitution.

As a matter of policy it is absolutely unjust and unfair. It violates every principle of justice. It is an insult to the citizenship and to the manhood of the people of Oklahoma Territory. The people of that Territory, in appearing before the Congress of the United States demanding and asking and praying for their rights, do not want to be put in the position of a people who, in asking what is justly theirs, seek at the same time to ask and demand that an absolute injustice

shall be perpetrated on a similar body of people, their neighbors, and connected with them by all ties. Every fraternal organization in both Territories is organized under one jurisdiction. Every church organization in those Territories is organized under one jurisdiction. All business and trade relations are interwoven to the same degree as that of the people of any one State; and to say that as a matter of policy the people of our Territory should ask and demand that the Indian Territory be denied its just rights, its sacred rights, so to speak, and be compelled to come and live within the boundaries of a State where they absolutely have had no voice in any way in the formation of its constituent law, where, according to the methods that control all people, probably our people would take advantage of the situation and locate the various institutions incidental to the creation of a State, does not meet the approval of the people of Oklahoma Territory. We have there not only a just people, but we have a generous people. We want to do right, and when we ask for our rights we do not propose to be put in the position of desiring that piecemeal clause provision of the McGuire bill.

The committee thereupon adjourned until Friday, January 29, 1904, at 10.30 o'clock a. m.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 1, 1904.

The committee met this day at 10.30 o'clock a. m., the Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. Gentlemen, let us proceed. Mr. Doyle will begin.

STATEMENT OF MR. THOMAS H. DOYLE, OF PERRY, OKLA.—Continued.

MR. DOYLE. Mr. Chairman and gentlemen of the committee, at the close of my remarks at the former session of the committee I was discussing a provision of Mr. McGuire's bill—the proviso of section 3, which is commonly and generally known throughout our region of country as the piecemeal-absorption plan. It is on page 2 of the McGuire bill, and reads as follows:

Provided, That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation.

Now, I do not agree with Governor Powers, or with the statement he makes in answer to the proposition I advance, as to the constitutionality of this particular proviso, in that the Constitution makes no provision that a State must be admitted upon an equality with the other States. But I do say that, upon applying the principle I argued before this committee to this bill taken as a whole, it is in conflict with the Constitution, because under the provisions of this bill, all of its general provisions it seeks to create a State upon an absolute

equality with the original States, and this piecemeal clause is a mere proviso that is incorporated in the bill.

I want to say further, calling your attention to the last sentence of this provision, which says "after the title to said lands in said Indian Territory is extinguished in the tribes now claiming the same, and the same assigned in severalty and subject to taxation," that every man upon this committee knows that the homestead legislation relating to the Indians of these Five Civilized Tribes under the act of Congress—in fact under all the acts—even under the Curtis Act—provides that the homestead shall be exempted from taxation for a period of twenty-five years, and under this particular provision of this bill this piecemeal-absorption clause would not become effective or operative for twenty-five years. That is the position in which they want to leave these two Territories at this time under this McGuire bill, leaving the Indian Territory up in the air, so to speak.

Now, Mr. Chairman, I would ask that the telegrams relating to statehood should be incorporated and be made a part of the argument in support of the Robinson bill when they come from commercial bodies and clubs or municipal councils; and I will say to you, without any knowledge of what has come, that you will find that at least nine out of every ten are in favor of single statehood; that is, Oklahoma and Indian Territory admitted together as one State.

Mr. ROBINSON. What do they understand by single statehood out there? What are their terms?

Mr. DOYLE. Single statehood, in the acceptance of the term throughout Oklahoma and the Indian Territory, means one State composed both of Oklahoma and Indian Territory. That is the definition. I notice that gentlemen repeatedly and repeatedly confuse single statehood with the idea and the theory that it means one State for each Territory. But in the acceptance of that term throughout the Indian Territory and Oklahoma it means simply the union of the two Territories as a single State.

Mr. ROBINSON. Does Mr. McGuire agree with that construction?

Mr. MCGUIRE. I can say as to what is understood by the people of Oklahoma; I am not so well prepared to say what is the understanding of the people of the Indian Territory as to the precise meaning of that term; but single statehood actually means the union of the two Territories, and double statehood means Oklahoma at this time, regardless of the Indian Territory. But I want to say with reference to Mr. Doyle's statement that in his judgment nine out of ten people of Oklahoma favor the union of the two—that is, single statehood—I can say that there might be a way to have that matter submitted to a vote of the people of Oklahoma in the very near future, and I would be perfectly willing to make this statement, that if there are not two-thirds, by actual count, of the people of Oklahoma who want the kind of statehood provided for in my bill, then I am perfectly willing to recede from my position and abide by their vote.

Mr. DOYLE. Before proceeding further in the discussion of this feature of the McGuire bill I want to state to you gentlemen that I have offered you the veto message of the governor, and I want now to read to you from the Session Laws of 1901 an expression of the legislative assembly of Oklahoma Territory, wherein is embodied the only political power that the people of that Territory possess in any way; and I want to read that as against the statement of Mr. McGuire and

his proposition. We want statehood; we want it at this time. I will read from page 232 of the Session Laws of Oklahoma for 1901, and I want to say to you that Mr. McGuire can produce no official action of our legislative assembly to the contrary.

Mr. MCGUIRE. Is that the one you read there the other day?

Mr. DOYLE. No, sir. I propose now to read from the session laws of two years later—page 232, Session Laws of Oklahoma, 1901. I may mention in passing that Mr. Clark, the gentleman who is here supporting the McGuire bill, introduced it, and Mr. Havens, the gentleman who will follow me, was a member of that council. Here is what they said:

COUNCIL JOINT MEMORIAL NO. 2.

We, the members of the council and the house of representatives of the sixth legislative assembly of the Territory of Oklahoma, do most respectfully and earnestly pray, petition, and memorialize you and your honorable bodies to grant to this Territory and its people at the earliest possible moment the high privileges of a sovereign State in the American Union.

We represent a constituency of nearly half a million people, increasing with unexampled rapidity, who inhabit nearly 40,000 square miles of fertile soil and who own \$150,000,000 of wealth produced in a single decade from the wild prairie and the wilderness. In all its possible lines they stand at the very front of modern civilization. They have built and are supporting more than 2,000 common schools, 6 great institutions of learning, and more churches according to population and wealth than elsewhere in the world. They are a law-abiding and a law-enforcing people.

In educational, moral, and religious life; in material resources; in population and wealth; in energy, enterprise, and accomplishment; in all the high ideals of honorable living, in patriotism and the stanch elements of America's best citizenship, they are as unsurpassed, as they have proved themselves unrivaled in their capacities for self-government and in their culture and refinement.

We submit to the judgment of a candid world that such a people ought not to be longer held in political subjection, but are and of right ought to be entitled to immediate admission into the American Union as a sovereign State. We would further call your respectful attention to the Indian Territory lying upon our eastern borders. Its natural resources are supplemental to those of Oklahoma.

The abnormal conditions there existing as to title and tenure of lands, of citizenship, and of social conditions are being rapidly composed to the American idea, and the law by slow and painful experience is learning to assert its power and to subserve public and individual rights. But 350,000 white and black American citizens are there existing without any political privileges, without local self-government, mere tenants at will and peasants of the soil to 70,000 persons of Indian extraction. They can build neither roads nor bridges, neither schools nor higher institutions of learning, neither asylums for the unfortunate nor refugees for the poor. The individual is all, the community is nothing. They can not protect their cities against fire, nor themselves against public epidemic or contagion. Such conditions are so contrary to the very genius and vitality of the American standards that their continuance is not only unjust to the people immediately suffering them but menacing to their political neighbors and to the nation itself. We believe that immediate relief should be had by them; and if in your wisdom Oklahoma alone is not entitled to statehood, we urge the immediate admission into the Federal Union of both such Territories as one single State.

We are not unmindful of the treaty obligations of the United States to the Five Civilized Tribes, and would not seek their violation. Let them be sacredly observed. But we most solemnly assert that the various boards and agencies of the Federal Government can proceed after the political privileges of citizenship and the inestimable right of local self-government are secured to the American citizens resident there quite as well as if the present conditions of tenantry and political obliteration shall continue indefinitely.

From the foregoing considerations we therefore most solemnly pray, petition, and memorialize you and your respective bodies to grant to the people of Oklahoma and the Indian Territory, with one government, immediate statehood under such conditions as in your wisdom will best subserve the present and future welfare and prosperity of the State you shall thus create and admit into the Federal Union.

Approved this 8th day of March, 1901.

The CHAIRMAN. I beg pardon, Mr. Doyle, but from what body of people does this memorial come?

Mr. DOYLE. This comes from the legislative assembly of Oklahoma.

The CHAIRMAN. Convened when?

Mr. DOYLE. In 1901.

The CHAIRMAN. Where?

Mr. DOYLE. The legislative assembly of Oklahoma Territory in session passed it unanimously, and under our law a joint memorial has the force and effect of law, although we have not the power to legislate. But this document is put in the form of a memorial to the Congress of the United States, and the Journal here shows that it asks for a single State—the kind provided for in the Robinson and Quay bills. Since that time the population has doubled. That memorial speaks of 300,000 people in the Indian Territory. The political conditions there have been relieved by certain acts of Congress, it is true—

Mr. LLOYD. You say that was introduced by Mr. Clark?

Mr. DOYLE. Yes, sir. He said so, and I do not deny it.

Mr. THAYER. One thing that I do not understand was referred to a number of times, and that is in reference to keeping the compact made with the Five Civilized Tribes, as though that was an objection. Will you tell us what that is? I do not quite comprehend it myself. Perhaps the others do. It is very indistinct in my mind as to what that is.

Mr. DOYLE. What has been repeatedly urged here by gentlemen is the treaty whereby the Five Indian Tribes were guaranteed that their country should never be included within the borders of any State or Territory. That was the original treaty.

Mr. THAYER. Has that any existence to-day?

Mr. DOYLE. No; that has been abrogated by the act of Congress creating the Dawes Commission and under the act of Congress creating Oklahoma Territory. In fact it has never been enforced since the civil war. During the war the Five Tribes went with the South. In the reconstruction period new treaties were made, allowing them new privileges.

Mr. THAYER. It has never been abandoned, has it?

Mr. DOYLE. That treaty provided that the Five Tribes should have five petty governments of their own. Those existed from the year 1832 until the time of the civil war. Under those governments they had their own courts, their own lawmaking assemblies, their own executives, and their own administration of the law in every respect. They were self-governing bodies. They made no provision in their laws in any way for the white people whom they had invited to come and live among them. Then followed the Curtis Act and the opening up of this Territory.

Mr. LLOYD. Now explain the Curtis Act.

Mr. DOYLE. The Curtis Act is substantially in the nature of a treaty, and carries out a treaty.

The CHAIRMAN. Does that Curtis Act abrogate in any way the treaty theretofore made with the Five Civilized Tribes?

Mr. DOYLE. Yes, sir.

Mr. McGUIRE. And provides that the boundaries of any States or Territories should be extended over the Five Civilized Tribes?

Mr. DOYLE. That was not included in that treaty.

The CHAIRMAN. What provision did we make for the abrogation of the treaty?

Mr. DOYLE. It provides that on the 4th day of March, 1906—that is, the act of June 28, 1898, so provides—that all tribal relations shall cease, and that by that time the allotment of lands in severalty shall be completed, and that at that time the members of the tribe shall be admitted to full citizenship in the United States.

Mr. ROBINSON. By the act of Congress and the national authority. The administration down there of their separate governments in the Five Civilized Tribes has been abrogated, except as to the executive and councils?

Mr. DOYLE. Except as to the executives and the councils in acting for their tribes and settling up their land affairs. They have no law-making power any more. All of their members and tribal officials, even in that capacity, are subject to United States laws and subject to prosecutions before United States courts.

The CHAIRMAN. That is under the Curtis law, is it?

Mr. DOYLE. Under the Curtis law and previous acts, all those persons must be amenable to the laws of the United States for their official conduct, even when acting as tribal officers. One tribe government ends on January 1, 1898, and all others, it is provided, shall discontinue after March 4, 1906.

Mr. THAYER. Did they assent to that?

Mr. DOYLE. Yes, sir.

Mr. MCGUIRE. The Curtis act was the result of a treaty?

Mr. DOYLE. Yes, sir; and it was in line with the modern policy of the Government; that policy is to govern Indians by acts of Congress and not by treaty.

Mr. MCGUIRE. And that treaty did not in any way affect the boundaries of Indian Territory, so far as other States and Territories are concerned? Do I understand you to say that there is at this time any conflict as to treaty obligations between the Government of the United States and the individuals of the Five Civilized Tribes, providing that they shall not be encroached upon by the boundaries of any other State or Territory? Is that intact yet?

Mr. DOYLE. No, sir; it will not be after January 1, 1906.

Mr. MCGUIRE. What treaty modifies that?

Mr. DOYLE. The treaty which the Curtis act is based upon. That provides for citizenship in the United States at that time.

Mr. MCGUIRE. You say that that treaty upon which the Curtis act is based provides that they may be attached to or taken in by some other State or Territory?

Mr. DOYLE. Yes, sir. And I claim further that they waived in that treaty, and under the Curtis act, the right even to designate who their tribal citizens were. That is a matter which the United States courts has jurisdiction of, including the citizenship court created by the act of Congress. The Indian tribes have no say so any more as to who shall constitute their citizenship. That is done by the courts acting for the Government.

Mr. MCGUIRE. Can you refer to the authority which provides for the rescinding of the original arrangement or contract that no new bounds of territory shall be extended over them without their consent?

Mr. DOYLE. I will do that.

Mr. THAYER. How much of Indian Territory was included in the Five Civilized Tribes in 1832?

Mr. DOYLE. Every part of the Indian Territory, and Oklahoma Territory as now constituted.

Mr. MCGUIRE. You mean to say that constituted the Five Tribes?

Mr. DOYLE. Yes. And there were friendly tribes settled upon it by treaty—tribes such as the Osages in the Cherokee land, and the Tonkawas, Poncas, and Otoes, Pawnees and the Kiowas and Comanches. In the Lone Wolf case the treaties were construed in all their features.

Mr. THAYER. The Five Tribes have been gradually cut out from Oklahoma?

Mr. DOYLE. Yes, sir; they have been.

Mr. THAYER. Do I understand that to-day they are all out of Oklahoma?

Mr. MCGUIRE. Yes, sir; they are.

Mr. THAYER. What proportion of Indian Territory do they now cover—what percentage?

Mr. DOYLE. On that map over there on the wall [indicating] they occupied all east of that red line.

Mr. THAYER. Half of the territory.

Mr. LLOYD. All of the territory is included.

Mr. DOYLE. Mr. Chairman, I desire to say, for the benefit of my friend Mr. Thayer, that no autonomy of any kind has ever been created in connection with the Indian Territory. We speak of it as a Territory merely in the common usage and acceptance of the term as applied to-day, but it has never had any government of its own, and it has never been clothed with one single attribute of sovereignty—that particular part of the old Indian Territory, I mean. It has always been treated by statute as a part of Oklahoma.

I have read you the organic act which provides for the addition and opening of the Cherokee Outlet. Those eight counties have been added pursuant to that provision of the organic act, and the rest of Indian Territory is contemplated by that act to be made a part of Oklahoma Territory. It has no entity of its own.

I will say to you, Mr. Thayer, that for the past ten years Oklahoma Territory has been entitled, under the ordinary rule outside of area, to statehood; but its admission has been delayed, simply anticipating the fulfillment of the provision of the organic act that the Indian Territory should be added in with it. Mr. Dennis Flynn, the former Delegate from Oklahoma, as you all know, was a man who accomplished things, and if Oklahoma alone was to be admitted as a State, we believe that Mr. Flynn would have secured statehood for Oklahoma alone. You can read the history of the admission of States, and no Territory with sufficient population was ever denied admission as long as the Territory of Oklahoma has been. The question of boundary has delayed our admission, and the settlement of various questions in the Indian Territory has delayed it. They are settled by the Curtis Act, and by the subsequent acts of Congress in confirmation thereof, for all time, when the tribal relations shall have been abolished and the provisions of law regarding land allotments are carried out, before the 4th of March, 1906.

Mr. MCGUIRE. You speak of the laws. What laws?

Mr. DOYLE. They have only the natural laws there, the Arkansas law, and a little divine law, I might add.

Mr. MCGUIRE. Neither civil nor criminal procedure prevails in Oklahoma?

Mr. DOYLE. We have the Kansas procedure—that is, outside of all the legislation affecting both Territories; and the extension of the Arkansas law is the only instance where all acts of Congress does not tend to unity. When that was adopted there was no Oklahoma act.

Mr. MCGUIRE. Have not the Five Civilized Tribes been treated, so far as the criminal code is concerned, different from the tribes in Oklahoma? Is not that a fact?

Mr. DOYLE. No, sir.

Mr. MCGUIRE. Do you mean to say that the same criminal Federal code which governs the Indian Territory and applies to crimes committed in the Indian Territory applies also to the crimes committed in Oklahoma?

Mr. DOYLE. You mean the same Federal code?

Mr. MCGUIRE. Yes, sir.

Mr. DOYLE. I would say yes; with the possible exception of laws relating to conditions in the coal mines.

Mr. MCGUIRE. Is it not a fact that larceny in Oklahoma is not a felony?

Mr. DOYLE. It is a misdemeanor in Oklahoma when committed on an Indian reservation, otherwise it is a felony.

Mr. MCGUIRE. Do you say that is true of the Indian Territory?

Mr. DOYLE. I do say that the general provisions of the Federal code apply to Oklahoma Territory as they do in all States and Territories. It is a misdemeanor. Larceny is a misdemeanor under the Federal code when committed on an Indian reservation.

Mr. MCGUIRE. Did not the act of Congress treat the Five Civilized Tribes as separate and apart from any of the tribes in Oklahoma?

Mr. DOYLE. There was possibly some special legislation in that respect.

Mr. MCGUIRE. Larceny in Oklahoma is only a misdemeanor at this time. I have a bill pending, which I introduced, making it a felony. The last act of the United States treated the Five Civilized Tribes as separate.

Mr. THAYER. Do they try a man for stealing a horse there? I thought they shot them right down.

Mr. ROBINSON. Before you get away from the settlement by the friendly Indians in that Territory—I understand that was under a treaty made many years ago, when the Indians and the National Government made a treaty, a treaty between the Cherokees and Creeks and the United States Government, whereby their lands should be made available by the National Government for the settlement of other friendly Indians.

Mr. CHESTER HOWE. That applies to lands west of the ninety-sixth meridian.

The CHAIRMAN. I would like Mr. Doyle, if he would, to incorporate in his remarks a reference to all the treaties affecting the Indians of Indian Territory, and also, so far as they may affect the Indian tribes in Oklahoma, the decisions of the court bearing upon them.

Mr. DOYLE. I will do so. Here are some references right here:

The Cherokee tobacco case, given in 11th Wallace, p. 616; The Cherokee Nation *v.* The United States, 119 United States, pp. 1-27; the case of Thomas *v.* Gay, in 169 United States, pp. 264-270; the case of Stevens *v.* The Cherokee Nation, given in 174 United States, pp. 445-483, and the Lone Wolf case (Lone Wolf *v.* E. A. Hitchcock), decided by the Supreme Court of the United States on January 5, 1903; Cherokee Nation *v.* Hitchcock, 187 United States, p. 294; United States *v.* Kagama, 118 United States, p. 375. Those all bear upon these treaties. The moral phase of these treaties is this: Those Indians invited these white people to come in. At the time of the passage of the Curtis Act there were about 300,000 outsiders there. Now there are some 700,000.

And right in that connection I want to read a report of the Dawes Commission, which is contained in Senate Document 106, Fifty-eighth Congress, second session, entitled a "Memorial of Members of the Dawes Commission," with a letter from the Secretary of the Interior to the President pro tempore of the Senate, dated January 20, 1904. From it I will read one paragraph:

It is presuming profound ignorance to indicate that land, until a patent has been issued, or unless in an incorporated town or city, is or lawfully can be any appreciable factor in the business of this country. White people and their commerce chiefly support nearly 400 towns, ranging in population from a few hundred to more than 10,000 souls, 200 newspapers and periodicals, 675 post-offices, nearly 3,000 miles of railroad, and 95 national banks. The total population here is four times that of Idaho, double that of North Dakota, nearly twice that of Vermont, and fifteen times as great as that of Nevada. There was organized in this Territory in the two years and seven months ending October 31, 1903, 75 national banks, or nearly four times as many as were organized in all New England during the same period of time. Did land have anything to do with these?

I would cite that as the last official estimate that has been made. They estimate the population as 700,000.

Mr. LLOYD. You just stated that the Indians had invited the whites in there.

Mr. DOYLE. Yes; prior to the passage of the Curtis Act probably 300,000 white people had come in there; and since that time, at least according to this report, there have been 400,000 more who have come in. The result of that has been that the Indians of the Five Civilized Tribes have become rich in every respect. The white people have developed the resources of their country for them, and made it to-day one of the richest and most prosperous countries in the United States, outside of the matter of civil government.

Mr. LLOYD. I want to get at the question as to whether the Five Tribes desired the whites to come in or whether the whites encroached without the consent of the Indians.

Mr. DOYLE. There is no doubt they did desire the whites to come in. They have intermarried until, as the Dawes Commission says, there is only 5 per cent of them now who have any Indian blood in their veins. Perhaps I had better read that reference direct from this Dawes report. On page 4 of the memorial which I have just quoted the Dawes Commission say:

One would infer that there is no population in this country except Indians and no business except what comes under the Dawes Commission and is of the nature of unlawful and speculative dealings in Indian lands and leases. The grossest ignorance, ignorance not to be dreamed of, is apparently assumed as to the facts. Taking the census figures and the established rate of growth of population there are now nearly

700,000 people in what is called Indian Territory, but little more than 10 per cent of whom are citizens of the so-called tribes, and not 5 per cent are appreciably of Indian blood.

Now, the aunts and uncles, brothers, cousins, and other relatives of the first settlers and intermarried citizens moved down there among their Indian relatives, and then came the leasing of mineral lands and the development of their resources, and later the passage of the Curtis bill, providing laws for both whites and Indians, and now the population has increased to 700,000 people.

Mr. THAYER. I notice in that that the expression is still put in, keeping the thing still in doubt in my mind—the expression “in what is called Indian Territory.” Do you not know on the face of the earth where the Indian Territory is?

Mr. DOYLE. Yes, sir.

Mr. THAYER. Then why do they always say “what is termed” or “what is called Indian Territory,” as if there was doubt?

Mr. DOYLE. Legally speaking, it has no legal entity about it. It is not a Territory in the sense that other organized Territories are referred to; it is the country of the Five Civilized Indian Tribes.

The CHAIRMAN. It simply means a region of land where the Indians have settled?

Mr. THAYER. But there is a dividing line between it and Oklahoma, the same as between the States of Connecticut and Massachusetts.

Mr. POWERS. Yes, sir: of course there is.

Mr. DOYLE. It has no autonomy and has no entity. The intention was to add it to Oklahoma when that became a State. I will admit that it has been said down there, as it was said respecting the whites in the original Indian countries long before along the Eastern seaboard, with respect to their treatment of the Indians, that—

“First they fell upon their knees,
And then upon the aborigines.”

The CHAIRMAN. Mr. C. E. Foley desires to submit an inquiry.

Mr. FOLEY. The Indians are said to have gone south. They did not want to go either way, but they were forced into it. Some went south and some went north. That action was taken when the civil war was over.

Mr. STERLING. Mr. Doyle, if Oklahoma was made a State, what would be the status of Osage Indians?

Mr. DOYLE. Mr. McGuire's bill does not give them citizenship. The Quay bill and the Robinson bill do. Captain Palmer, a respected and honored member of the bar in Oklahoma, is here to-day. He is an eminent man in our country and was a soldier in the late war. He is a member of the Osage tribe. He will address the committee later as to the status of the Osage Indians and their desires upon this question.

Now, speaking of another feature of the McGuire bill, it does not regrant 100,000 acres of land that have been taken in lieu of sections 16 and 36 of the Osage part of the Oklahoma Territory.

Mr. Morgan has certainly the right to say he is for the McGuire bill. He tells you he is the attorney of the people who are seeking to deprive the people of Oklahoma of these lands. I will read from the governor's report the status of these lands, so that you will understand it.

Mr. POWERS. That is the same question that we inquired about of a man who preceded you?

Mr. DOYLE. Yes, sir; that is also being argued before the Interior Department. We lose those lands if they are not regranted by the enabling act. Those lands are worth at least \$2,000,000. I presume from Mr. Morgan's statement that his fee in the case is probably worth \$100,000. While he is a good man in every respect, he is a very zealous attorney, and the McGuire bill is in the interest of his clients, for that land under it will either go to his clients or to those claiming an interest adverse to the Territory. I will read from page 24 of the report of the governor of Oklahoma for the year 1900:

By authority of an act of the third legislative assembly the school land board of the preceding administration made a contract with the Hon. D. A. Harvey, as Territorial agent, for the selection of indemnity lands for losses from fractional sections, reservations, and other causes. Under this contract 101,188.68 acres were selected in the Kickapoo Reservation and 21,840 acres were selected in a body in Woodward County, northeast of Camp Supply, for which services the agent received the sum of 10 cents per acre, the cost to the Territory being \$12,302 fees to the agent, in addition to \$1,568 fees to the registers and receivers of the land offices, which the Territory has been compelled to pay upon these lands during the past year under departmental decision of April 19, 1898 (26 L. D., 536).

The indemnity lands in the Kickapoo country were selected in lieu of lands in the Osage Reservation, and those in Woodward County were taken in exchange for lands in the Ponca and Otoe Reservation, to which the Territory waived its right.

During the present administration indemnity lands have been selected as follows:

	Acres.
Greer County, sections 13 and 33	21,416.56
Greer County, common school	20,713
Common school, Custer and Dewey counties	9,297.28
Total	51,426.84

The total expense in making these selections, preparing records, etc., in addition to the regular fees of the United States land office, has been \$223.85.

There are still due the Territory about 12,000 acres of indemnity lands, which will be selected in the near future.

Mr. Harvey, the gentleman referred to above, was the Delegate from Oklahoma who preceded Mr. Flynn. He has been here frequently.

Now, in Mr. McGuire's bill the regrantee clause reads as follows:

SEC. 7. That upon the admission of said State into the Union sections numbered sixteen and thirty-six in every township of said proposed State, and where such sections, or any part thereof, have been sold or otherwise disposed of by or under virtue of any act of Congress, then lands equivalent thereto are hereby granted to said State for the support of common schools, and such indemnity land shall be selected in such manner as the legislature of the State may provide, with the approval of the Secretary of the Interior. * * *

Every other enabling act that has been proposed and submitted to this Congress provides that sections 16 and 36 heretofore granted, and indemnity lands heretofore taken in lieu thereof, shall be regranted. There will never be any public domain in the Ponca and Otoe country. All the treaties provide for the apportionment of these lands when they are allotted in their entirety—not merely 160 acres each and the remainder to be thrown into the public domain—and for that very reason these indemnity lands have been selected.

These people have been tenants of Oklahoma Territory since 1895; but Mr. McGuire's bill absolutely fails in every respect to regrant those lands to the State proposed to be created, and under the provisions of our courts construing the question as to the necessity of a

regrant to the new State created, they all hold that the enabling act must regrant the land.

Mr. THAYER. I do not get that through my head, Mr. Doyle.

Mr. DOYLE. These lands should be granted to the new State. All lands heretofore granted to the Territory are regranted in this McGuire bill to the State, with the exception of these indemnity lands. They have been taken in lieu of sections 16 and 36 in the Osage and Ponca and Otoe reservations. Those are the Indian tribes that failed to treat for the opening of their reservations.

Mr. THAYER. They were taken in lieu, you say?

Mr. DOYLE. Yes, following out the principle that sections 16 and 36 in every township shall be granted to the new State for educational purposes; but in this case it was not available by reason of the fact that it has been reserved in some other way, and the United States law requires that indemnity lands shall be taken in lieu thereof. But the McGuire bill fails to confirm the lands that have been taken in lieu thereof heretofore.

Mr. POWERS. Mr. Thayer, were you here the other day when Mr. Morgan was here?

Mr. THAYER. No, sir.

Mr. POWERS. It seems there was a great rush of settlers when that region was opened, and it is a question whether the State shall have it or those who squatted or settled upon it.

Mr. DOYLE. If they are not regranted they simply revert to the public domain. It will mean interminable litigation down there about those lands, and the tenants of our Territory will not derive any benefit.

The next objection to the McGuire bill is the provision that is made for representation.

The CHAIRMAN. Right there, Mr. Doyle, let me ask you how long do you think you will talk?

Mr. DOYLE. I think I can get through in half an hour.

On motion of Mr. Lloyd, seconded by Mr. Robinson, the committee decided to take a recess at 11.55 o'clock until 2 o'clock p. m.

The CHAIRMAN. Gentlemen, I will ask to be excused now, as I have occasion to go to the Supreme Court in relation to a certain matter.

(Hereupon the chairman retired, and Hon. Llewellyn Powers assumed the chair.)

Mr. DOYLE (resuming). That is the provision referring to delegates. The language of Mr. McGuire's bill on that point is as follows:

SEC. 2. * * * and the governor, the chief justice, and the secretary of the Territory shall apportion the Territory into seventy-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts;
* * *

Gentlemen, we have 26 organized counties in Oklahoma Territory. Every man upon this committee knows it is absolutely necessary that each county, as a subdivision, a municipal division of the new State, ought to receive some recognition.

Mr. THAYER. Seventy-five districts of what?

Mr. MCGUIRE. In the constitutional convention.

Mr. DOYLE. In that respect the McGuire bill treats our Territory as though it was unorganized. Those 75 subdivisions are to be made regardless of county lines. We have 26 organized counties, and they should receive recognition in the enabling act. The representatives should be apportioned among the counties, and not by districts that

might be created by the whim of some man; and every county should have at least one member of that constitutional assembly, because the organic laws for counties are there settled and constituted. The manner of providing for the creation of new counties and the changing of the boundaries of counties already existent are settled by all constitutions in the organic law.

Instead of that, the McGuire bill proposes to district the Territory into 75 districts, without following county lines. The question of county representatives has not been given a thought. Each county should be entitled to representation according to the ratio of its population, and at least one member should be allowed for every county. The largest county we have, Beaver County, would not have a ratio sufficient for one member, although it is a county composed of one-sixth of the entire Territory. Yet it has rights, as every other county has, which ought to be recognized before that constitutional assembly and be provided for in the enabling act.

I just want to call the attention of the committee to these districts, or to what I believe, in my humble judgment, to be districts in the McGuire bill.

Mr. THAYER. How has that been arranged in other States, Mr. Doyle?

Mr. DOYLE. By county representation, based upon representation giving every county at least one representative.

Mr. THAYER. And others two or three, or three and four, and so on?

Mr. DOYLE. Yes, sir.

Mr. SPALDING. At the time the four States in the Northwest were admitted in 1889 it was left to the governors, I think, and the secretaries of the Territories to district the Territories.

Mr. DOYLE. Was not the rule laid down that they could fix the ratio for each county, and then they were elected by law?

Mr. SPALDING. Yes, sir; they were elected by districts. I was a member of the constitutional convention of North Dakota at that time.

Mr. DOYLE. We claim that it is absolutely necessary to give counties that have been organized for ten years, that are municipal bodies in every respect, at least one member in that constitutional assembly, and that those county lines should be followed in giving that recognition. Now, I would like to read a couple of editorials in the Globe-Democrat.

Mr. THAYER. Before you close, Mr. Doyle, I am thinking of this: The Indian Territory, as it is called—although there seems to be no such thing, but the Indian Territory with regard to its territory and land—is now in the hands of these Five Civilized Tribes substantially, and if they are to be admitted as a State they are not to have any voice in the matter? They are not voters?

Mr. DOYLE. Oh, yes; they are voters by the act of Congress, and the Robinson and Quay bills make them electors for all purposes, and are qualified as members of the constitutional assembly; and it is provided that they are not to be deprived of citizenship.

Mr. THAYER. They can have the right to vote for or against coming in, the same as a white man?

Mr. DOYLE. Yes, sir; the same in every respect.

Now I will read from the Globe-Democrat—the St. Louis Globe-Democrat, of November 20—no, it is from the Globe-Democrat,

reprinted from the Guthrie Leader of November 30, 1903, and credited to the Globe-Democrat. It says:

OKLAHOMA'S RAPID GROWTH.

According to the annual report of Governor Ferguson, of Oklahoma, that Territory's present population is 650,000, and the actual value of its taxable property is \$400,000,000, although only \$84,000,000 is returned by the assessors for 1903. The Territory's debt is \$462,000. This is a very good showing for our southwestern neighbor. The probability is that the population figures are placed a little too high here, but even putting it at 600,000 the total is very imposing. None of the Territories at the time of their admission to statehood had anything like this number of inhabitants.

As the Indian Territory is also growing with great rapidity, there is a strong probability that the two at this time have an aggregate population in the neighborhood of 1,100,000. United—and they will be united, of course, when admitted to statehood—they would stand pretty high in the population scale. They would rank twenty-sixth or twenty-seventh on the roll of the forty-five. Nebraska would be a little way above them, but at their present rate of growth they would soon overtake that State. The chances are that if the politicians are muzzled and the people of the two Territories are allowed to get union early, the consolidated State will rank ahead of Louisiana and South Carolina by the time the census of 1910 is taken, and be the twenty-third on the roll.

Oklahoma-Indian Territory has a brilliant future as a community. Each section, the Indian Territory with its rich mineral lands and Oklahoma with its vast capabilities in all lines of agriculture, supplies something which the other lacks. Together they will make a symmetrically formed State superficially, and be physically nearly as large as the average of their neighbors. The separatists are blocking the way toward annexation, but their days of activity are nearly ended. A community with 600,000 alert, intelligent, progressive people is kept in subordination by the petty ambitions of a coterie of place seekers, but this condition can not last much longer. The majority of the people of the twin Territories want union, and those who are now blocking the way toward it will be pushed off the track or be compelled to fall in line with the single State men just as soon as Congress once more makes it plain that union is an absolute preliminary to admission.

Now, I want to say that I would not like to utter those unkind words myself, so I quote them from the Globe-Democrat. You know that is one of the leading papers west of the Mississippi River—undoubtedly the leading Republican paper west of the Mississippi River. It is printed at St. Louis.

Mr. ROBINSON. How large is its circulation in these Territories?

Mr. DOYLE. Its circulation is probably larger than that of any other paper down there. It is read there daily.

Then I will quote another editorial taken direct from the Globe-Democrat of November 30, 1903:

Congress is unalterably opposed to the admission of the two Territories as separate States. This is a fact which ought to be faced by the separatists. The persistence of the demand for the creation of two States in the case of Oklahoma and the Indian Territory will prevent both from being admitted. It is either union or nothing with Congress. This fact has been made so plain that there is no longer any excuse for denying or ignoring it. The way for the citizens of the two Territories to get admission is to demand union and to silence the separatists. In area, the new State would be about the same size as the average of its neighbors. Each section would supply something which the other lacks. United, the two Territories would make a symmetrical and powerful Commonwealth, which would start out with five members of the popular branch of Congress. Oklahoma and the Indian Territory can, by agreeing to pool their issues, get admission before the present Congress ends.

Mr. DOYLE (resuming). I do not think Mr. McGuire will deny the statement that the Globe-Democrat has a more general circulation throughout the Territories than any other paper.

Mr. MCGUIRE. This is from the Leader of Guthrie, although it is credited to the Globe-Democrat.

Mr. DOYLE. No, the other is reprinted in the Leader, but this is taken directly from the Globe-Democrat. I have the original of the other, and I will furnish it to you if you want it.

Now, we have people in our Territories who are against any form of admission as a State or States, although they would not express their views openly. But, as I say, there is a large class of men whose selfish interest is for the continuation of the present conditions there. Take, for instance, the Federal officials. There is about a million dollars appropriated for the Indian Territory by law, and about half of that for Oklahoma Territory. However, I will say to the credit of three out of the seven judges on our bench, that those three have openly come out in favor of a single State, and that, too, regardless of the effect it might have on the positions they hold.

Mr. MCGUIRE. They would not lose their positions any sooner, would they, Mr. Doyle, if they would break away from the Indian Territory?

Mr. DOYLE. I do not say they would. But a man who asks for statehood for Oklahoma alone to my mind is opposed to statehood altogether, because I can not see on what basis a man can base his hopes for statehood separately.

There is not one chance in a hundred of his getting it. For instance, I can not see how I could expect Judge Russell here to base his action as a Congressman or Representative of the State of Texas if he favored two States, remembering the fact that in the Senate every State as a sovereignty can express its will by two votes on every law that passes Congress, on the ratification of all treaties, on every appropriation, and all impeachment trials; and I do not think he would be doing right by the State of Texas by assisting in giving to Oklahoma and to Indian Territory separately two votes each in the Senate when his own State had only two, while that State, his own State of Texas, has eight times as much area as either and has a coast line that is simply immense. I say I do not see how he could be doing justice to his own State in seeking to create four new United States Senators down there on that limited area, when both united are only one-fourth of the area of his own State.

Mr. POWERS. How would that line of reasoning apply to the admission of New Mexico and Arizona?

Mr. DOYLE. The line of reasoning there would be absolutely different. The line of reasoning followed by Virginia when it made part of its territory into the State of Kentucky was simply that the Allegheny mountain range lay between her and the proposed Territory of Kentucky. It was the same in regard to North Carolina in her giving up the Territory of Franklin, which afterwards became the State of Tennessee. In that case also a range of mountains intervened, just as it did between Virginia and Kentucky. The same line of reasoning was advanced before the civil war by the people who now constitute the State of West Virginia, who afterwards were created into a separate State by reason of the contingencies of the war. All these precedents suggest that New Mexico and Arizona should be separate States.

Mr. POWERS. I do not think you understood my question. If I understood your statement correctly, it was this: That by creating two States, having four Senators to vote, Mr. Russell, of Texas, would be

doing injury to his own State by permitting that situation to arise where there would not be a fair preponderance in the Senate.

Mr. DOYLE. Yes. But when we remember that in the case of every confirmation that is made of a nomination; that in the ratification of every treaty formulated by this Government in its executive department he would be giving double the power to Oklahoma and Indian Territory to what is own State has got and can exercise now; and, further, when we remember that all impeachment matters are tried by the Senate, then by that act of his in assisting or advocating the erection of two separate States from Oklahoma and Indian Territory he would be giving double the power to that region, down near to Texas, that his own State would have in the United States Senate.

Mr. ROBINSON. Governor Powers refers to the mountains as a continental divide, where there is no affinity between the people who live on the opposite sides.

Mr. DOYLE. Yes; and the same rule will apply on the question of population to a certain extent; because, while they have a very limited population out there in that country, they have vast possibilities of future growth. But I am making an argument on the question of area.

(At this point, 11.55 a. m., according to arrangement, proceedings were suspended and the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

Mr. CUSHMAN. Mr. Chairman, if I might have about thirty seconds, I wanted to make a little statement informally to the committee, simply to say that it is my hope that when the Territorial programme is somewhat off your hands we may have some number of days to consider the Alaska bills, of which there are quite a number.

Mr. LLOYD. Will the first week in March suit you?

Mr. CUSHMAN. There is only one objection to that—that it is a little bit late. I do not know but that it might do.

Mr. LLOYD. The only reason I suggest that is that you may be certain to go ahead if you want to fix a time.

Mr. CUSHMAN. That is what I want to do, if possible, so as to get some idea as to when we may be able to have a hearing, that I may arrange to have one or two gentlemen here.

The CHAIRMAN. How much time do you wish in connection with the Alaska bill?

Mr. CUSHMAN. I think we ought to have hearings for five or six days, or for four or five days anyway. For instance, I would like to take up the delegate bill. That is, perhaps, one of the most important. Then there is the general road bill, providing means by which a general fund may be created for the building of roads generally around Alaska. Then there is one special bill providing for a particular roadway from Valdes to Eagle City. Those are some of the most important measures that I think we ought to take up.

Mr. ROBINSON. Those are national highways under the report of the commission that visited there?

Mr. CUSHMAN. Yes, sir. Then, there is another bill providing for rights of way for telephone and telegraph companies. There are quite a number of measures that I think we ought to take up and consider.

The CHAIRMAN. I think we might get at it some time after the 15th of the month—possibly the last week in February.

Mr. STERLING. I have been approached by a party with reference to being heard before the committee on the bill for a delegate from Alaska.

The CHAIRMAN. We can go on with the Territorial hearings, and when we arrive at a point where there is a chance your people could be heard, if they can be gotten here without notice.

Mr. CUSHMAN. One of them is Mr. Haugett, who was here last winter, and who was of great assistance to me. He is a man who is thoroughly posted about the conditions in Alaska, and he is also a pretty good lawyer.

The CHAIRMAN. Is he in the city now?

Mr. CUSHMAN. He is not. He is in San Francisco, but he has written and he has telegraphed me that he would come when I requested him to do so.

The CHAIRMAN. If Mr. Cushman had a man here, for instance, who could only be here for a very short time, and it was desired that he should come before the committee, I presume the committee would be willing to set aside a time to hear him.

Mr. LLOYD. Suppose we commence with the hearings on the Alaskan question on Monday, the 22d of February.

Mr. CUSHMAN. I think, perhaps, that would suit me. Judge Wickersham, our United States judge, is here, and if it should develop that he can remain that long we would like to have him heard.

Mr. LLOYD. He can be heard at any time. We are an accommodating committee.

The CHAIRMAN. The whole committee will be very much pleased to accommodate you in any way, Mr. Cushman.

Mr. LLOYD. Will the 22d suit you?

Mr. CUSHMAN. Yes.

Mr. LLOYD. I move that the hearings following the 22d of February be set aside for the Alaskan question.

The CHAIRMAN. You have heard the motion, gentlemen. As many as are in favor can say aye, and those opposed, no. The ayes have it, and the motion is carried.

If there is any change in the programme we will notify you.

The CHAIRMAN. Now, gentlemen, we will be pleased to hear you with regard to the Territorial question.

STATEMENT OF THOMAS H. DOYLE—Resumed.

Mr. DOYLE. Mr. Chairman and gentlemen of the committee. I assure you I appreciate the fact that you have been patient and indulgent in listening to the presentation of our claims in behalf of the one State cause, and I wish to say that I have been here for a month waiting for an opportunity to appear before the committee as a member of the single statehood executive nonpartisan committee, and my appearance here has been entirely at my own expense. I am not here as an attorney. I am not here in a representative capacity, nor as a man who expects to be rewarded, but simply as a member of that committee, in carrying out the objects of that committee. I am very anxious to get through and to get back home.

I want to say to you, gentlemen of the committee, that I want no member of this committee to take my criticisms of Mr. McGuire's bill, or his attitude in this matter, as personal to him in any way. Mr. McGuire stands as high in my estimation as any other member of the bar of our Territory or any other citizen that we have in the Territory. We have been living in adjoining counties since the opening of the Cherokee Strip for settlement in 1893. Although in the general practice of law a part of the time, Mr. McGuire has been the United States assistant district attorney for that district and for that Territory for a number of years. We have been thrown in contact repeatedly in the courts and also on the rostrum in connection with political matters; but all these charges that appear in the press of this country in connection with Mr. McGuire are simply newspaper talk as far as I am concerned and as far as all good citizens of our Territory are concerned. He stands as high as any man in every respect, both as a lawyer and as a citizen, and although we differ on this question of statehood I do not wish it to be understood in any way that I desire to have this committee believe that I speak in any manner disrespectfully of Mr. McGuire.

Mr. LLOYD. We are glad to have you make that statement, Mr. Doyle, but Mr. McGuire does not need any commendation to this committee.

Mr. DOYLE. And he does not need it at home, I assure you. But I wish to say at this time that I believe Mr. McGuire, by reason of the fact of his being United States district attorney and one of that class of our population that are benefited and who have a selfish interest in having Oklahoma Territory remain as a Territory, is somewhat biased in his views in regard to the question. I do not think he has been in as close touch with the common, ordinary, everyday people of Oklahoma Territory as myself, either officially or in his everyday affairs. I have had the honor to represent the people of my county in the legislative assembly for four years, and these matters have been very fully discussed in that particular body.

Also, I presume I have been in that Territory more than Mr. McGuire has. His official business has called him elsewhere. But I do not want this committee to take my mere assertion in this matter of what the sentiment of our people is, and I want now to read to you the expression of the Oklahoma School-Teachers' Territorial Association in a resolution as to their attitude in regard to this matter. When Mr. McGuire says that two-thirds of the people are against single statehood I think it proper that it should go before this committee. I am reading from page 1109, volume 36, of the Congressional Record, the resolution of the school-teachers' Territorial organization, addressed to Senator Beveridge, January 20, 1903, about one year ago:

Whereas the Territory of Oklahoma and the Indian Territory are united in geographical location, in the nature and character of their soils and climate, and each is the complement of the other in those great natural resources which make a region fit for the home of a prosperous and enlightened people; and

Whereas the white people of the two Territories are united and bound together by common ties of relationship, habits, character, and social life, making their histories common and their destiny one; and

Whereas there are 150,000 white children of scholastic age in the Indian Territory who are absolutely deprived of the boon of public free schools, and are the only subjects of the United States Government in either hemisphere that have been thus neglected; and

Whereas the parents of said children have made their homes in the Indian Terri-

tory at the invitation of the Indian tribal government and at the earnest solicitation of the United States Government and have by their labors transformed a wilderness into a land of civilization and orderly life: Therefore, be it

Resolved, by the Territorial Teachers' Association of the Territory of Oklahoma, That we petition the Congress of the United States to make provision for the immediate relief of our friends and neighbors by the enactment of laws which will authorize and provide for the establishment of a system of public schools in that area now embraced by the boundaries of the Indian Territory.

I want to read further the petition of the people of Chandler, Lincoln County:

We, the citizens of Chandler, Lincoln County, Okla., regardless of political party affiliation, in mass meeting assembled in the city of Chandler, this 8th day of December, 1902, hereby announce our belief in and allegiance to the single statehood principles enunciated by the recent resolutions of the Claremore statehood convention.

We desire to indorse and commend the broad and patriotic views of the Senate Committee on Territories embodied in that committee's substitute bill, known as the Nelson bill, which provides for single immediate statehood for Oklahoma and the Indian Territory.

We believe that any other bill than that which provides for the union of these twin Territories—so closely related socially and commercially, each so fairly and fully the complement of the other—upon an equal basis would be fraught with disaster to each, limit and cramp their boundaries and opportunities, and oppress their people with the burdensome and unnecessary transaction of dual State government: Therefore be it

Resolved, That we heartily indorse the Nelson statehood bill and urge its immediate enactment into law, and that copies of this resolution be furnished the local press and the original forwarded to Hon. C. B. Ames, at Washington, D. C., with a request that he present the same to the Senate Committee on Territories.

ROY HOFFMAN,
T. B. KNAPP,
J. D. PERKINS,
Committee on Resolutions.

Adopted without objection.

Attest:

F. W. RASH, *President.*
G. A. SMITH, *Secretary.*

Mr. Hoffman was the former assistant United States attorney. Mr. Knapp, as I remember, was a member of the Republican Territorial executive committee—all representative citizens.

Mr. MCGUIRE. That teachers' resolution does not go into the question of statehood, does it?

Mr. DOYLE. I think so. It says:

Whereas the white people of the two Territories are united and bound together by common ties of relationship, habits, character, and social life, making their histories common and their destiny one.

I want to read the resolution of the Medical Society of a year ago this month:

At a meeting of the Oklahoma County Medical Society, a representative body of the medical profession of the Territory, of indifferent tenor politically, which meeting occurred the 23d instant, the following resolution was moved and seconded and passed unanimously by the society:

"Resolved, That this meeting unequivocally indorse the bill known as the Senate substitute for the omnibus bill providing for the entrance into the Union of those Territories known as Oklahoma and Indian Territories as one State, under the name of Oklahoma.

"Signed by the officers of the Oklahoma County Medical Society, and copies forwarded to Senators Beveridge and Cockrell.

"R. D. LONG, M. D., *President.*
"W. J. BOYD, M. D., *Secretary.*"

I could take up and give you a great many additional indorsements of that character.

There is one on the question which I have presented here in regard to the particular proviso of Mr. McGuire's bill, the piecemeal clause, and I want to say a word in explanation at the outset in justice to Mr. McGuire's bill. When Mr. Harvey was the first Delegate of Oklahoma Territory that clause was added to his statehood bill and it has been followed to a certain extent up to this time, except that part relating to taxation of Indian lands which would carry it over twenty-five years before it would become operative. It has been supplemented. The conditions then were entirely different. That was over ten or twelve years ago. Then this white population did not exist in the Indian Territory. In a discussion between himself and myself before the visiting committee of Senators, Mr. Asp, of Guthrie, claimed to be the originator of that clause at that time and sought to justify its provisions by reason of the conditions existing when it was first conceived. I want to read to you a comment on that clause, of Senator Tillman.

Mr. LLOYD. What Tillman is that; Senator Tillman?

Mr. DOYLE. Senator Tillman. And the people of his State. He spoke for them. That is on page 1121, volume 36.

The CHAIRMAN. I do not know how far the rule in relation to comments on the proceedings of the two Houses of Congress goes.

Mr. DOYLE. I will just refer to it, and any member of the committee may read it. He uses stronger language than I have used.

Mr. POWERS. Mr. Tillman generally uses strong language.

The CHAIRMAN. I think you had better not put that in the record, Mr. Doyle. You can give it to us for our information.

Mr. DOYLE. Very well. In perusing that you will see that Mr. Tillman states this from personal observation, he having made a lecture tour throughout both Territories, and he speaks from personal knowledge of the character of the people of both Territories, and the principle sought to be established by the piecemeal absorption clause.

The CHAIRMAN. It is proper for us to know this, and you can tell us confidentially; but I do not think I would put it in your speech in the body of the proceedings.

Mr. DOYLE. I will not do it, but it is possible that my comments on that subject would be considered extreme by some parties who will follow me, and I want to show that, being an outsider and not living there, he denounced it in language that was commended by—

Mr. LLOYD. You would hardly say that Mr. Tillman is not an extremist.

Mr. DOYLE. I want to say that he is right on that principle, and that his language is worthy of any man's perusal and approval. Now, gentlemen, I want to quote an authority in support of the position I take, and I do not think anybody will question it.

I quote from George Tichnor Curtis, in his constitutional history of the United States, in connection with the argument that I make, as to the sovereignty of a Territory and as to the fact that only one sovereignty has ever been created by Congress within the area of both Territories. This is one argument, at least, if we can speak of a Territory as a sovereignty. Of course it is simply a tentative sovereignty. It has not real sovereignty because the negative power of

Congress over its legislation deprives it of sovereignty, but it has autonomy.

I want to read to you what Mr. Curtis says, speaking of Territories and the following comment on the admission of new States, volume 2, page 228. He says—

That Congress is placed under the obligation of a public trust to permit such communities to become States, and to bring them into the Union as States when the people demand it and they have sufficient population and resources so to sustain a State government, republican in form and spirit. It is not a proper discharge of this public trust to keep any Territory indefinitely in the condition of a Territory, thereby keeping open a field for the continued exercise of Federal patronage and power.

Territorial government is not self-government, and although it is necessary for a certain period for Congress to govern settlers on the public domain, a period that may vary in different cases, yet, where the Territorial community has become so large, so prosperous, that its people are entirely capable of governing themselves, it is contrary to the spirit, institutions, and, in my opinion, to the intent of the Constitution, to withhold from them the full panoply, rights, and privileges of statehood, and not keep them in subjection to a distant power over which they have not even a partial control, as the citizens of every State in the Union have.

I think that is a good authority. That work is frequently referred to in decisions of the Supreme Court of the United States, as you all know, and the theory of Mr. Curtis is the sound one, and I think his brief and argument as one of the counsel in the Dred Scott case is worthy of perusal by any man interested in Territories and their relation to the General Government. You will also remember that he was counsel, as I remember it now, for President Johnson in the impeachment trial, and was an eminent writer, lawyer, and jurist. He was a brother of a former justice of the Supreme Court of the United States.

Taking into consideration the fact that we have the population, as set forth in the arguments made, and particularly by Mr. Clarke and by Mr. Morgan, and the arguments that will be made by my friend Senator Havens, and all the arguments they make in regard to Oklahoma are doubly applicable and sustain and strengthen our cause, when you stand on the indisputable ground that both Territories should be one State, and not two petty States jealous of each other.

I want to say further at this time in regard to the bills that are pending here for the creation of a delegate for the Indian Territory, that if any one of these bills were to become law, it would tend to defeat ultimate single statehood, and would probably result in two separate States.

The Indian Territory, if created as a separate jurisdiction, Territory, or State, would be at a greater disadvantage than any Territory or State heretofore created. It would be smaller in area than any Territory that has ever been created and organized as a Territory. Indiana has heretofore been the smallest, but Indian Territory would lack 3,000 miles of being even as great as Indiana. Oklahoma goes a trifle over Indiana, and is the second smallest ever created and organized into a Territory. This does not refer to small States which were colonies created by crown acts of the English Kings. I might further refer to Vermont and West Virginia. You know the history of those Commonwealths.

They never were Territories for a day. New York and New Hampshire claimed Vermont in the early days. Virginia became divided during the civil war, and West Virginia was created as a State; but it

never had a Territorial government and no Territory has ever been created of as small an area as the Indian Territory. Only one Territory has ever been heretofore created—and that is Indiana—as small as Oklahoma. Indian Territory, if organized as a Territory, would be at the disadvantage of having no public domain from which public grants of land to promote education and the general welfare of the country could be made, and it would be different in that respect from any Territory heretofore created. We all remember the rule laid down in the creation of the Northwest Territory, article 3, which reads, as I remember it, as follows: "Religion, morality, and knowledge being necessary for good government and the happiness of mankind schools and the means of education shall forever be encouraged." I want to read that particular clause of the ordinance of 1787, but I presume every member is familiar with it.

Mr. LLOYD. You might incorporate that.

Mr. DOYLE. Very well. The conditions existent there are not such as that land may be granted, and under the provisions of the Robinson bill, we having almost 4,000,000 acres of unappropriated public domain in addition to the 2,075,000 acres heretofore granted, we have sufficient to equalize sections 16 and 36 in every township of Indian Territory that is to be taken from the public domain in Oklahoma. As the Robinson bill provides it shall be taken as indemnity land, and in addition to that the Robinson bill makes a grant of \$5,000,000 cash.

The Quay bill does not grant indemnity lands, but makes a straight grant of \$10,000,000 in lieu of sections 16 and 36, heretofore reserved in all States of the Louisiana Purchase, but which under the existent circumstances can not be reserved in the Indian Territory.

Mr. LLOYD. Do you maintain that Indian Territory, as it now stands, can not maintain its public schools?

Mr. DOYLE. As it now stands, it can not. I am speaking of the proposed legislation creating it as a separate State.

Mr. LLOYD. Would not Indian Territory be as well qualified to take care of its public schools as Oklahoma?

Mr. DOYLE. No, sir; we have 2,055,000 acres of land now granted altogether. I would refer to the governor's report. The rentals alone exceed \$1,000 per day.

Mr. LLOYD. You are basing that upon the theory that the Congress of the United States would not make a provision for the school fund?

Mr. DOYLE. I base it upon this theory, Mr. Lloyd, that the Dawes Commission has failed in the allotting of the land to carry out the principles of this Government that have been in force for the last century, in that public land has always been reserved in the new States that have been created and added to the United States to promote education. The Dawes Commission failed to reserve any land to promote education in the Indian Territory, except that they did provide that 500,000 acres of mineral land should be segregated under the Atoka agreement for the benefit of the Choctaw and Chickasaw Indian schools. That agreement stood until the last session of Congress, when an act was passed by Congress that provided for the sale of that segregated land, and when that land is sold the proceeds are to be divided pro rata among the members of the Choctaw and Chickasaw tribes, thereby wiping out the only provision that had been made for the promotion of education in this Indian country.

Mr. LLOYD. Then, as a moral proposition, would it not be wrong to require Oklahoma to keep up the schools of both the Indian Territory and Oklahoma?

Mr. DOYLE. It certainly would be, unless we consider the fact that our grants were made in connection with the same act that provides for the annexation to Oklahoma of Indian Territory, and in which the indemnity lands spoken of here are taken in lieu of sections 16 and 36 in the Osage country. They were taken from other parts of the public domain of Oklahoma, because under the treaties with the Osage there can be no public domain there. The provisions of the Robinson bill carry out the idea that sections in lieu of 16 and 36 shall be taken from the public domain of Oklahoma, as has been done in the Osage Nation case. We still have a large unoccupied public domain remaining, but these lands are not as good as the lands that were first segregated. Take them for instance in Beaver County, which has close to 3,000,000 acres of public domain at this time alone. That is within the arid district. The Robinson bill provides that \$5,000,000 appropriation in order to equalize the value of the land already granted and selected and that proposed to be granted and selected under the bill.

Mr. MCGUIRE. Is it your suggestion that lieu lands should be taken from the present public domain remaining in Oklahoma?

Mr. DOYLE. Yes, sir.

Mr. MCGUIRE. For the Five Civilized Tribes?

Mr. DOYLE. Yes, sir; in lieu of aid, for sections 16 and 36 in each congressional township in the Five Tribes—the same as we have already taken indemnity lands in the Kickapoo country in lieu of sections 16 and 36 in the Osage country which is now a part of the Oklahoma Territory.

Mr. MCGUIRE. In that way the schools of the Indian Territory would be supported from lands taken from the public domain in Oklahoma.

Mr. DOYLE. It does not support the schools.

Mr. MCGUIRE. But to that extent, I say.

Mr. DOYLE. To that extent; yes, sir; in addition to the \$5,000,000 which we appropriate to carry out the former principles I have referred to—to promote education.

Mr. MCGUIRE. To whom do the public lands belong that are not ceded to the Territory?

Mr. DOYLE. To the United States; and the original grant of school lands is to the State of Oklahoma, whatever it might be, and Congress reserves the right to fix the boundaries of that State as it sees fit in the future.

When Mr. Clark states that the Indians have been opposed to single statehood I want to call the attention of the committee at this time to the attitude of Chief Green McCurtain when he was here advocating the sale of reserved mineral lands. He stated, as the press reported him, that ultimate single statehood would cause the funds derived from the sale of the mineral lands to go to the common school fund of the new State, and that the Choctaw and Chickasaw Indian school children would be educated then in the common schools; and further, that in his opinion whatever indemnity the nation would give to his people would be small in comparison to the value of the mineral lands reserved originally for the benefit of the school children of the Choctaw and Chickasaw Indian Nation. That is the gentleman that Mr. Clark quotes

now as wanting separate statehood. I say to you that if the original intention of this agreement as made by the Dawes Commission had been carried out it would have been the strongest argument that could be offered before this body in favor of separate statehood; then the Indians would have lands to promote education; but the men that Mr. Clark states now are opposing single statehood are the very men who consented to have that land sold in order that the funds derived therefrom could be distributed pro rata among the members of the Choctaw and Chickasaw tribes.

I want to say that some of the members of the committee which I have the honor to be a member of are men who are leaders in the councils of the Five Tribes. I refer to Mr. Paschal, of Tahlequah, who is a member of this executive committee and chairman of one of the Oklahoma City single statehood conventions—the last one that was held; also Mr. Johnson, of Chickasa. Of that committee of twenty, at least five are men who are prominent in the affairs of the Five Tribes—men who have been legislators, men who stand high in every respect in that Territory. I believe they represent the true sentiment of the people of the Five Tribes.

I want to say as to the blanket Indian—the Snake band of the Creeks and the Keetonah band of the Cherokees—they are the only remaining portion that could possibly be classed as being the kind of Indians we have in Oklahoma Territory. The others are classed in the report of the Dawes Commission, that I think has been made in the past few days, as having only a tincture of Indian blood, and being white men in all respects and in every way entitled to self-government as men could be. When I oppose the bills that are pending for a delegate, I say that it would delay statehood, in my mind, because it would tend to create another autonomy within the area of the two Territories.

Mr. LLOYD. What do you think about the question of right, as to the making of a single State and turning over to that State public institutions and public buildings which have been paid for by Oklahoma?

Mr. DOYLE. In response to that question I wish to state this: That the only public buildings Oklahoma Territory has are educational buildings. We have no State capitol. We have no penitentiary. We have no reform school for boys. We have no reform school for girls. We have no blind asylum and we have no insane asylum. Those unfortunates, under the conditions that exist there, are farmed out to corporations which are organized for the purpose of bidding to secure and care for and control that class of people. You will all remember the scandals incident to this system that have occurred there. It attained a national notoriety. It was in connection with the treatment of that class of people under contracts that had been made by the executive part of our Territorial government.

Possibly one of the strongest reasons that has developed for the necessity of those institutions—but the fact is that we have anticipated a union of both Territories as one State, and for this reason the legislative assemblies have always failed to agree to locate institutions of that character—and the only reason that has been urged is that it would be unfair to the part of the new State that is to be composed of the Indian Territory to permanently locate those institutions. We have a fund that now approximately amounts to one-half a million dollars derived from rentals of section 33 in the counties of the

Cherokee strip and the counties of Comanche, Kiowa, Caddo, and Greer, that has never been expended and which is known as the public-building fund. Those amounts were, under the provision of the original grant, to be devoted to public buildings of the Territory, and under the provisions of this act in the counties where they have been segregated. They have been segregated only in 11 counties of Oklahoma's 26.

Mr. LLOYD. You have a university, have you not, and some normal schools?

Mr. DOYLE. We have a university. The last assembly appropriated the money to rebuild the university. It is located right on the line, as I stated before, on the banks of the South Canadian River, where the river forms the boundary line between both Territories. Those institutions are educational institutions, and they are the only institutions that have been provided for thus far. Three of them are located east of what will be the center of the new State if both Territories are united as one State and will be as accessible in every respect to the Indian Territory as they are to Oklahoma Territory.

The CHAIRMAN. Will you kindly define the Cherokee strip?

Mr. DOYLE. Yes, sir. It is all north of that line [indicating on map].

The CHAIRMAN. Please put it in words so that it will be intelligible to those who may not hear you, if you can.

Mr. DOYLE. The Cherokee strip is composed of that part of Oklahoma—

Mr. LLOYD. Please give the counties, Mr. Doyle.

Mr. DOYLE. It is composed of that part of Oklahoma, as now constituted, included in the Osage Nation, Pawnee County, Noble County, Kay County, Grant County, Garfield County, Woods County, Woodward County, and five townships in Payne County. The Cherokee Outlet, so called, was added under the provisions of the organic act to Oklahoma Territory in 1893 by proclamation of the President.

It was a part of the Cherokee Nation; \$8,000,000, in round numbers, is the amount paid by the United States, as awarded by the Cherokee Commission in their agreement in behalf of the Government with the Cherokee Indians, for that land, and then it was added to the public domain. The most recent part that has been added to Oklahoma Territory is constituted in the counties of Caddo, Kiowa, and Comanche, which formerly was Kiowa, Comanche, and Wichita Indian reservations, but which have been recently organized as counties. I want to say to you, gentlemen, in regard to the question that arose as to the organization of the Indian Territory into counties, that in the light of our experience in connection with the counties that have been created in the Cherokee Outlet, that that experience has proven that you can organize counties in that country, as was done in that instance, where there was not a dollar's worth of taxable property, and where there was not a single inhabitant prior to the 16th day of September, 1893. To-day those counties stand as prosperous as any counties in the United States. The governor appointed the first set of county officials and everything started on that day.

Homestead land is not subject to taxation until after a patent has been issued by the Government, but we have progressed, and have made counties that are just as prosperous as any counties in the United States. The provisions of the Robinson bill provide that the 25 recording districts, which are tentatively counties, shall be treated as

counties for the purpose of electing members to the constitutional assembly, and shall so remain until at least the first meeting of the new State legislative assembly. The conditions there now are, as you all know, merely subdivisions of their population. They have railroads, they have homes, they have churches, and they have schools within their towns. They have all that would tend to make at the outset good counties.

Starting from the time the statehood bill passes under the provisions of this bill they are treated as a county subdivision of the State, their condition entirely different from the conditions existent in the Kiowa and Comanche country, where there was not a dollar of taxable property, and where the counties started out in 1901 with county officials appointed by the governor, and where they are to-day good, populous counties, getting along just as well as any counties in any part of the United States. I think, in the light of that experience, which has been observed by all in our Territory, that in these Indian reservations and in the organizing of municipal subdivisions of the Indian Territory there is no great problem that should deter any person from considering the provisions of this bill as being proper and beneficent in creating 25 new counties in Indian Territory, as defined now as recording districts.

The CHAIRMAN. I would like to get an idea as to the distances in relation to the line between Oklahoma and Indian Territory. The line begins on the north line and extends south to the north line of the Creek Nation how many miles?

Mr. DOYLE. Fifty-eight miles.

The CHAIRMAN. And thence extends west how many miles?

Mr. DOYLE. Thirty-six miles.

The CHAIRMAN. An thence south to what river?

Mr. DOYLE. To the North Fork and the Canadian.

The CHAIRMAN. And thence west along the North Fork and Canadian how far?

Mr. DOYLE. Sixteen miles.

The CHAIRMAN. And thence south from there how far?

Mr. DOYLE. Thence south 24 miles.

The CHAIRMAN. To what river?

Mr. DOYLE. The South Canadian; thence following the meanderings of the South Canadian River in a northwesterly direction to a point in the south part of Canadian County.

The CHAIRMAN. About how far would that be—how many miles?

Mr. DOYLE. About 80 miles.

The CHAIRMAN. And thence south?

Mr. DOYLE. Thence south to Red River.

The CHAIRMAN. About how far is that?

Mr. DOYLE. One hundred miles. It covers 16 townships, 6 miles to a township.

The CHAIRMAN. Have you finished your statement?

Mr. DOYLE. I have practically finished.

The CHAIRMAN. Is there any member of the committee who desires to ask Mr. Doyle any questions?

Mr. DOYLE. There is just one matter that I want to comment on at this time, and it will be taken up in the argument by my friend Havens. I want to say that in addition to what I have said regarding the treaties, that the treaty of the United States with France, or rather with the

French nation, the treaty of cession of the Louisiana Purchase, provides as follows in article 3:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and shall be admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all of the rights, advantages, and immunities of citizens of the United States. In the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

That is article 3 of that treaty, and all of what constitutes Oklahoma, except Beaver County, and Indian Territory are within the boundaries of the Louisiana Purchase. There, sir, is a solemn compact in a treaty of cession, a covenant with the French nation that the territory ceded shall be incorporated into the Union of the United States and admitted as soon as possible.

This clause in that treaty has been fully argued upon the floor of Congress—its import, its effect on this Government under the provisions of that treaty, when the United States admitted Louisiana as a State and when Josiah Quincy made his great argument against creating the new State. It has been argued and expounded in the creation of Arkansas as a State, and of Missouri, and of all the other States within the Louisiana Purchase, and no man has ever contended under the provisions of that treaty but what the right of statehood should be granted to subdivisions as made in this nation of that particular area of which I am speaking, with the one exception of the argument of Josiah Quincy, of Massachusetts, against the admission of Louisiana. Pursuant to that treaty, when the Indian Territory was segregated from that domain as it originally was, it was intended to create an Indian State.

That was the purpose and the intent in the treaty of 1854, which, if carried out—and it would have been carried out but for the civil war coming on—would have formed a federation of those Five Civilized Tribes, and the organizing of a Territorial government over what now constitutes Oklahoma and the Indian Territory at that time. I say that the treaty with the French nation is paramount to all these Indian treaties from the standpoint these gentlemen take, and that it was the obligation of this Government to maintain and carry out its treaties. I wish to call your attention to that. It should be considered by this committee, and that they ought to abide by the conditions imposed by the Federal Constitution, and imposed by reason of public policy, or on any theory that might be advanced here.

We have fourteen hundred thousand people there within the boundaries of those two Territories, and certainly we are entitled to all the rights, privileges, and immunities of citizenship in the United States. I say that when we ask it according to the provisions of the Quay bill and according to the provisions of the Robinson bill we take a ground that is absolutely indisputable when we claim that right, and no answer can be advanced as against our right. I want to say in conclusion that I thank you, gentlemen, for your kind indulgence and for the attention that has been given here to my argument, which I have made in my humble way. I think I have presented these points, and have brought them to your attention, which in the fulfilment of your duty you will carry out.

I would like you to read those cases that I have spoken of in the argument here, and the citations that I have made in the treaty matter. They are very fully discussed, and I believe it sets that particular

phase of the question at rest. I want you to consider the provisions of the Robinson bill. I want it considered particularly from the standpoint of chronology. It provides that the governor of Oklahoma Territory shall issue a proclamation on the 1st day of next August for the election of 150 delegates, 75 from each Territory, who shall be elected at the next general election. That obviates the holding of two elections, and we elect them at the time we elect the county officers and members of the legislative assembly.

It provides a scheme of government for the election in the 25 districts that exactly conforms to the provisions of our election law; that is, it provides for a minority representation. The governor shall appoint the election commissioners for each recording district which our law provides for each county, and not more than two of those election commissioners shall be of the same political faith; that is, it provides for minority representation. The duty of those commissioners shall be to divide those 25 recording districts into precincts. They shall make proclamation as to what constitutes the precincts, and shall name 1 inspector and 2 judges for each of those precincts, and that the election shall be held at the same time that we hold the general election. They shall also receive the nominations of all parties, and shall prepare the ballots.

It provides an appropriation for paying the expenses of that part of the election that is held in the Indian Territory. It provides that the constitutional assembly shall immediately convene upon the adjournment of our Territorial assembly. We have got to have another meeting of the assembly in Oklahoma, the appropriation for it has already passed the house to take up deficiencies in the matter of appropriations, and such things as that. Our assembly convenes on the first Monday in January, 1905, and continues in session for sixty days. That will take it up to the month of March, 1905. It provides that the constitutional assembly shall convene immediately following the adjournment of our Territorial legislative assembly, and that they shall sit sixty or ninety days to formulate the organic law for the new State, to formulate a constitution, and to submit that and such separate propositions and ordinances as in their wisdom they shall deem proper.

If they do not adjourn from the time of convening until the extreme limit of ninety days, that takes it up to the 1st of June, 1905. That only leaves from the 1st of June until the first Tuesday after the first Monday in next November to make the nominations for the various State officers, for the members of Congress that will be provided for, for the judiciary, the supreme court judges that the constitution will provide for, for a district judiciary throughout the State, and for county officers. Certainly that is a limited time within which to prepare to have those matters all presented to the people. It provides for an election for the ratification of that constitution and that the election of State officers and members of Congress shall be held one year from the next general election, that is, November, 1905. That will be about five months from the adjournment of the constitutional convention. And it provides that the State government, under proclamation of the President, shall take effect by January 1, 1906.

Mr. LLOYD. In other words, the Robinson bill embodies your views?

Mr. DOYLE. Yes, sir; it embodies my views. And I say to you that in taking up the matter of the passage of an act at this time we must at least expect to give not less than eighteen months or two years

from the time the bill becomes a law in order that the provisions of the enabling act may be properly carried out, and in order that the people may have a proper and reasonable time within which to understand the new duties and all the duties imposed by that enabling act. It can not be done earlier. For that reason there should be no delay beyond this Congress in the passage of the enabling act for the new State, because the last vestige of the Indian tribal government will end March 4, 1906. We simply will take up the government of the new State where the Indian government ceases, and under the Curtis Act and under the treaties that have been ratified since that time all the members of the tribal governments are made citizens of the United States and the allotments will have been completed.

The Dawes Commission say that their work will be completed not later than July 1, 1905, and for that reason the need and the necessity for action at this time by this Congress in the passage of the enabling act should be apparent and manifest to all. I hope, gentlemen, that you will view this matter in that particular light. While other people may say that it should be postponed to the next session, or to the session after that, I say now is the appointed hour. Now is the time at which we should have an enabling act to meet the conditions existent in our Territories. If you do not want to give us single statehood, if you do not want to unite these Territories as a single State, give us separate statehood for Oklahoma alone, without any infamous clause that those other people may be taken in, as has been said, by benevolent assimilation. There is no benevolence in it. There is no justice in it.

If Mr. McGuire wants two States, and can impress this committee with the wisdom of the position he takes, then give us statehood for Oklahoma Territory alone, and let the people in the Indian Territory work out their destiny as set forth by the delegate acts, or by my friend Judge Moon's act, that provides for the creation of the Territory of Jefferson. I say we require action now. The time has come when there should be action taken by the Congress of the United States either one way or the other. I prefer separate statehood rather than that infamous clause that is in the McGuire bill. Those people have rights, and we ought to respect them. I say to you that two-thirds of the people of Oklahoma Territory want one State upon an equality.

I hope, gentlemen, that if you in your wisdom deem it wise to report a bill emanating from this committee that you will report a bill on the lines of the Robinson bill. If a committee bill is to be reported I hope it will start with the provisions as set forth in the Robinson bill, with such conditions as you may deem wise. I want to say that the provision in the Quay bill, section 15, which provides for the alienation and taxation of all Indian allotments in the Indian Territory except homesteads, is one of the wisest provisions ever placed or sought to be placed upon the statute books. The people all demand it. The Indians themselves demand it. The future prosperity of that country is dependent on it. They want no red-tape circumlocution through the Departments in the sale and transfer of those lands.

The people are there to buy and the Indians, to a certain extent, want to sell, and the people want to purchase. They are there and are making homes, and they do not want to be hampered in the manner in which they have been. Those Indians are shown not to exceed 5 per cent of the

white men. They are able in every way to transact their own business, and that particular clause ought to be added to any bill formulated by the committee; that is, removing restrictions of sale for all lands in excess of homesteads, and making all lands in excess of homesteads subject to taxation from the time the State is admitted. It is just. It is wise. Then we will have the people of the Indian Territory subject, in respect of property, to the same taxation that the people of Oklahoma may be.

My friend, Mr. McGuire, will urge, possibly, that we have a greater taxable valuation. If that clause is added to the statehood bill the Indian Territory will have more taxable property than Oklahoma Territory, because we have within our borders 2,055,000 acres of public land for schools that is exempt from taxation for all time while owned by the State. We have 3,000,000 acres of public domain that has never been filed on and that is exempt from taxation until a patent may issue. There are 1,700,000 acres in the Osage Reservation exempt from taxation, and will be, of the Indian homesteads, for twenty-five years. We have in addition to that 10,000 Indian allotments of 160 acres each that are exempt from taxation, and the Ponca and Oto Reservation is exempt from taxation, and the big pasture reservation of the Kiowa-Comanches, amounting to 480,000 acres, is also exempt from taxation.

You will find from the last report of the governor of Oklahoma Territory, page 2, the fact that now, of our 24,000,000 only 7,000,000 are upon the tax roll. I say as a matter of right and as a matter of justice and as a matter of wisdom and good statesmanship, under the existing conditions in both Territories we having 10,000 Indian allotments of homesteads of 160 acres, inalienable and nontaxable for twenty-five years, that we need the Indian Territory as they need us. I hope that in your wisdom you will find that it is the part of good statesmanship in solving this great problem to make a favorable report upon the Robinson bill, or at least to report a committee bill along those lines, providing for one State for both Territories.

I want to say to you, Mr. Chairman, and to the members of the committee, that you will find that the people of Oklahoma Territory and of Indian Territory will always honor your names and revere your memory if you will do at this time what we believe is proper and right by our people, and grant them the inestimable right of self-government we have been patiently waiting for for years. Year after year we have knocked at the door of Congress for admission. The time for action has come. It can not be postponed. We do not want to be compelled to take measures such as the people of Michigan, Arkansas, and other States took, and which were criticised as being revolutionary in their methods. Our people now confidently anticipate their political freedom, and that this Congress will endow them with all the rights, privileges, and immunities of citizens of the nation.

It is the part of wisdom and statesmanship to direct and regulate by law the creation of the new State in all preliminary matters, and we have waited for Congress to do this. I sincerely hope, Mr. Chairman and gentlemen of the committee, that you will make a favorable report on the single-statehood bill, and I assure you that all the people of both Territories will appreciate your action and you will have the thanks and gratitude of all our people. In conclusion, I want to, on behalf of the people of Oklahoma Territory and the people of the Indian Territory, to thank you for the interest you have taken in their

cause and the patient indulgence you have exhibited toward myself and the other delegates who have appeared before you advocating the cause of single statehood.

I thank you, gentlemen.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 28, 1904.

The committee met at 10.30 o'clock a. m., Hon. Edward L. Hamilton in the chair.

Mr. ROBINSON. Mr. Chairman and gentlemen of the committee, there is a gentleman here who wishes to take a train to-day, and he signifies his readiness to proceed.

The CHAIRMAN. Very well. Mr. Doyle had the floor when we adjourned.

Mr. DOYLE. It gives me great pleasure to accommodate Mr. Geissler. He is my personal friend and has been for years.

The CHAIRMAN. You may proceed, Mr. Geissler.

STATEMENT OF A. H. GEISSLER, OF CARMEN, OKLA.

Mr. GEISSLER. Mr. Chairman and gentlemen of the committee, prior to the discussion caused by the omnibus bill introduced during the last session of the preceding Congress the people of the United States in general and even the members of Congress of the United States had given comparatively little critical consideration to the question of statehood for the remaining Territories. While the bill providing for the admission of New Mexico, Arizona, and Oklahoma was before your House and before the Senate the statehood problem was discussed in all its phases, not only by the members of Congress, but also by the press and by the people throughout the land. As a consequence much information was disseminated and many arguments were made and crystallized into ideas, and as usual there resulted a difference of opinion in many matters, as you gentlemen well remember; that during all this time no one ever questioned that Oklahoma is equipped and ready for immediate statehood and is entitled to the same.

The history of Oklahoma is one of wonderful achievements; fifteen years ago an uninhabited wilderness, to-day a prosperous commonwealth containing 700,000 people, with a less percentage of illiteracy and a greater average of intelligence and productive energy than can be found in any of the States of the American Union. Thousands have written of Oklahoma progress and development, many brilliant orators have praised her citizens, and poets have sung of the grandeur of Oklahoma, the pet of Congress and the pride of the nation; but the most eloquent of all was that silent compliment paid by the nation when, during all of last winter's discussion, no one denied that Oklahoma is ready and entitled to have a star on the flag.

This much being conceded, the next thing to consider is the details of an enabling act. The fixing of these lies with Congress, but since this honorable committee has asked the people of Oklahoma for suggestions and for their opinion, I have the honor to submit some reso-

lutions passed by the Republican county central committee and by a mass meeting of citizens of Woods County, a county containing 50,000 people, the most populous and the wealthiest county in Oklahoma:

To the Senate and House of Representatives of the United States:

This is to certify that in accordance with a call issued and published December 16, 1903, by the chairman and secretary of the Woods County Republican Central Committee a meeting of the said committee was held at Ingersoll, Woods County, Okla., on the 22d day of December, 1903, and at said meeting the following resolutions were proposed, discussed, and adopted by a unanimous vote of the said Committee, to wit: "Be it resolved, That we, the members of the Woods County Republican Central Committee, reflecting the views of the Republicans of this county, do hereby unequivocally indorse the Statehood bill introduced in Congress by our Delegate, the Hon. B. S. McGuire.

"Be it resolved furthermore, That we respectfully, but earnestly, petition the Congress of the United States to pass this bill at an early date, so that the people of Oklahoma may have the privileges and benefits enjoyed by States, the affairs of which are administered by the Republican party.

"Be it also resolved, That the chairman and the secretary of this committee shall prepare a suitable memorial embodying these resolutions, and that Arthur H. Geissler, as a member of the statehood delegation, be directed to present the said memorial to the proper committees of the Senate and the House of Representatives of the United States."

After the said meeting had adjourned a mass meeting was held and the said resolutions were proposed, discussed, and adopted by said mass meeting without a dissenting voice.

Respectfully,

C. E. McDANIEL,
Chairman Woods County Republican Central Committee.

C. P. GREEN,
Secretary Woods County Republican Central Committee.

Mr. ROBINSON. Have you stated from what body those resolutions emanated?

Mr. GEISSLER. I did; yes, sir. The resolutions so state.

Mr. ROBINSON. What was the territorial limit of the convention?

Mr. GEISSLER. The county of Woods. These resolutions were passed by the Republican county central committee.

Mr. ROBINSON. In what Territory?

Mr. GEISSLER. In the Territory of Oklahoma.

Mr. ROBINSON. And what proportion does it bear to the entire Territory in population?

Mr. GEISSLER. It contains one-twelfth of the population of Oklahoma.

These resolutions, while only purporting to contain the views of the Republicans and those in attendance at the mass meeting held subsequent to the meeting of the county central committee, do in reality represent the sentiments of the entire people of Woods County and the surrounding counties.

While, of course, I can not say what action the Democratic county central committee would take if this question were submitted to it, I wish to point out in corroboration of my statement that during the last session of our legislature the question of statehood was discussed in connection with a resolution pending before that body asking Congress for immediate statehood for Oklahoma with her present boundaries. The Democratic representative from my district, in explaining his support of this resolution, stated that he did support it because it represented the views of the people of his county without regard to political affiliations.

Mr. ROBINSON. Where was this statement made?

Mr. GEISSLER. On the floor of the legislature.

Mr. ROBINSON. What is the politics of the county?

Mr. GEISSLER. The county is normally Republican.

Mr. ROBINSON. What is the politics of the legislator who spoke?

Mr. GEISSLER. The legislator who spoke is a Democrat, Mr. McTaggart, and I am certain Mr. McTaggart would be glad to reduce those views to writing and submit them, because I know they are his views to-day.

Mr. ROBINSON. Did you have two legislators from that county?

Mr. GEISSLER. We had two representatives and one councilor.

Mr. ROBINSON. Were they all Democrats?

Mr. GEISSLER. No; two Democrats and one Republican. The two representatives were Democrats and the councilor a Republican.

Mr. ROBINSON. How did the other Democrat vote?

Mr. GEISSLER. I do not know.

Mr. ROBINSON. He voted against you, did he not?

Mr. GEISSLER. I do not know.

Now, gentlemen, if the Congress sees fit to admit Oklahoma without the Indian Territory, to admit Oklahoma with her present boundaries, the people of Oklahoma will, in my judgment, be satisfied. If Congress sees fit to admit Oklahoma with a proviso that the Indian Territory may be attached as soon as it is prepared for statehood, the people of Oklahoma will, in my opinion, be satisfied; but it is conceded that the Indian Territory is not ready for statehood at this time, and in fact it has been stated before this committee that Congress could not give statehood to Indian Territory at this time without violating treaties made with the Indian tribes. You gentlemen all know that Oklahoma with her present boundaries is entitled to statehood, and why, gentlemen, should it be withheld from us?

The CHAIRMAN. Mr. Geissler, could you specify wherein it is claimed we would violate treaties with Indians by associating the Indian Territory with Oklahoma as a State at once?

Mr. GEISSLER. I would suggest, Mr. Chairman, that the treaties be referred to, as I can not give their exact language.

The CHAIRMAN. I did not know but what you might be familiar with them. It is simply a suggestion made in that behalf.

Mr. GEISSLER. The point is, briefly stated, that the Government agreed that the tribal relations shall not be disturbed before 1906; in other words, that Congress will not interfere with their present government.

Mr. ROBINSON. Do you consider that there is a legal objection to the Indian Territory becoming a State?

Mr. GEISSLER. Mr. Chairman, I realize that the Congress of the United States has the power to ignore and override any compact which might have been or is made with any of the Indian tribes. Ours is the most powerful nation on earth, and we have the power to do a great many things, but not everything we can do and not everything we have the power to do is just and right.

The CHAIRMAN. We intend to be honorably powerful always as a nation, I believe?

Mr. GEISSLER. That has been the record of this nation.

Mr. ROBINSON. But you place your objection rather on the moral phase than on the legal phase—that the nation ought not morally to do it.

Mr. GEISSLER. In my opinion, Congress has not a legal right to give Statehood to the Indian Territory under the treaties referred to.

Mr. ROBINSON. They have, however, on a number of occasions taken the course of abrogating those treaties, have they not?

Mr. GEISSLER. Do you mean the Indians or Congress?

Mr. ROBINSON. Congress.

Mr. GEISSLER. Yes; that has been done.

Mr. ROBINSON. Do you know about how many times?

Mr. GEISSLER. It has been done very frequently.

Mr. ROBINSON. And since those treaties were made the Indians have been made citizens, and other legislation along such general lines has changed conditions somewhat, has it not?

Mr. GEISSLER. I can not state from my own knowledge what views the Indians have on the subject of statehood, but it is very generally conceded, while some people in the Indian Territory are in favor of the immediate admission of the Indian Territory, together with Oklahoma, if it can be lawfully so admitted, that the Indians are opposed to statehood in any form.

Mr. ROBINSON. Dealing with the moral phase of the question, you said, I believe, that Oklahoma desires separate statehood and would not object to the future incorporation of the Indian Territory as part of the State of Oklahoma at some future period. Would not this involve the formation of a constitution, the establishment of a seat of government, the acquirement of rights that only Oklahoma citizens would take part in and be the beneficiaries of, to the entire moral exclusion of all the people of the Indian Territory?

Mr. GEISSLER. As they say in court, if you wish me to answer yes or no, I should say no.

Mr. ROBINSON. No; answer in your own language, if you care to.

Mr. GEISSLER. The admission of Oklahoma at this time, with a provision that the Indian Territory may be attached, whenever it becomes necessary for statehood, would not necessarily mean the permanent location of State institutions or the State capitol.

Mr. ROBINSON. And about the formation of the State constitution by Oklahoma, to the exclusion of the people of the Indian Territory?

Mr. GEISSLER. The Indian Territory would certainly, under those conditions, not have the right to say what should be and what should not be in the constitution of Oklahoma until after Congress has decided that the Indian Territory is ready for statehood.

Mr. ROBINSON. Could Congress then determine that the whole matter should be opened up and the Indian Territory should participate in a constitution for the people of the State of Oklahoma?

Mr. GEISSLER. Congress would, in my opinion, have the right to provide, after the Indian Territory has been added to the State of Oklahoma, that then the constitution might be revised.

Mr. WILSON. Or resubmit it?

Mr. GEISSLER. Or resubmit it, or in fact that it shall be submitted to the people of the Indian Territory before they are so attached to Oklahoma.

Mr. ROBINSON. In other words, you claim that Congress has the power over the State of Oklahoma after its organization to dictate to the legislature along the line you suggest?

Mr. GEISSLER. No; I do not wish to be so understood. Congress would, in my opinion, have the right to require in the enabling act

that the constitutional convention of Oklahoma shall ordain irrevocably that the constitution shall be resubmitted.

Mr. ROBINSON. I have no further questions along that line.

Mr. WILSON. In other words, you think a condition precedent should be placed in the enabling act requiring an ordinance of the constitutional convention which would bind Oklahoma to submit the constitution to the new State when it is newly formed by the adding of the Indian Territory to it?

Mr. GEISSLER. I believe Congress would have the right to require that.

Mr. WILSON. As a condition precedent to her admission?

Mr. GEISSLER. Yes, sir.

The CHAIRMAN. Is there anything further you desire to say, Mr. Geissler?

Mr. GEISSLER. Nothing further, Mr. Chairman.

The CHAIRMAN. I want to make one or two inquiries. If you can remember it, state to the committee the population of Oklahoma now.

Mr. GEISSLER. The report of the governor, made to the Secretary of the Interior, shows that last spring we had a population of 650,000, but every one familiar with conditions in Oklahoma agree that the population has increased from 50,000 to 100,000 since last spring.

The CHAIRMAN. Of that population, how many are white?

Mr. GEISSLER. All but 27,000.

The CHAIRMAN. Of that 27,000, what proportion are Indians?

Mr. GEISSLER. There are 15,000 colored people and 12,000 Indians.

The CHAIRMAN. Now, as to the Indian Territory. As nearly as you can recall it, tell the committee what the population of the Indian Territory is.

Mr. GEISSLER. The population of the Indian Territory is estimated at 700,000.

The CHAIRMAN. Of the Indian Territory?

Mr. GEISSLER. Yes, the Indian Territory.

The CHAIRMAN. Out of this population how many are estimated to be white people, how many Indians, and how many negroes?

Mr. GEISSLER. There are ——— white people, — Indians, and — negroes.

Mr. Chairman, in partial explanation of the increase in the population of Oklahoma during this year, I want to say that the irrigation act passed by the preceding Congress has caused quite a flow of immigration toward the western part of Oklahoma.

Mr. THAYER. Why did this law you refer to affect the counties in the western part of the State any more favorably than any other counties?

Mr. GEISSLER. These counties are farther west, and while in most of them there are prolific crops in three years out of four, they would have no failures at all with irrigation.

Mr. THAYER. Does not that hold true in the other counties?

Mr. GEISSLER. The other counties are nearer the rain belt.

Mr. THAYER. I do not get your idea in answer to my question as to how it happened to affect those counties more favorably than the others.

Mr. GEISSLER. In the southwestern part of the Territory the rainfall is heavier, and the farther northwest you go toward Colorado the less the rainfall. Do you understand?

Mr. THAYER. I understand that, but I do not understand why people should go there to settle if there is less rainfall.

Mr. POWERS. I understand it is this way, Mr. Thayer. Having adopted the irrigation act, the land that is now arid at the foothills county will be made more fertile.

Mr. THAYER. I see. It is the anticipation.

Mr. POWERS. The anticipation of the water coming upon it. The section of the Territory he refers to is near the mountains where the irrigation will take place.

The CHAIRMAN. If there are no further questions to ask Mr. Geissler we will proceed with Mr. Doyle.

Mr. THAYER. Do you believe in a single State of Oklahoma alone being admitted, or in connection with the Indian Territory? I was not here, and perhaps you have explained that.

Mr. POWERS. He is for single statehood, or for a statehood with the Indian Territory at some future day.

Mr. THAYER. Then, you are for single statehood now? Would you prefer that we report a bill here letting in Oklahoma alone, or in connection with something else?

Mr. GEISSLER. In my opinion the people of Oklahoma will be satisfied if Oklahoma is admitted either with or without a proviso adding the Indian Territory at a later day. Of course there is a difference of opinion, but either one of these plans would, in my opinion, be satisfactory to the people of the Territory.

Mr. THAYER. But you would not want to be joined to the Indian Territory at once?

Mr. GEISSLER. As I have pointed out before, under the treaties with the Indians, the Indian Territory could not be admitted at this time, and we feel that we should be admitted to statehood at this time.

COMMITTEE ON THE TERRITORIES,
Friday, January 29, 1904.

The committee met at 10.30 a. m., Hon. E. L. Hamilton in the chair.

The CHAIRMAN. Mr. Morgan, you may proceed.

STATEMENT OF MR. DICK T. MORGAN, OF ELRENO, OKLA.

Mr. MORGAN. Mr. Chairman and gentlemen of the committee, my friend, Mr. Doyle, has kindly consented to allow me to speak at the present time on account of the fact that I want to leave the city to-night for at least a week or so. I certainly appreciate this kindness on his part, and personally I think Mr. Doyle is one of the best men in Oklahoma, but I think he is very much off on this question of statehood.

Mr. Doyle suggested that I comment on one feature of the McGuire bill which relates to certain school lands in the Kickapoo Reservation, and, for fear I may forget, I shall say a word on that point.

The Kickapoo Reservation is a very small reservation in the southeast part of Oklahoma. It was opened to settlement in 1895, I think. It is in the southeastern part of Lincoln County mostly, just about a quarter of a county. The point that Mr. Doyle has reference to is the claim that the McGuire bill does not confer upon the State to be organ-

ized certain lands in the Kickapoo Reservation, known as indemnity school lands. There are 101,000 acres of the lands in the Kickapoo Reservation which have been selected by the Territory as indemnity school lands, in lieu of sections 16 and 36, alleged to have been lost in the Osage Reservation.

The CHAIRMAN. What do you mean when you say that these sections were lost in the Osage Reservation?

Mr. MORGAN. The organic act creating the Territory of Oklahoma declared in substance that sections 16 and 36 should be reserved for public schools of the State to be organized in the future. Sections 16 and 36 in the Osage Reservation were occupied by the Osage and Kaw Indians. The Osage and Kaw Indians have patents for those lands similar to the title held by the Five Civilized Tribes in the Indian Territory. The other Indian tribes in Oklahoma only held by Executive order, you might say, and never had any patents. Consequently the United States has, through various treaties, opened the surplus lands to settlement under the homestead law. The Osages, however, hold their lands in common by patent and, of course, will have no surplus.

Their lands are held in common and will be divided pro rata, or at least according to their value, among the entire tribe. Consequently, there were no 16 and 36 in the Osage Reservation for the schools. Now, the Territory of Oklahoma claimed the right, under a subsequent statute, prior to the time the Indian lands were opened to settlement, to select in advance of the opening lands in lieu of such lost lands. Consequently, the Territory, a few days or a week before the Kickapoo lands were opened to settlement, through an alleged agent, selected over 100,000 acres of that reservation as indemnity school lands for the alleged loss of sections 16 and 36 in the Osage Reservation.

It happened that the proclamation issued by the President had a schedule of lands attached, providing what lands should be opened to settlement. This schedule included the 100,000 acres, described by quarter sections, which were afterwards selected as indemnity school lands, the Territory having made the selection between the time the proclamation was issued and the date the lands were opened to settlement. Homestead settlers, believing the lands were open to settlement, selected them as homesteads, settled upon them, and made their applications to enter the same. Those applications were taken to the Secretary of the Interior and finally rejected on the ground that the lands belonged to the Territory. These homesteaders have persisted in their claim that those lands were homestead lands and that their title is higher than the Territory's.

In other words, they questioned the title of the Territory to those lands, and only a short time ago I was employed as counsel by some 250 of those homesteaders. Although the case had been decided some five years ago against the homesteaders, I was employed recently to secure a rehearing on that question, and about three months ago I filed a motion for review, with my argument in support thereof, before the honorable Secretary of the Interior. He has granted a reopening of that case; that is, he has granted an argument, which is to take place on the 10th of February.

I did not intend to refer to this at all, but Mr. Doyle, knowing that I was interested as an attorney for these people, said he was going to refer to it. Of course he will ask this committee to amend the

McGuire bill so as to confirm those indemnity lands to the State regardless of the rights of the homesteaders. I am very glad that he made the suggestion, although I should not have referred to it at all. In the first place, gentlemen, I doubt whether Congress even could pass an act that would take those lands away from the homesteaders.

Mr. DOYLE. With the permission of the chairman, I would like to ask if it is not a fact that the occupants upon those lands since 1895 have all been tenants of the Territory and are paying rentals to the Territory?

Mr. MORGAN. Yes; that is a fact.

Mr. DOYLE. And that the McGuire bill does not regrant or reserve those lands?

Mr. MORGAN. That is a fact, as I understand it. Now, if the gentleman from Oklahoma will come up to the office of the Assistant Attorney-General for the Interior Department on the 10th of February and hear my argument, I think I can convince him that the Territory has no more right to those lands than it has to the ground upon which the Capitol rests to-day.

It certainly would be an improper thing for this committee to try to defeat the rights of those homesteaders, and it would be an improper thing for the Delegate from Oklahoma to put a clause in his statehood bill that would interfere with the legal rights of 500 homesteaders in Oklahoma. If Congress desires to give the State of Oklahoma indemnity school lands, it has a perfect right to do so, but it would certainly be improper for Mr. McGuire or this committee or for the Congress of the United States to now undertake to legislate and thereby take lands away from homesteaders, lands which legally belong to them. The condition of those lands depends entirely upon the rights of those homesteaders at the day they entered thereon, staked the ground, and built their houses. We do not claim any subsequent right and certainly this committee will not undertake to amend this bill so as to help the Territory to take from 500 homesteaders lands which belong to them as legally, in my judgment, as any lands that are held by any homesteaders in Oklahoma or any other State or Territory in this Union.

Mr. DOYLE. Have not the various courts held that the selection was properly made by Mr. Harvey and that the Territory had the right to those lands?

Mr. MORGAN. No, sir. The question involved in the selection of the indemnity school lands in the Kickapoo act has never been passed upon by any court in Oklahoma; never, sir. There have been various cases involving indemnity school lands, but these cases have involved different questions from those involved in the Kickapoo lands.

The CHAIRMAN. I can see that this is an open question as between you two gentlemen, and the committee will be glad to hear the argument as to this question, but it would seem, until a review is granted, that the question could be considered as closed. However, the committee will be very glad to hear your argument, because it may throw some light upon what the committee may desire.

Mr. MORGAN. The Secretary has opened the case for argument and has set it for the 10th of February. If the committee at any time thinks of amending the bill so as to help the Territory to get those lands, of course I would like very much to be heard upon that point.

However, this is a legal question which is in no way involved in what we have before us here.

The CHAIRMAN. Proceed with the main question.

Mr. MORGAN. Yes, sir; I have reduced to writing what I desire to say simply because I want to be as brief as possible, and I thought that would be the best way.

The bill under consideration provides for the admission of Oklahoma as a State in the Union, and requires, as a condition of admission, that there shall be placed in the constitution a clause giving Congress the authority and power to add in the future any portion or all of the Indian Territory to the State of Oklahoma.

In my humble judgment, this committee should make a favorable report on this bill. The measure should pass both Houses of Congress, receive the approval of the President, and become a law at the earliest possible moment.

I was not born in Oklahoma, but I witnessed the birth of Oklahoma. I have lived in the Territory since the memorable April 22, 1889, when the first strip of land was opened to settlement. I am proud of Oklahoma. I am sincerely attached to the people of this Territory. I would not advocate any measure unless I believed the same had the approval of the majority of the people, and in the end would serve the best interests of all. I believe that Oklahoma is entitled to statehood—to immediate statehood. Therefore, I have come more than 1,500 miles, at my own expense, hoping that I might possibly contribute something toward securing the legislation desired by the vast majority of our people. My first duty—after loyalty to the Nation—is to the commonwealth of which I am a citizen. I am not a citizen of the Indian Territory. I am, therefore, not here to look after the interests of the citizens of that section.

I shall say nothing, however, to reflect upon the people of the Indian Territory. The people of Oklahoma wish the people of the Indian Territory well. The people of the Indian Territory will not expect us to sacrifice our own rights and interests for their benefit. In my experience as an attorney I have observed that when I have a good case I generally win, that when I have a poor case I am very apt to lose. With this thought in mind, I naturally have great confidence in the cause now pending, for Oklahoma has a good case. On her side is the law and the evidence, all precedent, and every equity in the case. Some of the States have a statute authorizing the courts, on petition and proper showing, to change the name of a citizen.

There being no court of competent jurisdiction to act, Oklahoma comes before the supreme legislative body of the land and asks that her name be changed from the Territory of Oklahoma to the State of Oklahoma. This brings me to a discussion of my first proposition, which is as follows:

I. Oklahoma is now a State in everything but name and the rights and privileges which go with it.

If the above proposition be true, there should be no question as to what action this committee shall take.

What constitutes a State in the Federal Union? There must be: (1) area, (2) population, (3) adequate resources, (4) laws, (5) organized civil government, (6) educational and other institutions. Oklahoma possesses all these requisites of a State in full and rounded measure.

(1) *Area.*—Oklahoma meets the requirement as to area. Within her borders are 38,958 square miles of territory. Fourteen of the States of the Union, viz, Arkansas, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, Maryland, Maine, South Carolina, West Virginia, Minnesota, New Jersey, and Indiana, each have a smaller area than Oklahoma. Six of the States represented on this committee, viz, Connecticut, Indiana, Maryland, Massachusetts, Maine, and Rhode Island, each have a smaller area than Oklahoma. As was asserted by Mr. Clark, Oklahoma area is larger than the combined area of the following States, viz, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, and Vermont. No one can truthfully assert that these smaller States have ever been a source of danger to this Government. Aye, search the history of the past and you will find that these smaller States have furnished many of the brightest, most influential, and most illustrious characters which have ever occupied seats in our National Congress. Large area does not make a great State. Remember that the most valuable and precious articles are put up in small packages. But, gentlemen, when we point to the fact that there are now in the Union 14 States with less area than has Oklahoma; does this not end all controversy? Why will gentlemen persist in arguing that 38,958 square miles is not large enough for a State when nearly one-third of the States of the Union have less area.

My friend who opposes statehood for Oklahoma seems to think there is something in the Constitution which provides that the States in the West shall be larger on the average than the States in the East. I know nothing of such provision. More than this, it is not square miles which count. The important factor is the nature and character of the country included in the area. The comparison made before this committee, between the area of Oklahoma and certain Western States is fallacious. Many of these States are mountainous and in the arid region. The greater part of this area is, therefore, useless and worthless because not habitable, or will not produce anything to support a population. Even this comparison made with Kansas and Nebraska is not a fair one. After a trial of over forty-two years, one-third of Kansas is yet sparsely settled. It is much the same in Nebraska. In considering the area of a proposed new State you must look beyond the number of square miles and investigate the character of this area. One illustration will demonstrate that I am correct. There is the State of Nevada, admitted into the Union October 31, 1864. It has an area of 109,901 square miles, and yet in 1900—forty years after it became a State—had a population of only 42,335. One county in Oklahoma—that of Woods—situated in the northwestern part of the Territory, has a greater population than this State, with an area of over 100,000 square miles.

My friend who opposes statehood for Oklahoma wholly fails to grasp the grand possibilities of Oklahoma. As an agricultural region Oklahoma is absolutely unequalled. In no State in the Union can there be successfully produced so great a variety of agricultural products. We are not looked upon as a manufacturing country, and yet the United States census of 1900 shows that our manufactured products for 1899 were valued at over \$7,000,000.

Oklahoma should be compared to the Central West rather than to the arid mountain regions of the country. Exclude Texas, which all

admit is too large, and the States in the mountain region of the West, and the average area of the remaining 35 States is about 41,000 square miles. This demonstrates that Oklahoma's area is just about the average of those States in the Union, excluding those where the larger portion of the area is nonproductive and uninhabitable. Oklahoma virtually has no waste land. The great variety of our agricultural products compensates for any lack of manufacturing industries. However, those who belittle Oklahoma will in ten years from now be surprised at what manufacturing interests will be developed.

These suggestions certainly fully answer the assertion that Oklahoma's area is insufficient.

But it is said that Oklahoma's boundary line is irregular, and this is urged as a reason why Oklahoma should be denied admission. The boundaries of every State in the Union are more or less irregular, and no one can show that a single evil consequence has followed. The people of the State I am sure will fare well if there is nothing there irregular or crooked but the boundary line.

2. *Population.*—Every State must have population. There must be a sufficient number of people, and of the right kind of people. Oklahoma meets both requirements. Her population is not less than 650,000. One-third of the States of the Union have a less population. Admit Oklahoma as a State into the Union, and when the census of 1910 is taken, she will have over a million inhabitants. This is not an extravagant prediction. With the allotment of the lands in the Osage and Kaw nations; the opening to settlement of the Otoe and Missouri lands; the occupation of the pasture reserves in the old Kiowa-Camanche country; with the opening and building of the hundreds of new towns and cities on the thousands of miles of railroad yet to be constructed; with the settlement of Beaver County, which is now rapidly going on; with the further growth of our present towns and cities, and the natural increase of population, Oklahoma, I repeat, before 1910 will have more than 1,000,000 inhabitants. (Par. 9.)

Every State in the Union is represented in Oklahoma's population. Kansas furnished the largest number, 63,341; Nevada the smallest number, 22. Missouri, on the northeast, sent to us 47,238. Texas, the great empire State on the south, sent us 33,626 of her sons. Illinois came next with 27,255. The great State of Ohio contributed 15,049 of her sons. The Hoosier State gave us 17,351; Kentucky, 11,715; Tennessee, 11,768; Arkansas, 11,739; Nebraska, 9,146; Pennsylvania, 5,709; New York, 4,035; Alabama, 4,077; Virginia, 3,689; Mississippi, 3,939, and Michigan, 2,592. The fourteen States represented on this committee gave to Oklahoma 157,522 of her population, as shown by the census of 1900—more than one-third of Oklahoma's population at that time. Oklahoma has not been entirely selfish. Having received largely from the States, she has sent her sons into all sections of our country. The census of 1900 found over 10,000 native Oklahomans in the States of the Union. Though Oklahoma had been opened to settlement but ten years, the census of 1900 found native-born Oklahomans in every State of the Union except in Delaware. In view of this fact Oklahomans naturally take an optimistic view of the future of this country, believing these native-born Oklahomans will prove to be the "little leaven" that will leaven this whole lump of our 80,000,000 of people.

As to the character of our citizens the census of 1900 speaks for us. Of all the white persons over 10 years of age in the United States 6.2 per cent are illiterate; in Oklahoma of this class only 2.9 per cent are illiterate. The white persons over 10 years of age in 34 of the States show a larger per cent of illiteracy than does the same class in Oklahoma. There are 14 States represented in this committee, viz: Arkansas, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Maine, Missouri, Michigan, New York, North Dakota, Rhode Island, Tennessee, and Texas. The white persons over 10 years of age in each of these States show a larger per cent of illiteracy than is shown for the same class in Oklahoma. The same is true of all white persons over 21 years of age. Of persons between the ages of 15 and 20 in Oklahoma a larger per cent were attending school than were of the same class in any of the same 14 States.

But one State in the Union—Kansas—had in 1900 a larger per cent of its inhabitants between the ages of 15 and 20 attending school.

3. *Organized civil government.*—In every State there is an organized, fully equipped civil government, with a complete set of officers, extending from the chief executive down to the school and road district officers—Oklahoma has such officers. The machinery of her government, including Territorial government, county, city, township, and school-district government is complete and in full operation. In the orderly and systematic manner in which this machinery moves she is not excelled by any State in the Union.

4. *There must be laws.*—Every State has a code of laws which define the duties of public offices; guards the rights of persons and property; defines crimes and misdemeanors; provides for courts, and, in brief, a code of laws upon which the government rests. Without these laws there can be no State. Here, again, Oklahoma meets the requirement. No State in the Union has a more complete code and collection of statutory laws. Every right can be secured, every wrong remedied, and these laws are as well enforced as are the laws of any State in the Union. Indeed, the people of Oklahoma respect the law, whether that law is one of their own enactment or one which is enacted by the Congress of the United States.

5. *State must have resources.*—A State must have resources from which support can be drawn. Oklahoma is not wanting in this respect. By the assessor's returns Oklahoma's wealth exceeds \$84,000,000, and by actual count her wealth exceeds \$300,000,000. In proof of this statement I point to her annual agricultural products of 40,000,000 bushels of wheat, 60,000,000 bushels of corn, 220,000 bales of cotton, and other farm products worth \$80,000,000; to her 2,000,000 head of live stock, valued at \$50,000,000; to her 2,500 miles of railroad, worth \$50,000,000; to her 310 banks, with \$20,000,000 in deposits and \$28,000,000 in resources; to her annual manufactured products, valued at \$7,000,000; to her rich and fertile farms, valued by the latest United States census at \$179,000,000; to her magnificent cities, prosperous towns and villages, and vast local trade and internal commerce.

The value of the domestic animals in 28 States of the Union is less than the value of such animals in Oklahoma. Thirty-four—over two-thirds—of the States of the Union have a less number of cattle than Oklahoma. This list includes 10 of the 14 States represented by this committee. Twenty-four of the States have a less number of acres in farms. Twenty-nine of the States produce a less number of bushels

of corn. Twenty-six States produce a less number of bushels of wheat. Oklahoma produced more wheat in 1903 than the entire product of 21 States of the Union, as shown by the census of 1900. As bread is the staff of life, Oklahoma may well be proud of the fact that she is doing more to feed the people of the United States than is being done by the combined effort of 21 States. Next to bread as an article of food comes beef and in furnishing this article of food for the people of the United States Oklahoma does more than any one of 34 States in the Union. Oklahoma also produces large quantities of cotton, and is, therefore, a factor in clothing this nation.

6. *Institutions.*—In every State there are institutions for the education of the people, for the care of the unfortunate, and for the punishment of the vicious. Oklahoma is not found wanting in this particular. While Congress has prohibited her from erecting public buildings, except educational institutions, she has provided for the keeping of her prisoners in a neighboring State, and through a contract with private parties cares for her insane and deaf and dumb. In her educational institutions Oklahoma is hardly surpassed by any State. A competent judge has said that Oklahoma's free public school system is the best in the world. You can see undeniable evidence of the intelligence and good citizenship in Oklahoma in her 2,300 free public schools; in her high schools and denominational colleges; in her normal schools, agricultural and mechanical college, and in the Territorial University; in the work of her 2,500 public school teachers; in the 3,000 students in her higher institutions of learning; in the million of dollars spent annually in support of public education; in her 1,000 churches, and in the million dollars already invested in church property.

Mr. Chairman and gentlemen of the committee, these things to which I have called your attention demonstrate my first proposition that Oklahoma is a State in everything but in name and the relation she bears to the Federal Government. Having done this, why should there be delay in admitting Oklahoma as a State into the Union? This leads us to a consideration of the question of whether Oklahoma shall be admitted as a State under the bill now under consideration or shall be brought in as a State with the Indian Territory. This is the question upon which there is some division of sentiment in Oklahoma as well as in the Indian Territory. Laying aside all selfishness and political considerations there are certainly some matters which will lead to a correct conclusion.

INDIAN TERRITORY DOES NOT MEET THE REQUIREMENTS.

My first proposition is this: The Indian Territory fails to meet at least three of the requirements for statehood.

In discussing the qualifications of Oklahoma for statehood we found that there were six general requirements, viz, area, population, organized government with officers, a proper code of laws, adequate resources, and institutions in keeping with the age in which we live. We found Oklahoma met all these requirements. Not so with Indian Territory. Admitting she has the area, population, and resources, she fails to meet three of the requirements, viz, she has no organized civil government with officers, no code of laws, and no educational and other institutions such as are found in the States of the Union.

The Indian Territory, measured by recognized standards, is found wanting. Unlike Oklahoma, it can not be said of the Indian Territory she is a State in everything but name. Will Congress ignore all precedent and admit the Indian Territory as a State, without requiring it to go through the preparatory and probationary period which leads to statehood? Before a Territory is admitted, before the enabling act is passed, the Territory should come fully equipped and prepared. Every State which has been admitted into the Union has been required to go through the preparatory stage—the probationary period.

Mr. RODEY. How about California? It came into the Union under a military form of government.

Mr. MORGAN. That was an exception. I suppose the exception proves the rule.

Mr. RODEY. I simply called your attention to it.

Mr. MORGAN. I think that exception was more in name than in theory.

If the Indian Territory is not prepared to come into the Union separately, it is not prepared to come in with Oklahoma. Conceding, as everyone must, that the Indian Territory lacks three of the important requirements of statehood, is it not unjust to Oklahoma to unite her with a Territory that lacks the qualifications of statehood?

SINGLE OR DOUBLE STATEHOOD NOT IN ISSUE.

The question of single or double statehood for the two Territories is not in issue.

The gentlemen who oppose the bill under consideration proceed on the theory that this bill provides for permanent separate statehood for Oklahoma. Such is not the case. This bill contains a provision giving Congress the right to add the Indian Territory to the State of Oklahoma. The question of single or double statehood, by the provisions of this bill, is specifically deferred for future consideration and action. The question of what shall be the ultimate destiny of the two Territories is not before this committee at this time. Therefore the entire argument presented in opposition to this bill is devoted to proving a proposition which is not involved at the present time.

Under the terms of this bill an argument in favor of uniting the two Territories in one State is immaterial and irrelevant. Those who oppose this bill should confine their arguments to attempting to prove that Oklahoma should be compelled to wait until the Indian Territory is prepared, because the real question involved is this, Shall statehood for Oklahoma be postponed until the Indian Territory is prepared for statehood? We insist that one of the chief virtues of this bill is that provision which leaves the question of the final disposition of the Indian Territory to the future wisdom of the Congress of the United States.

Mr. LLOYD. You understand that there is another bill pending before the committee?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. Do you understand that we are considering the whole question together? If you do not, you may as well understand it now, because that is the fact.

Mr. MORGAN. The point I make is this: The other bill before the committee provides that statehood shall not come until 1906. The point I make is that the real question is, Shall Oklahoma wait for two

years for statehood? That is what I mean by the assertions I have made. The bill which is before this committee provides that we shall not have statehood until 1906, so that their proposition, gentlemen, is that Oklahoma shall wait two years for statehood.

Mr. POWERS. While undoubtedly we are taking into consideration both bills—and I think that the gentleman from Missouri is exactly right—the Quay bill has never been referred to this committee.

Mr. LLOYD. There is the Robinson bill, which includes the two in one.

The CHAIRMAN. The Robinson bill is practically the Quay bill.

Mr. POWERS. You speak about deterring you for two years under the bills mentioned here. From your statement about how well you are getting along in comparison with the other States—you seem to be getting along splendidly—would you then keep the Indian Territory from having some civilized government and have Oklahoma adopt a constitution by her people and afterwards incorporate them without a voice in the constitutional law? Would that be in line with your sentiment?

Mr. MORGAN. My position is this: Oklahoma is not only now but for at least six years has been entitled to statehood. Whatever achievements have been made by the people of Oklahoma, whatever property they have acquired, whatever institutions they have founded have been built by individual effort, industry, and intelligence.

Mr. POWERS. And the munificent support of the United States, larger than the donations ever received by any other Territory?

Mr. MORGAN. Oklahoma has received no donations of land, so far as the people are concerned, the individuals, except as has been extended to every Western State. Congress has been liberal to Oklahoma, and in passing the free-homes act it did a brave thing, but yet nothing but what was necessary to place our people upon an equal footing with the people of Dakota, Kansas, and other Western States.

Mr. POWERS. Did you not get a greater benefit in the value and fertility of the land granted to you and the extent of it? Forming Oklahoma into a separate State, would you deny to the Indian Territory the right to form a constitutional government by this act, the corporation of the Indian Territory body politic into your State, or could it be done afterwards by an act of Congress?

Mr. MORGAN. The people of Oklahoma ought not to be required to bear the burdens of the people of the Indian Territory, and it is unjust for Congress to require it.

Mr. LLOYD. But would the Indian Territory be treated fairly by being incorporated either in whole or in part in the State of Oklahoma after you had formed your organic law?

Mr. MORGAN. Of course, the Indian Territory can do as it chooses, but my judgment is that Congress should do the best it can for the Indian Territory, and that Congress should give to the Indian Territory a government within the next sixty days.

Mr. LLOYD. You misapprehend the question. After Oklahoma is formed into a State could any portion of the Indian Territory be incorporated?

Mr. MORGAN. Certainly; and if the people of the Indian Territory saw fit to come into Oklahoma under that act, there would certainly be nothing illegal.

Mr. LLOYD. But would it not require the consent of the people of Oklahoma?

Mr. MORGAN. We express our consent in this bill.

The CHAIRMAN. I want to call your attention to a provision in the McGuire bill, found on page 4, beginning at line 16:

That the constitutional convention provided for herein shall, by ordinance irrevocable, express the consent of the State of Oklahoma that Congress may at any time, or from time to time, attach all or any part of the Indian Territory to the State of Oklahoma, and the title to said lands in said Indian Territory is extinguished.

By that it is intended that Congress shall have the power to attach from time to time, in its discretion, the whole or any part of the Indian Territory to Oklahoma, and that Oklahoma shall give its consent in advance. I understand that as your position?

Mr. MORGAN. Yes, sir. I will say further that I did not see anything in the way of putting even an amendment to that, as was suggested yesterday, whereby a new constitution should be adopted in case the entire Indian Territory at any time was attached to Oklahoma.

The CHAIRMAN. That would answer in part the suggestion which has been made, because Oklahoma, in that case, would be compelled to give its consent in advance that Congress should act in the premises.

Mr. ROBINSON. You think there is no illegality in that it forecloses the sovereign right of the State to reject subsequent to its being done?

Mr. MORGAN. I think not. I will state this, that the provision of this bill which has just been read by the chairman and the other provision, providing for a new constitution in case the entire Indian Territory is added at any one time, answers, to my mind, the strongest argument that is made in favor of holding Oklahoma back until the Indian Territory is admitted, even if you desire, finally, single statehood.

Mr. LLOYD. What is the purpose of putting that clause into the bill if Oklahoma is really now entitled to statehood?

Mr. MORGAN. The purpose and object of that clause, as I understand it, was that we recognize in Oklahoma that there has been a difference of opinion in regard to what should be done. Oklahoma has maintained for six or eight years that she was entitled to statehood, and, therefore, we have left that question to be decided for the future. We have been willing to put that in our constitution in order that we might proceed with our rights under statehood and let the Indian Territory be added whenever the Indian Territory was ready, if in judgment and wisdom of Congress it was thought best and wise to do so.

Mr. LLOYD. On the other hand, is it not a settled proposition if you can get Oklahoma admitted by itself without that clause? If Oklahoma is admitted by itself without that clause in the bill then you will never be bothered again with the question of the Indian Territory, but if the clause is left in the bill, then it is a mooted question until the matter may be settled ten, twenty, or fifty years from now.

Mr. MORGAN. Yes, sir.

Mr. LLOYD. Is it not better to leave that clause out and to stand on your rights that Oklahoma is entitled to statehood, as you have undertaken to show in your eloquent argument?

Mr. MORGAN. We have not thought it best or wise because we have some difference of opinion among ourselves and there was some difference of opinion in Congress all the time, and in deference to that we thought it wise to leave that question open.

Mr. LLOYD. Is not the real difference in Congress, the real difference at your home; that is, the question of single or double statehood? Is not that really the difference between your people at home?

Mr. MORGAN. Yes, sir; we differ on that some.

Mr. LLOYD. Your argument has been to the effect that Oklahoma is now entitled to statehood?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. Without reference to the Indian Territory?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. Why do you not make your bill correspond to that view?

Mr. MORGAN. We have done this with a view to getting a majority in Congress to vote for it.

Mr. LLOYD. Then it is not what you really want?

Mr. MORGAN. Yes, sir; the bill is just exactly what we want.

Mr. LLOYD. You say you put it in in order to get the votes?

Mr. MORGAN. Of course, I did not mean that in any improper way. We recognized the difference of opinion here.

Mr. LLOYD. In that connection we want to get at what you want. I think every member of the committee wants to know what you really want?

Mr. MORGAN. We want just what the McGuire bill provides for.

Mr. LLOYD. Then you want that clause in?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. If you were urging the bill yourself and were getting just what you wanted, without reference to whether it would get votes, would you leave the clause in?

Mr. MORGAN. Personally, I would not. My view from April 22, 1889, up to the present time is that Oklahoma should be a State alone, now, henceforth, and forever; but, on the other hand, being so anxious for statehood I have recognized all the time that there were many people, perhaps, better posted or wiser than I, at least people in much higher authority, who believed that those two Territories ultimately should make one State, and consequently I have always been in favor of a bill like this being supported and passed in good faith, and it would be carried out in good faith by the people of Oklahoma.

Mr. SPALDING. You do not believe that this provision of the bill would impose upon the people of Oklahoma any such serious hardship, but that it would be better to have it on and be admitted now than it would be to take the chances in the future of getting in only what is now Oklahoma?

Mr. MORGAN. Yes, sir.

Mr. SPALDING. In other words, the hardships would be small as compared with the hardships of still remaining a Territory, in your judgment?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. According to the newspaper report as to whether you shall have single statehood or double statehood, it is said to be agreed upon by the Republicans of the committee of the Senate that the two shall be combined together.

Mr. MCGUIRE. That has been denied by the chairman of the Committee on Territories in the Senate.

Mr. MORGAN. I do not understand that there is anything settled until settled right.

Mr. LLOYD. That is exactly the point; what is right?

Mr. MORGAN. The McGuire bill.

Mr. LLOYD. You have said that it has been conceded that the McGuire bill is a compromise bill?

Mr. MORGAN. Compromises are generally the right things at the time.

The CHAIRMAN. I understand Judge Morgan's position is that Oklahoma would rather come in with the Indian Territory proviso than not to come in at all.

Mr. LLOYD. That is right; but his real position is that he wants Oklahoma to come in by herself without that proviso, and the only reason he agrees to it is because he thinks it would be more popular with the House and Senate.

Mr. ROBINSON. I would like to ask as to whether you think that an enabling act passed should embody this provision or a similar provision of law:

That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, nor shall any educational qualifications ever be imposed on the right of suffrage.

If you have given study to the subject and are ready to answer, I will ask you to answer two propositions: First, as to your opinion on the right of Congress to bind a sovereign State in that form, and, second, as to the propriety of such a provision.

Mr. MORGAN. I have not given that subject any thought. I am willing to take statehood with or without it.

Mr. ROBINSON. Pass the question then.

The leading arguments presented in favor of combining Oklahoma and the Indian Territory in a single State will now be considered.

First. It is asserted that Oklahoma has no coal, and that in order to control transportation charges the Indian Territory and Oklahoma must be included in one State or otherwise the people of Oklahoma would be at the mercy of the railroad corporations. This has been repeated so often that many accept it without question. But it is not true. The legislature of Oklahoma will have ample power to control the railroads. The corporations within the State are at the mercy of the State. Local corporations exist by the authority of the State, and foreign corporations doing business in the State are subject to State regulation and control.

If necessary, the State could resort to retaliatory measures that would soon bring the railroads to terms. If necessary, the State could build a railroad and deliver the coal to other railroads, and compel them to deliver it to the people at such terms as the State dictated. More than this, experience demonstrates that the argument has no foundation in fact. Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Delaware get their coal from other States. It comes across State lines. The coal fields of Indiana furnish much of the coal for the great manufacturing city of Chicago. Coal for St. Louis, Mo., comes from Illinois. Coal for Kansas City, Mo., comes from Kansas, the Indian Territory, and Arkansas. This talk that single statehood would bring cheap coal to Oklahoma has been published throughout the Territories with the view apparently of frightening the people into favoring single statehood. Yet on investigation we find facts and experience demonstrate the falsity of the assertion.

Second. Again, it is asserted that Oklahoma is purely an agricul-

tural district and must always remain so, and must, therefore, be attached to the Indian Territory which has coal for manufacturing purposes.

The coal in the Indian Territory is in close proximity. The large number of railroads leading from one Territory to the other will deliver this coal to Oklahoma towns at a rate that will enable manufacturing establishments to be conducted profitably. Indeed, it will be to the interests of the railroads to do this. The railroads are interested in developing every town and city along their lines. And to show that I am absolutely correct on this proposition I point to the fact that Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey are all virtually without coal and yet are among the greatest manufacturing States in the Union. New York in 1889 did not produce a ton of coal, and yet in 1900 her manufacturing products amounted to over \$2,000,000,000; Massachusetts had no coal and yet in 1900 her manufacturing products were valued at over \$1,000,000,000.

Mr. LLOYD. In connection with coal, is it not true that the railroads charge very exorbitant prices?

Mr. MORGAN. I will give you my opinion. The Choctaw, Oklahoma and Gulf Railroad charges \$2.15 a ton for coal from South McAlester to Elreno, which is about 150 miles. I understand that the trouble is not so much with the railroads as it is with a company in the Indian Territory which has been formed for the purpose of selling coal. They have contracts with all the coal mines to take their entire output at a certain price. Consequently, when you go down there you must buy from this coal company and the railroad companies have to pay \$4 a ton to the coal company. It is these sales companies in the Indian Territory that make the coal so high.

Mr. LLOYD. Why do you not get the coal from other States?

Mr. MORGAN. Because it is cheaper there.

Mr. SPALDING. What is the distance?

Mr. HOWE. At Oklahoma City the rate for 120 miles is \$1.90, and to Elreno it is \$2.15 for 150 miles. The coal costs \$4 at the mines. At Canon City—I have just returned from there and know the price—the price is \$8 a ton, and at McAlester the price is \$7.25 a ton; that is, to the consumer. You can get coal in Oklahoma City for \$3.50 and \$4 a ton.

Mr. LLOYD. What kind of coal is that?

Mr. MORGAN. That is what they call slack.

Mr. LLOYD. Very soft coal?

Mr. MORGAN. The screenings. It is used by manufacturers.

Mr. LLOYD. When we went through the Territory there was very great complaint about the price of coal. I do not know whether it is the railroads who are responsible for that or whether it is other conditions. If it is the railroads you might remedy it by a State law, but if it is due to the local conditions in the Indian Territory, you could not regulate it.

Mr. HOWE. It is due to the trust.

Mr. ROBINSON. If there is anything unlawful about it, would not the fact that there is transportation between two States give the Interstate Commerce Commission some regulation over the rates and preserve the rights of the people?

Mr. MORGAN. Yes, sir.

Mr. ROBINSON. And if it was an unlawful organization which was in restraint of trade in a State it would come under the Sherman anti-trust law.

The CHAIRMAN. Has complaint been made to the Interstate Commerce Commission?

Mr. MORGAN. I do not know whether or not there has been any complaint.

Mr. ROBINSON. Who owns the mines?

Mr. MORGAN. Different parties; different companies are operating them.

Mr. ROBINSON. Did I understand you to say that one company controlled the output by some form of contract?

Mr. MORGAN. My information from good authority is that there is a company which has made a contract with quite a number of the leading coal operators by which they agree to take their entire output. Of course this has only been told to me; it is hearsay; but I guess there is no question about it, and that the railroads have to pay \$4 a ton at the mines of this company.

Mr. ROBINSON. The people down there complain, but they do not complain to the proper Government department?

Mr. MORGAN. Yes, sir.

Mr. LLOYD. This is a very important question, and it seemed to me to be one of the leading questions when we were there. Is it not true that these coal companies are owned very largely by persons who are stockholders in the railroad companies?

Mr. MORGAN. I can not say.

Mr. LLOYD. Take the Rock Island Railroad; do not the stockholders in that company control the coal mines?

Mr. MORGAN. I do not think that is true.

Mr. LLOYD. Do you know whether the railroad directly or indirectly is responsible for the condition in Oklahoma?

Mr. MORGAN. I do not know about that; I think not, but I do not know. My opinion is that we should have a State, and then those things would be settled in a way that would not interfere with the growth and development of the State. The assertion that Oklahoma must always remain exclusively an agricultural State does this Territory and the people an injustice. Even in 1900 our manufacturing products amounted to \$7,000,000.

The gypsum of the western half of Oklahoma, used to manufacture cement and plaster, will bring Oklahoma great wealth. She has inexhaustible salt beds, which in time will be developed and add largely to the resources of the State. In many parts of Oklahoma are deposits of valuable clay. Oil in paying quantities has been discovered. Oklahoma has immense quantities of granite of the finest quality, which will be a source of great wealth. There is no reason why Oklahoma can not manufacture cotton on an extensive scale. The fact is few people in Oklahoma realize what manufactures may be developed and profitably conducted in the Territory. To indicate that I am correct, I read the following dispatch to the Wichita Eagle, dated January 23, 1904:

TO BUILD COTTON MILL.

Col. Alexander T. Hamilton, a member of the staff of Georgia's governor, is here from Rome, that State, with a proposition to erect in Guthrie and equip an extensive cotton mill. He met with every encouragement from the Commercial Club.

CONCLUSION.

In the remarks which I have made I have not—indeed I could not—give any adequate picture of the real greatness of our Territory. Oklahoma has become a great Commonwealth—great in area, great in natural resources, great in acquired wealth, great in internal commerce, great in extent, variety, and volume of business transacted, great in the number, character, and efficiency of her educational institutions, great in the culture, refinement, and progressive spirit of her people, and great in the magnificent possibilities of the future.

Under Territorial government Oklahoma has demonstrated that she is worthy of statehood. Why should the people of Oklahoma be denied the rights, privileges, and blessings of statehood? Why should we be kept under the galling yoke of Territorial government? No good and sufficient reason can be given.

Under Territorial government we are only quasi citizens of the United States. We have no participation in national affairs, except to pay our share of the taxes. We have no Representative in Congress. When laws are to be enacted—laws which affect our interest and which we must obey—our Delegate is allowed no vote. This is gross injustice. Every day that it continues our rights are being trampled upon. This is not all. We have no voice in Presidential elections. The people of Oklahoma are entitled to be heard when the nation chooses its Chief Executive; we are entitled to speak when the time comes to settle the great questions confronting the American people. But we can not speak. Our lips are closed; our voices are hushed; our opinions, our sentiments, our views, our ideas are smothered under the great incubus of Territorial government. Territorial government retards our material growth and progress. Every business halts and hesitates under its paralyzing touch. Commerce feels insecure; capital is timid. The specter of Territorial government frightens it from us. Many people from the States dislike to invest their money in a Territory. There is a widespread opinion that the laws of a Territory are unstable and that its institutions and society are in a chaotic state. In other words, Territorial government stands as a stigma upon our laws, our society, our institutions, and our people.

A Territorial government is tolerated only through necessity. Its defects are glaring. Its faults are conspicuous. Its drawbacks are numerous. Its burdens are heavy. Its disadvantages are as the sands on the seashore. To further perpetuate it, after the reasons for its creation have ceased to exist, is oppression and tyranny.

Statehood would increase our population, augment our wealth, attract new capital, revive business, give confidence to investors, give permanency to our laws and institutions, give new life and spirit to our people, give our country and our citizens a better reputation abroad, contribute largely to a higher intellectual and moral development, provide a better government, give greater security to property, better protection to life and liberty, promote the general welfare, insure greater prosperity to the people, and in a thousand ways bless all the inhabitants of Oklahoma.

Thereupon, the committee adjourned to meet Monday, February 1, 1904, at 10.30 a. m.

COMMITTEE ON TERRITORIES,
Monday, February 1, 1904.

The CHAIRMAN. I understand that Mr. Chester Howe is to address the committee next, Colonel Havens having changed the order.

Mr. McGUIRE. That is the arrangement.

The CHAIRMAN. Mr. Howe, are you ready to address the committee?

Mr. HOWE. I am entirely at the service of the committee, if I may place myself in that light. It was only because Senator Havens thought he was not quite ready that the change was made in the arrangement, as much at his suggestion as at mine.

STATEMENT OF MR. CHESTER HOWE, OF WASHINGTON, D. C.,
AND OKLAHOMA CITY, OKLA.

Mr. HOWE. Mr. Chairman and gentlemen of the committee, I want first to ask a question as to whether or not there are any members of this committee who doubt the authority of Congress to include the lands now within the limits of the Indian Territory within one State, in common with Oklahoma?

Mr. LLOYD. I do not suppose this committee would care to express any view as to whether or not there is any question as to that part of the proposition.

The CHAIRMAN. I think it would be well to discuss this matter upon the theory that the committee need illumination.

Mr. HOWE. Then, as a matter of information to the committee, I desire to state, very briefly, the history of the Indian nations and their title to this land.

The Cherokee Nation—in fact, the period of migration of all of the Five Civilized Tribes west was between the years 1830 and 1840.

The Choctaw Nation acquired its title to the lands originally under treaty, as I understand, in 1820. The boundaries were indefinitely described as running to the headwaters of the Canadian River. It was found in 1821 that the lands that had been ceded to the Choctaws, which were in lieu of five counties known as the Yazoo Delta, extended into what was then Mexican territory, and in 1821 a treaty was made limiting them to the west line of the Nation, or the boundary of Mexico. They held the lands under that treaty only until 1830, and in 1830 the treaty of Dancing Rabbit Creek was made, approved in September of that year, and by and under that treaty a patent was issued conveying to them the fee with a certain limitation, and the words of the limitation were these:

“To have and to hold, as long as they should exist as a nation, and continue to occupy the same.” Those words of limitation are also included in the patent to the Cherokee Nation, that nation coming from Georgia. Also in the Creek Nation, in the patent conveying lands to that nation.

Mr. STERLING. Was that the same land or other land?

Mr. HOWE. The lands included in their domains. Patents were issued under treaty stipulations, and those treaties were made with both the Creek and the Cherokee nations, between 1830 and 1840, which was the period of migration.

Mr. STERLING. This land was not ceded to those nations that early. That is the land they occupy now?

Mr. HOWE. Yes, sir.

Mr. STERLING. That was a later arrangement.

Mr. HOWE. It was by the treaty of Dancing Rabbit Creek, made with the Choctaw Nation, conveying these lands in that way at that time. Under that treaty patent was issued. Between 1830 and 1840 the Chickasaws, who were their neighbors and friends in Mississippi and Alabama, made an arrangement with them whereby they secured the western portion of their domain, and the lands have since been held in common so far as the land and rights are concerned.

An agreement was made between them and the United States under which they maintain a separate tribal government; but a Choctaw can live or take land in the Chickasaw Nation, and a Chickasaw can live or take land in the Choctaw Nation; but he is not entitled to vote except in his own nation, and was not prior to the passage of the Curtis Act, or even now. When an election was being held with those people they went over into the other nation and did their voting. They are borne upon the Choctaw rolls, even though they live in the Chickasaw country; the others are borne upon the Chickasaw rolls, even though they live in the Choctaw country; but they have separate tribal governments.

The Creeks had a domain that extended across and included that portion of original Oklahoma between the rivers bounded by this river [indicating on map], and extending west to the west line of Oklahoma.

The CHAIRMAN. Please name the river, so that it may go in the record.

Mr. HOWE. The Cimarron River is the north boundary and the South Canadian River is the south boundary. The boundary ran from the north line of the Creek Nation directly west and included lands south of the Cherokee "Outlet." The Seminoles participated in the Creek ownership.

The CHAIRMAN. Do you mean the Cherokee Strip?

Mr. HOWE. Yes; and for the information of the committee I will say that the Cherokee Strip, so called, is technically and correctly known as the Cherokee Outlet; it having been given to them at the time of its cession by the United States as an outlet to the mountains, and to the buffalo and other game, they being a little farther to the east, and their country being out of the line of the buffalo range. That was the purpose, and it was known and described in the treaties as the Cherokee Outlet.

The Creek Nation by the treaty of 1866 agreed to the location of friendly Indians upon the lands west of the ninety-sixth meridian, on the east side of the Osage Nation; but there were no friendly Indians located that far east. Both the Cheyenne and Arapahoe Indians, whose domain was west of about the center of Canadian County—in fact, conforming to the west line of the Chickasaw country—were located thereon by Executive order.

The CHAIRMAN. West of the west line of Indian Territory, if extended?

Mr. HOWE. Yes; as extended.

The CHAIRMAN. The southern half of the west line of Indian Territory, if extended?

Mr. HOWE. Yes, sir. In addition to that there was located, under that agreement, the citizen band of the Pottawatomie Indians, in what is now Pottawatomie County; the Iowa and Sauk and Fox Indians, in what was a portion of Lincoln County, and the Shawnee Indians

between the two, in portions of each, and what was known as the Kickapoo, and others. They all occupied this section of the country, being located under the agreement of 1866. The intention was to locate friendly Indians upon those lands and, I believe, to pay about 30 cents per acre. At that time \$200,000 was paid to the Creek Nation.

There was a little piece of country in here that was not covered by any Executive order. It was the contention of the boomers in the early days that the Government had purchased and extinguished the Creek and Seminole title upon that piece of land known as Oklahoma. It was an irregular piece of ground. My recollection is that it originally contained 1,800,000 acres. That was Oklahoma originally. It was there the Payne boomers made history, and it was that tract of land which the Government, in its wisdom, purchased from the Seminole and Creek nations and opened on April 22, 1889. Following that came the other openings. First came the Potawatomi, the Sauk and Fox, and the Iowa. Second, the large tract of country known as the Cheyenne and Arapaho.

Then, in 1893, there was the purchase of the Cherokee Indians of the outlet or strip, with the exception, of course, of that portion occupied by Indian tribes at that time. It was sought to extinguish the title of those people as far as possible by treaty. They did treat with the Pawnee and Tonkawa, but failed to treat with two of the tribes.

Again, when the Government established, as it did, between 1830 and 1840, the lines of the Indian Territory, and moved the Five Civilized Tribes there at great expense, they favored the organization of a government by those tribes and treated with them practically as sovereign nations. There was a clause in those treaties limiting them to this extent, that they would never extend the limits of any State or Territory over this country, so ceded to them, without the consent of the Indians.

Mr. MCGUIRE. What treaty was that?

Mr. HOWE. The original treaties—the Dancing Rabbit Creek treaty and the original treaty made with the Cherokees.

Mr. MCGUIRE. Not to extend the limits of any other country without their consent?

Mr. HOWE. Yes, sir; that is right, so far as that is concerned. They were guaranteed Indian autonomy and tribal government. They were told that if they would go there and live, and move west of the Mississippi and leave their eastern homes, they could there live as they wished to, under Indian government. But the war came on.

Everyone of these Indian nations was southern. The Cherokees were from Georgia; the Creeks were from Alabama, principally, and from Louisiana; the Choctaws were from Mississippi and Alabama; and the Chickasaws were from the three States of Louisiana, Mississippi, and Alabama. Their sympathies were naturally with the South. The Seminoles in the meantime came in from Florida, and they all owned slaves. The sympathies of the Indians were with the South, except a portion of the Seminoles, and in 1865 and 1866 commissioners came there and made new treaties of peace with these Indians, still treating them as Indians, in which and under which they acknowledged the sovereignty of the United States and agreed to abide by the laws made by Congress.

In the case of the Creek Nation they accepted all the terms. In the case of the Seminoles they did the same; but in the case of the other tribes, they did not. The governments continued to exist. Railroads were built down through that country. White men came in; and white men had always been in, as a matter of fact. They grew in wisdom, and they grew in wealth; and finally the United States Congress sent a commission down to that country to endeavor to make agreements or treaties with them. This, however, was after Congress had declared, in 1876, that the Indian tribes were not sovereign nations, and that thereafter there would be no treaties with them, but simply agreements. They failed to make agreements with the Five Civilized Tribes, but they made a report, in 1895, as to the conditions in that country.

Whereupon there was granted the Dawes Commission, or the Commission to the Five Civilized Tribes, the full powers that they now have. Still they did not have power enough, and they were authorized to revise the rolls of citizenship, to arrange matters so that it would be possible to divide this land among its several owners. They held at that time by the Indian tenure, partaking of the nature of both joint and common tenancy. The Government was preparing and getting ready for what must ultimately come—the sale of the town sites, the protection of the whites within its borders, and the disintegration of the Indian government. Matters did not advance rapidly, but on the 28th day of June 1898, the Curtis Act was passed, which absolutely provided for what? For the abolition of tribal government. The abrogation of all the former treaties by act of law. That is what it means. That is what it must mean. Here is the act. I am not going to detail its provisions, but will simply refer you to it.

Mr. POWERS. Have you a copy of that act to spare?

Mr. HOWE. Here is a full set of the treaties. I have brought them here that the committee might have them for use. There are all the treaties.

But one nation made a treaty or an agreement with the Commission at that time—the Choctaws and Chickasaws—which was known as the Atoka agreement, embodied in the Curtis Act. That is, it follows it as a supplement. The Creek follows it and also the Seminoles.

The result of this was simply that it provided for an abolition of the tribal government; that each man, each woman, and each child should take his or her pro rata share of the lands; that the funds were to be divided and they were to cease to exist as a nation. They signed the Atoka agreement and commenced with the thing, and right there they stopped. The tribal government has been continued, as provided for in the terms of that act, until 1906.

And why? Because the title being in the nation it is necessary for a governor of that nation, in his official capacity, to sign the deed that issues to each Indian. It is necessary for this Commission to decide which is entitled, first, to take, and then to record, and to give them certificates of allotment so that they may properly describe the land. It was found necessary to continue the tribal governments simply in order to carry out the purpose of the Curtis Act. In 1906 the terms of that compact will have been fulfilled and they will cease to exist as a nation and “continue to occupy the same.”

There are the treaties; Governor Powers has them in his hand. By their solemn act, between the Choctaw and Chickasaw, the Creek,

Cherokee, and Seminole, covering all this area of country, they have agreed to the division, agreed to the abrogation of the government, agreed as to the transfer of their lands, and have made provisions as to how it should be done and when it should be done and the manner and form and method by which it should be done; and the terms of that old compact have been absolutely abrogated by their own act and by their own agreement, and are nullities to-day.

Again, the man who insists that the Congress of the United States has not the power to extend over that country the boundaries of a State or Territory under that old treaty made in 1830, and back in those years when those treaties were made, announces to you that you have not the right to protect in their civil rights 700,000 people. He says to you that you can not give them Territorial government, for you can not, if you can not give them statehood. He says you can not, and that they must stand there. He says to you that 200,000 school children, without a possibility of obtaining that God-given birthright, a common school education, must grow up in that country in ignorance and possibly in crime.

He asks from you the right to legislate against American citizens—for every Indian living in that country has been, since March 3, three years ago, a citizen of the United States, with all the rights, privileges, and immunities of such. He says to you that men who have moved there and who have town-site lots to which they have title, and property which they own to-day as well as you or I, and who own their own homes, shall not be enabled to cast a vote in order to protect in any manner the property they have produced under the law; that men who have come there on the invitation of the Government, and who have provided for the settlement of these towns are not to have the ability or the opportunity to protect their own property.

He says to you that all this is off, and he says to you that you have not the authority at this time to extend the limits either of a State or Territory over the Indian Territory. Besides that, he displays, as I believe, lamentable ignorance as to the terms of those various treaties, all of which are placed at your disposal. That is all I wish to say upon that particular subject.

Now, gentlemen of the committee, the question was asked me as to what was the present status of the title in the Indian Territory to their lands. There are five treaties.

I was also asked as to what would be the proportion of the lands in the Indian Territory subject to taxation under the terms of the Rob-inson bill March 4, 1906; to which I will answer that under the treaty the Seminole Nation take their lands wholly and absolutely in fee simple. The terms of the treaty are without restriction. On March 4, 1906—I think I can give it to you in acres, so that it will facilitate the examination. There are in the Seminole Nation 365,851 acres. Up in the northeast corner of the Territory there is a little strip of land known as the Quapaw Reservation, upon which a large number of Indians have received their title.

A portion of the land has been sold, and there are only 37,000 acres there, but they have title. In the Cherokee Nation the citizen gets an average allotment of 110 acres. I mean by that that he gets 110 acres of average value land. The land is divided into 10 or 12 grades. Of the very best land, under the return of the Dawes Commission, they receive about 57 acres per capita—every man, woman, and child.

Mr. POWERS. You say every man, woman, and child?

Mr. HOWE. Every man, woman, and child in the nation. Of the poorest land he would get four or five hundred acres. Each 40 acres has been inspected and graded, and on an average they receive an allotment of 110 acres of average-value land. Forty acres of this is homestead under the terms of the present treaty. They can sell the balance in five years just the same as a man can sell the homestead land, but there is a limitation of five years.

Mr. MCGUIRE. Five years from what time?

Mr. HOWE. Five years from the date of receiving the certificate of allotment. Those are not all allotted yet, but the report of the Dawes Commission is that there is a large portion allotted.

Mr. MCGUIRE. Did you mean to say that the period of five years would commence to run with each Indian at the same time?

Mr. HOWE. No, sir.

Mr. MCGUIRE. They do not all get their patents, then, at the same time?

Mr. HOWE. No. A large number of them have them. I think the last report of the Dawes Commission showed that they had allowed about two-thirds to the Cherokees. It is running as to two-thirds of them and is not running as to the balance, because the allotments are not completed.

Mr. POWERS. The limitation begins to run from the date of the allotment?

Mr. HOWE. From the date of the issuing of the certificate. In reference to that, if a provision is placed in the statehood bill that the lands, aside from homesteads, can be transferred, that puts at once seven-elevenths of this country on a tax-paying basis.

Mr. POWERS. You say it can be transferred now?

Mr. HOWE. Not for five years.

Mr. POWERS. I suppose the allotment furnished here by the Cherokee lands will be consumed by allotment.

Mr. HOWE. Yes, sir; that is how it comes to 110 acres of average-value land. It has all been appraised, all been inspected, and that is the allotment.

Mr. MCGUIRE. How much does each get, altogether, of the different grades?

Mr. HOWE. The total acreage of the Cherokee country is 4,420,071 acres and the total number of Cherokee citizens, including those who are entitled to participate as freedmen—you know they get a small allotment—is very close to 38,500 people to make the division.

Mr. MCGUIRE. Do you mean 38,500 in all the nations together?

Mr. HOWE. No; in the Cherokee Nation, including its freedmen. The freedmen were the former slaves, who are borne upon what is known as the Freedmen roll. They do not participate in the Cherokee Nation, in the rolls, except as to taking a certain portion of the land.

Mr. MCGUIRE. I understood Mr. Stevens to say the other day that they only discovered 48,000 altogether.

Mr. HOWE. He is mistaken, and the census in that matter is incorrect. I shall be pleased to give information to the committee in that respect.

Mr. MCGUIRE. Of the entire number of Indians?

Mr. HOWE. Yes, sir. There are more Indians, more Indian people in the Territory, members of the Five Civilized Tribes, than are reported

by the census, for the reason that the census enumerators did not get all; and the Dawes Commission, when the allotment has been made, have gotten all; and the Indian Office knows better than the census enumerators. I will get you the figures.

Mr. LLOYD. Have you those figures?

Mr. HOWE. I have; and I will be pleased to place them before the committee.

Mr. LLOYD. Are they in the last report of the Dawes Commission?

Mr. HOWE. No, sir.

Mr. STERLING. I understood you a moment ago to say that if one of the bills became a law it would open up a certain proportion of the land for taxation now.

Mr. DOYLE. That is section 15 of the Quay bill.

Mr. STERLING. How is it possible to do that now, if this allotment is made under a treaty made with the Indians? How can it be made under the treaty? This plan of allotment is what you call an agreement?

Mr. DOYLE. No reference was ever made to taxation in these matters. The Government inserted the provision that they could not sell for five years. The Indians themselves are anxious to have restrictions upon alienation removed as to everything except homesteads. I say that decidedly.

Mr. POWERS. At present without the restriction they are not subject to taxation?

Mr. HOWE. No, sir.

Mr. POWERS. Are they anxious to have them removed and be taxed?

Mr. HOWE. They are anxious to have them removed so as to have the right of alienation.

Mr. STERLING. They would rather pay taxes than have the limitation?

Mr. HOWE. As to all but homesteads. That is reserved for twenty-one years.

Mr. POWERS. Is there any petition, or anything showing that general desire among the Indians?

Mr. HOWE. I am unable to say as to that; but there will be no question whatever as to our ability to fill one part of this room with petitions of that character if that is desirable.

As to the justice of taxing them, I want to say that I am both renting and subrenting lands in that country, and I know what they are worth. Broken land in that country, land under cultivation, rents for \$2.50 per acre, cash rent, per year. Hay land last year was as high as a dollar. Hay was scarce, but it has been heretofore 50 cents. New land for cultivation rents for the first year at 50 cents, the second year at \$1, the third year for \$1.50, and thereafter, the lands being used for five years under the law, \$2.50. The man who has excess land and who does not wish to sell it, the Indian—and I use the term "Indian" as being a member of one of the tribal governments—is enabled to rent it at such prices that there will be no hardship in asking him to bear his proportion of the burdens of a government in which he participates as fully as he does.

The reverse would be true if those people were blanket Indians; but you are dealing now with the Five Civilized Tribes, people who have been wealthy for years, who have to-day a system of schools of their own and churches, and whose delegates, if they had come before you, as they have before the Indian committee many times——

Mr. STERLING. Do those Indians have individual ownership of personal property?

Mr. HOWE. Yes, sir.

Mr. STERLING. Are their herds owned in common?

Mr. HOWE. Nothing is owned in common in the Indian Territory except the land. There has not been anything owned in common in the Indian Territory for years except the land. When the Dawes Commission was enrolling the Cherokee people, and had enrolled 32,000 of them, they found 2,700 full bloods and over 29,000 people of mixed blood. Such was their report made in 1901 or 1902. That was the last statistical information I was able to obtain as to the number. That refers to the Cherokee Nation. Among the Delawares there are only 343 full bloods, and of the mixed bloods, 646. While the estimates originally made by the agent at the Union Agency in 1902 were 61,000 individuals, there are actually in the Territory, as shown by the allotments, only one statement of which is estimated, of Choctaws, 17,972; Chickasaws, 6,476—that does not include the freedmen—Creeks, including freedmen, who take full rights in that nation, 15,177—

Mr. STERLING. Does this include mixed bloods and all?

Mr. HOWE. Yes, sir; of Cherokee, including freedmen, 38,500; Seminole, 2,757. If you desire, I will give you the total.

Mr. STERLING. I understand those are all the Indians in the entire country called Indian Territory?

Mr. HOWE. Yes, sir; and that includes 5,000 freedmen of no Indian blood in the Creek Nation. There are about 500 freedmen, who have no Indian blood, in the Seminole Nation; and it includes about 3,000, or fully that number, of freedmen who have no Indian blood, in the Cherokee Nation.

Mr. DOYLE. Explain about how many have intermarried.

Mr. HOWE. I will.

Mr. STERLING. What is the grand total of those Indians you have referred to?

Mr. McGUIRE. About 70,000 Indians, excluding the freedmen, is it not?

Mr. HOWE. No; I think it includes them.

Mr. STERLING. You call them Indians, however slight the Indian blood may be?

Mr. HOWE. Yes, sir; if they have membership in the nation. That is the test as to whether a man is an Indian or not. A full-blood negro in the Creek Nation who is enrolled as a Creek ranks as a Creek Indian. He has Creek property rights. He is on the rolls, and he draws annuities. He participates in the funds that may arise. He is borne upon the roll as an Indian, and he is a member of the Creek Nation. That is all.

Mr. STERLING. Where do you get these figures?

Mr. HOWE. From the Indian Office and from the reports of the Dawes Commission.

Mr. STERLING. What do you mean by the Indian Office?

Mr. HOWE. I mean the office of the Commissioner of Indian Affairs. I think they are official. I do not think it either; they are given to me as official. As to the percentage of full-bloods in this country, in the Creek Nation there is a band of Indians known as the Snake band—the Crazy Snake band they are sometimes called. They are full-bloods,

banded together, and they include full-blood Choctaw and Chickasaw. There are between four and five thousand men, women, and children. No one can get an exact census, but that is very close to it. In the Cherokee Nation there is what is known as the Katoosa band, and aside from that there are practically no full-blood Indians in that country. The Katoosa number about 3,000 and the Snake band about 4,000, making about 7,000 as a total—about 1 per cent of the entire population of the Territory and 10 per cent of the Indians.

Mr. POWERS. What is the population by the census?

Mr. HOWE. Three hundred and ninety thousand at the time it was taken; but you can easily see from the fact that the enumerators missed 20,000 Indians that it was not a very close census.

Mr. POWERS. I can see that every man who might not put himself down as an Indian for the census would be glad to be an Indian when it comes to dividing the land.

Mr. HOWE. Yes; and there are in that country quite a number of intermarried citizens and white men married into the tribes under tribal law years ago.

A MEMBER. How many men married into the Cherokee Nation?

Mr. HOWE. My figures fail me as to that.

A MEMBER. Nearly 3,000?

Mr. HOWE. Yes; and it also runs about the same in regard to the Choctaws and Chickasaws. That is a good farming country.

Mr. STERLING. Do those white men get allotments?

Mr. HOWE. Those white men who married prior to the Curtis Act married in conformity with the tribal law, and were enrolled; but those who did not are not enrolled. They must have married in conformity with the tribal law, or else they are not enrolled.

There are 7,000 Indians in the Territory of full blood. I have been all over the country from one end to the other. I returned about a week ago after having spent about two months in the Indian Territory and Oklahoma, and during all my travels in the Indian Territory I never saw a blanket Indian.

I do not think there is one in the Indian Territory. I mean to say that there are no blanket Indians in Indian Territory: or if there are I was unable to find them, and I never saw one. I do not believe any of the gentlemen here who have been across that country ever have seen any.

Mr. STERLING. Do they live in villages or in houses?

Mr. HOWE. Certainly.

Mr. STERLING. Are they distributed around throughout the Territory?

Mr. HOWE. Yes; they are distributed around. It is the universal custom among the full-bloods to live in communities. They get together in small numbers. They build houses close together and live in small villages. They do this usually at some place where there is shade and water. The cultivation of their lands, or the rental of their lands is outside, and they are not out upon separate and distinct farms, as is the case, of course, among the white settlers who take lands.

That is not true, however, of the 90 per cent of the Indians who are white. They go out and establish ranches and live as other people live, and have all the needs that other people have. The Cherokee country is dotted with homes of a good character—Indian homes.

A MEMBER. Is there any such custom in any of the Five Tribes of the people living together in villages?

Mr. HOWE. No; but they have little congregations rather close together.

A MEMBER. Is it not a fact that each one of the full-blood Indians lives on a little farm of his own?

Mr. HOWE. Yes, sir; and cultivates it, too.

Mr. LLOYD. I want to ask one question. Suppose a white man marries an Indian woman and afterwards marries a white woman; how about the rights of property?

Mr. HOWE. I will answer that question gladly, because it has recently been up before the citizenship court down there. Judge Clayton rendered a decision, and Judge Townsend, also, in the southern and central districts of the Indian Territory, to this effect: That under the laws of the Choctaw Nation, providing for the admission of citizens, a white man who married an Indian woman in conformity with the Choctaw law, became, by reason of that marriage, a citizen of the Choctaw Nation.

He was just as much a citizen of that nation as though he had been born of Indian blood in the nation. In the case before the court, the wife died, and the court held that the death of the wife did not deprive the husband of that citizenship. He was still a citizen. He had acquired it by a legal act in a legal manner. He subsequently married a white woman, and that act did not deprive him of property rights, nor of his citizenship, and his children, by that white wife, containing no Indian blood, were held to be citizens just as much as though they had been admitted. That was the decision of the court.

The citizenship court recently constituted in the Indian Territory has affirmed that decision within the past two weeks, I am informed, and held that he was a citizen by reason of his having an Indian wife, and that by her death he did not lose that citizenship. I have not seen the decision and all its reasoning, but I know that it was decided.

Mr. DOYLE. It was decided as to the children of the second wife, but not as to himself.

Mr. LLOYD. Is that a settlement of the question?

Mr. DOYLE. There is no appeal as the citizenship court is constituted, and I judge it is.

Mr. STERLING. That would not affect the property rights?

Mr. DOYLE. Yes; it could take from him the allotment and the right to participate.

Mr. STERLING. In vested rights; in property?

Mr. DOYLE. They can not have vested rights in the Indian Territory, except under this allotment.

Mr. STERLING. I mean personal property.

Mr. DOYLE. Oh, no.

Mr. MCGUIRE. Suppose he had taken his allotment and received a patent?

Mr. DOYLE. The tribal government is gone then.

Mr. MCGUIRE. I say, suppose a white man who married an Indian woman has taken an allotment and received his patent, and prior to the time of the completion of the allotting process his Indian wife dies and he marries a white woman, he still retains that allotment?

Mr. DOYLE. Yes; but the children of the second wife are not citizens by reason of that second marriage.

Mr. HOWE. Gentlemen of the committee, I agreed to be brief, and I am trying to be. In the Creek country the allotments are in differ-

ent form. They follow the old allotment act in this, that they take 160 acres, every man, woman, and child. There is a surplus of 600,000 acres to be sold.

There is no treaty provision for the sale, but the Dawes Commission have asked for legislative authority to sell it, and I understand it is favorably recommended by the Department, and undoubtedly it will be granted. They get 160 acres, 40 of which is inalienable for twenty-one years. The other is subject to sale now, and is being sold now. The allotments are completed, practically.

Mr. MCGUIRE. Is the Creek Nation the only nation that is in that condition where they can sell the residue at this time?

Mr. HOWE. The Creek and Seminole.

Mr. MCGUIRE. Please indicate to the committee the location of the Creek and Seminole nations which are given the privilege of disposing of all but the 40 acres now.

Mr. HOWE. Gladly, for Mr. McGuire's information.

The highest part is there [indicating on map] adjoining Oklahoma, as all the others are. It runs down in that direction [indicating]. The area of the Creek Nation is 3,079,086. Deduct 600,000 acres excess, and three-fourths of the area of allotted lands would be 1,859,313 acres. Seven-elevenths of the Cherokee lands as allotted would be 2,812,796 acres.

Now, in the Choctaw and Chickasaw nations, under their treaties, they take 320 acres of average-value land, the same as in the case of the Cherokees. Some would take as much as 1,000 or 1,200 acres per capita, or 4,000 of the very poorest. The smallest amount to be taken is 160.

The CHAIRMAN. What is the "average-value land?"

Mr. HOWE. You were out of the room when I explained that. I will gladly do it again.

The CHAIRMAN. No; I will withdraw the question, because I will see your explanation when I read your remarks.

Mr. HOWE. This land goes to every man, woman, and child, and the terms under which it can be sold, under the existing law, are one-fourth of the surplus—that is, the homestead of a Choctaw or a Chickasaw is 160 acres of average-value land. The total allotment is 320 acres; 160 acres of average-value land is the surplus.

Aside from the homestead, one-quarter can be sold in one year, one-quarter of the total quantity can be sold in three years, and the balance in five years under the existing law if the right of alienation were conferred as contained in the Quay bill, and as it ought to be, for, as I have mentioned, in this country, aside from the other reservations subject to taxation, there are 4,783,303 acres of land. I have mentioned the price as to rental values. It is in the Choctaw Nation that the coal reservations are. There is set aside and reserved by the Secretary of the Interior, under the terms of the supplemental agreement that you have there, to be sold by March 25 of this year—although they have not taken steps to do it and I understand they expect to extend it on account of the work connected with it—444,000 acres of the most valuable coal deposit in the world.

Mr. LILLEY. The Government owns it?

Mr. HOWE. The Indians own it; they own all that land.

Mr. POWERS. And when the Government sells it, it goes to the Indian fund?

Mr. HOWE. Yes, sir.

Mr. POWERS. You spoke about the removal of restrictions upon sale. I have had something to do with the taking care of a couple of tribes of Indians. We did not permit them to sell the land. We found we had to stop it, otherwise they would give away everything they had.

Mr. HOWE. That is absolutely correct in principle, and would be right; but let me call attention to the things that have been done here. If you were going to take from them all the land it would be another proposition. When the Cheyenne and Arapahoe Indians sold their land out here [indicating on map] they reserved an allotment for each person. Down here are these nations with 320,000 acres of fine land, and running in the very best of this cotton land, 244 and 245 acres per capita to a family of 4, 5, 6, or 8 people—from 1,200 to 3,000 acres for each family. One-half of that they can not sell for twenty-one years. One-half of all the land they take they can not transfer, that is reserved and preserved for them.

Aside from that, one-quarter will go in one year, one-quarter in three years, and the balance in five years. It is simply a matter of time, and of waiting one, two, or three years. It will be sold anyway. The part that is not reserved under the twenty-one-year reservation can be put on the tax roll without doing the people one particle of injury. It simply advances the time.

Mr. STERLING. How is Congress to know that they want this done?

Mr. HOWE. There is not any way on earth to ascertain that except to inquire of such men as Mr. Henshaw, Mr. Powell, and the men who are there and who know; and also, if Congress desires it, the members of the Indian government themselves, because there is not any question as to their position. In regard to that, the way in which they look at it now, it goes in dribblets and they can not get the price for it in selling 20 acres of land that they would get if it amounted to a 160-acre farm.

Mr. STERLING. It seems to me that Congress would not have any right to make a law to that effect unless there was an individual agreement with every member of that tribe. He has already made an agreement, and it would be a violation of that agreement, it would seem to me, unless there should be a new agreement.

Mr. HOWE. Let me direct your attention to this fact: That matter was settled in the Supreme Court in the case of the Cherokee Nation *v.* Hitchcock, as to the right of Congress to legislate for these tribes, upon the oil-lease proposition.

Mr. POWERS. There is no question as to the right.

Mr. PARKER. These tribes were visited by the Dawes Commission several times, with a view to making agreements, and every one wanted the power to alienate this land without any restriction. The Dawes Commission did not want to have it that way, and particularly the secretary did not.

The CHAIRMAN. Do you want to be interrupted?

Mr. HOWE. Certainly.

Mr. MCGUIRE. Is it not a matter within the knowledge of every member of the committee, as well as of Mr. Howe, who is addressing you, that it is the policy of the Government to preserve intact the property of each of these Indians, because it has always been the disposition of the Indian, as soon as any property is turned into cash, to spend any amount received in twenty-four hours?

Mr. HOWE. I will answer that. The Government has displayed its purpose in this matter in providing for the sale of the lands of which I speak. They simply put a little time limit upon it, upon the theory that they would take their individual holdings and break off from the tribal government. They did not understand that these people had practically taken individual holdings long ago. What does it add to or take from the situation of an Indian, if he be a full-blood, to add five years to his life before he can sell?

I am credibly informed, and understand it to be a fact, that the Indian Committee have notified the Dawes Commission that their tenure of life is limited to the next fiscal year, and that they must get through in that time.

Mr. POWERS. Do you know what they say about what has been done under the Dawes Commission?

Mr. HOWE. I would rather you should see those gentlemen. They could tell you better than I could, or would be warranted in doing.

Mr. POWERS. The Dawes Commission is nearly through?

Mr. HOWE. Yes, sir.

Mr. POWERS. Their work is nearly done.

Mr. HOWE. In 1896 the present policy of the Indian Department and the recommendation of Mr. Jones was to put the Indian upon his feet and let him walk alone. But he is talking of the blanket Indians, and I am talking of the 70,000 white men who are just as able to conduct their business as you or I, and what is a great deal more to the point, they are anxious to do it; and they are being held down and being held from doing it. They are the men who object.

Mr. McGUIRE. Will you permit another question?

Mr. HOWE. Certainly.

Mr. McGUIRE. You say a comparatively large percentage of the people there are white, and are as able as any person to conduct their business.

Mr. HOWE. Yes.

Mr. McGUIRE. Proceeding on that theory, is it not a fact that the land in Indian Territory is continually enhancing in value, and that if those men are good business men, as you say they are, even though they are permitted by the United States Government to sell that land, as long as it is enhancing in value and they do not have to pay taxes, is it not your judgment that they are not going to dispose of it?

Mr. HOWE. That is possibly true; but if that is true, and if the land is enhancing in value, they ought to pay their proportion of the cost of maintaining the government in which they participate.

Mr. McGUIRE. There is a treaty by which they are not to pay taxes.

Mr. HOWE. There is no such word in the treaty as that they are not to pay taxes. It is only an abridgement upon the sale of land until a certain time.

Mr. McGUIRE. Do you know of a single instance where Indians have been allotted land in Oklahoma or in Indian Territory where the Indian is paying taxes upon real estate?

Mr. HOWE. Certainly not, where the allotments have not been transferred. And I know another thing. In Oklahoma you have the following situation: You have allotted to the Cheyenne and Arapahoe Indians not taxed 529,682 acres—to 3,294 Indians, three-fourths of whom are "blankets."

Mr. McGUIRE. That is true.

Mr. HOWE. You have allotted to the Iowa and Tonkawa Indians 8,685 acres to 109 Indians; to the Kickapoo, 22,529 acres to 283 Indians; to the Kiowa and Comanche, 443,338 acres to 2,759 Indians; reserved for agency and school purposes, 11,972 acres; pasture reservation, not taxed, 480,000 acres; Taikawa, 11,273 acres to 73 Indians; Osage Reservation, 1,470,000 acres not allotted and still in reservation; on the Oto Reservation, 63,419 acres not subject to taxation; Pawnee, 112,859 with the school lands, 840 acres; Ponca Reservation, 26,328 acres; Potawatomi allotments, 215,679 acres to 1,489 Indians; Absentee Shawnee, 70,791 acres to 563 Indians; reserved for Government purposes, 510 acres; Sac and Fox, 87,683 to 548 Indians, with school lands, 800 acres; and, finally, the Wichita, 152,991 acres to 965 Indians.

You have allotted to Indians in Oklahoma, not subject to taxation, upon which trust patents have been issued, 3,932,379 acres, and you have an Indian population who have taken allotments of 13,202 Indians, and out of that there are, as a safe estimate, 8,000 blanket Indians.

Mr. McGUIRE. Then, as far as the real estate is concerned, under the tax burden you are now carrying in Oklahoma you would sell out the entire Indian Territory to Oklahoma?

Mr. HOWE. On the contrary, I would add that Territory, and with it the provision, just as in Oklahoma to-day, as to taxation. When the Indian reservation was opened Oklahoma allotments were taken under a general allotment—from one of the reservations—particularly among the Shawnees. One took only 80 acres of the land. But those allotments were made and the surplus thrown open. It is the surplus that is paying the taxes in Oklahoma. They were Indian lands, and they are lands upon which crops have been raised.

Here would be a like condition in the Indian Territory. The Choctaw and Chickasaw surplus is to be sold. That is understood. And the valuable coal deposits of 444,000 acres to be sold under the existing law. That is worth, at the smallest sum that has been mentioned as its possible purchase price, \$25,000,000. There are 600,000 acres of pine land in the Choctaw Nation which the Dawes Commission asks permission to sell in its last report.

Mr. McGUIRE. Pardon me.

Mr. HOWE. Certainly.

Mr. McGUIRE. That \$25,000,000 of which you speak as being the value of the coal lands in the Indian Territory would go to the Indians.

Mr. HOWE. The money would go to them, but the coal would go out under the holder's name, upon which taxes would be paid.

Mr. McGUIRE. But that money would go to the Indians?

Mr. HOWE. Yes; under a per capita distribution.

Mr. McGUIRE. Is there a single coal mine at this time in the Indian Territory that is paying taxes upon coal lands and coal mines?

Mr. HOWE. At the present time, no. But the time at which they must pay taxes, if the law is carried out, will be March 25; and there is no possibility of an extension beyond six months. No mines in the Indian Territory are taxed, and the coal companies are only paying 8 cents a ton royalty.

Mr. McGUIRE. There is another thing. Is it not a fact that a number of those coal men have thirty-year contracts with the Indians?

Mr. HOWE. It is a fact that all of the coal mines that are being worked in the Indian Territory constitute but a small portion of the

land. Out of the 444,000 acres there is but 22,000 that is under lease at all, and a very small portion of that is being worked. They have a thirty-year contract, and it is to be sold subject to leases.

Mr. MCGUIRE. The leases would exempt them from taxation.

Mr. HOWE. On the contrary the moment the title passes to an American citizen they pay taxes.

Mr. MCGUIRE. In effect that would annul the lease, and to that extent you would impose a hardship.

Mr. HOWE. The owner must pay the taxes. The owner pays it, and not the lessee.

Mr. MCGUIRE. But you impose upon him a hardship which did not exist and which he could not foresee at the time he took the thirty-year lease.

Mr. HOWE. The owner pays the taxes and not the lessee.

Mr. ROBINSON. Are those coal companies combining to rob the people?

Mr. HOWE. I am informed that it costs those mining companies about \$1.25 per ton, including the labor to mine that coal, the rent, and the royalty, which is only 8 cents per ton. I am further informed that the coal can not be obtained at the mine for less than \$4 a ton. If that is true they are asking for an enormous profit, and the people of that country are paying it.

Mr. POWERS. If there are so many coal mines why do not the people develop them?

Mr. HOWE. The Secretary will not lease them on account of that treaty. As soon as the sale takes place that could be done.

Mr. STERLING. Has the Government made geological surveys of this coal land?

Mr. HOWE. It is selected by gentlemen from the Geological Survey who went out and segregated the 444,000 acres in six months.

Mr. LILLEY. How many acres of coal land are leased, approximately?

Mr. HOWE. About 20,000 acres.

Mr. LILLEY. How much has been worked?

Mr. HOWE. Probably half that amount is being actually well worked, the balance worked a little, and I think one shaft would cover the entire lease.

Mr. LILLEY. Your answer would indicate that 11,000 acres that are leased are not worked, notwithstanding the exorbitant price.

Mr. HOWE. When I say they are not worked, I mean they are not worked to any extent.

Mr. LILLEY. Can they not be worked at all at that price, \$4 per ton?

Mr. HOWE. Certainly.

Mr. LILLEY. I should think the lessees would work them.

Mr. HOWE. Probably there is a combination of the lessees; I don't know.

Mr. ROBINSON. I was anxious to have a statement from Mr. Howe upon this subject, but he has been limited as to time, and I can not ask—

Mr. LLOYD. He is not limited.

Mr. ROBINSON. He may have had more important matters to occupy him, but it struck us all the other day I am sure, as it did me, that we ought to have some explanation of that condition of the coal matter down there as to combinations. If he has any information as to that I was very anxious to draw it out.

Mr. HOWE. If there is any information desired as to a list of the mines and the exact acreage, I can hand it in and it can be included, as I have not the exact acreage here. I am sorry to say I neglected that point.

The point of the matter is simply this: The Secretary of the Interior, as he has in all other matters in governing the Indian Territory, has done so entirely honestly, but at long range, 1,500 miles away. There is a mineral inspector there who fills one of the offices of public trust and profit, and it has been a very satisfactory office, I think, as a rule, and most of them—at least one or two of them—have been very able men. There is, under the Secretary of the Interior, an inspector for the Indian Territory who is his personal representative.

Mr. LILLEY. Do you mean the office is satisfactory to the incumbent or to the people?

Mr. HOWE. I think to the incumbent.

Mr. LILLEY. Is it satisfactory to the people?

Mr. HOWE. I think so, as far as they are concerned. At least they have made no special complaint in regard to it.

The reports of the inspector, J. George Wright, who is the personal representative of the Secretary in the Territory, come here, and he makes the rulings, and he either approves or disapproves the lease, which is entirely within the exercise of his discretionary authority. It may be approved or disapproved for any special cause. He has the practical direction and operation of all of the coal interests in the Indian Territory. He fixed the tariff or the royalty to be paid. He may fix it as high as 15 cents a ton or as low as 1 cent.

It is fixed at the present time at 8 cents royalty. These coal mines are at the present time crossed by the Missouri, Kansas and Texas road at McAllister, and the regular eastern system from there on the Choctaw, Oklahoma and Gulf at McAllister, Haileyville, and Harts-horne, and branches which run out to Krebs, Carbon, and the coal towns in that district.

Mr. LILLEY. May I ask you if you have information or data as to what this coal actually costs the lessee delivered on board the cars to the railroad company?

Mr. HOWE. I can only give you the statement of one of the oldest miners there.

Mr. LILLEY. He might be prejudiced so that it would not be a statement of fact.

Mr. HOWE. It would be against his interest to make it low, as he is a mine owner. I heard him state, in reference to bidding upon some of this land, and as to the percentage of profits with reference to it, etc., that this coal could be mined and put aboard the cars for \$1.25.

Mr. LILLEY. Was he a promoter? Do you think he wanted to promote a company?

Mr. HOWE. Instead of promoting he is one of the largest owners in that country, and he was talking about getting an actual title to land which he was then operating.

Mr. LILLEY. If he wanted to get the actual title, and was getting \$4 for his coal, and stated that it only cost him \$1.25, he didn't want to get it very cheap.

Mr. HOWE. Let me say, in regard to that, that I have not mentioned the name of the party. At the time the statement was made he was not expecting that he would be called upon at any time to make a state-

ment in regard to the cost of mining. I wrote him a letter and told him that I would like to make that statement.

Mr. DOYLE. I may state that the cost we approximate for putting it into the car is \$1.25, and the vein is thinner, too. I am personally interested in mines in Kansas and Kentucky.

Mr. LILLEY. Would you allow a mine that you are personally interested in to put coal on board the cars at \$2.25?

Mr. DOYLE. \$1.25 for all the expenses and placing it on the car, where we have veins that are less than one-half as thick as they are in the Indian Territory veins.

Mr. McGUIRE. Pardon this statement. I was talking to Mr. Busby yesterday. He is one of the large coal operators in Indian Territory.

Mr. DOYLE. He is one of the largest operators there.

Mr. McGUIRE. There you and I agree. He made this statement in answer to interrogatories of mine in relation to why they were paying such enormous prices over in Indian Territory for coal. He said it was because he paid from 80 cents to \$1 and even more to mine the coal in Indian Territory than it costs to mine the coal in southeastern Kansas, not far from this place. I asked him why, and he said it was on account of the damp explosions—the damp conditions. That was simply his statement of the reason why. I know nothing about it any further than that I asked him as to it. I further asked him if there were any combinations down there, and he said there are not; that there are about 20 coal companies producing coal, and that there was no combination that he knew anything about.

Mr. LILLEY. Mr. Howe, do I understand you to make a positive assertion that there is a combination in the coal business there?

Mr. HOWE. On the contrary, I have never made that assertion positively.

Mr. LILLEY. Is there any gentleman here from the Indian Territory or Oklahoma who does?

Mr. DOYLE. The press reports are to the effect that a combination of lessees was made as to fixing the price at which it should be sold to the purchaser on the car at the mines.

Mr. HAVENS. I can state that I know such a combination does exist, for I have seen correspondence from people who would make application to purchase coal there from one of the companies, and they would send the communication back and refer him to this central combination, which contracts with the companies for the entire output. They will not sell you a pound of coal. You can not buy it of them. Of course there are companies who own mines, and perhaps are composed of different individuals; but as an independent organization there exists a combination which controls the output of all those mines, and to which you must go for your prices. They control the price of the entire output of all the mines, and there is no competition whatever. We are paying throughout the Territory of Oklahoma to-day \$8 a ton for coal that costs them but \$1.25 to put on the car.

Mr. POWERS. Do I understand you can not get prices from any of the companies there except from one man?

Mr. HAVENS. There is one management. One man fixes the price of coal for every coal company in that country that can get a pound of coal carried on the railroad lines.

Mr. POWERS. I should think there would be a chance for interference of the United States authorities there.

Mr. HAVENS. There will be almost twenty millions of people who will be dependent upon the coal mines of the Indian Territory. I have seen it estimated at that—the whole surrounding country of all those States of the West.

Mr. LLOYD. They all have coal mines.

Mr. LILLEY. Colorado has mines.

Mr. LLOYD. Kansas has.

Mr. HAVENS. No; Kansas has not. The Kansas coal mines will not last ten years. That is the estimate of those who are most familiar with the condition of the coal mines in Kansas. They say that at the end of ten years more there will be no coal in Kansas.

Mr. LLOYD. I thought you meant there was none to-day.

Mr. HENSHAW. Suppose this land is not opened up to the public, but is kept just as it is, what will be the result?

Mr. HAVENS. Suppose it were so. Those companies would buy most of it, and if they didn't buy it they would keep it for some time, combining together and controlling the prices. There is but one remedy. That is for Congress to stop selling the lands, and to have leasing conditions, and lease it upon the condition that every lessee who enters into these combinations, or contracts to sell the output of that mine to a combination, should thereby forfeit his lease; and in that way you can break the combination that will control these mines.

Let me call attention to another thing. The coal mines in the Indian Territory are the most extensive and the most valuable in the United States outside of Pennsylvania, and what is more, more people will be dependent in the long future upon the coal product of the Indian Territory than upon any other section except Pennsylvania. As I stated a moment ago, it will embrace twenty millions of people, reaching up through Kansas and Missouri. Missouri has no coal mines that amount to anything; neither has Arkansas or Texas or Oklahoma, and all these States are dependent upon the coal mines of the Indian Territory that are now controlled by the monopoly I speak of, and which, under existing conditions, are very liable to be so controlled in the future.

Mr. HOWE. I do not want to keep the committee, but I want to give you these figures. Taking these figures as I have given them to you, if the surplus lands—and I am not speaking of homestead—are made subject to taxation, on March 4, 1906, there will be subject to taxation in the Indian Territory, and including these valuable coal deposits and pine lands, 12,502,865 acres. I will give the figures to the stenographer.

The figures above referred to are as follows:

	Acres.
Seminole	365, 851
Quapaw	37, 602
Seven-elevenths Cherokee (4,420,071)	2, 812, 796
Three-fourths Creek (3,079,086 - 600,000)	1, 859, 313
One-half Choctaw and Chickasaw (11,610,606 - 2,044,000)	4, 783, 303
Choctaw and Chickasaw, surplus	1, 000, 000
Coal	444, 000
Pine	600, 000
Creek, surplus	600, 000
Total	12, 502, 865

Mr. HOWE. The question was asked by the chairman as to the population of the Indian Territory, the number of Indians, the number of negroes, and the percentage of each. The estimates made by the Dawes Commission, and they had a right to be most nearly accurate,

were 700,000 people. At first glance it would seem as though that were impossible, but when you figure down you will find it is not. In the town of Coalgate we had 800 people in 1900, and now we have 7,000. The city of Ardmore, from 6,000 has gone up to 15,000 in the last four years; since the last census. There has been marvelous growth. Take the Red River division, running through Sapulpa, which had 1,500 and now has 5,000. Go down to the middle of the Creek Nation, to Okmulgee, and see the same marvelous growth; go down until you get to Francis, which was only then opened, and Henrietta, the coal town; go to Ada, with over 3,000, and Roff, with 2,000; then the town of Medill, where 4,000 people did not have houses at the last census.

The CHAIRMAN. White people?

Mr. HOWE. White people from Illinois, Iowa, Ohio, Kansas, Nebraska, Missouri, who have gone there in good faith. And it will surprise you to know that those towns are only four years old.

The CHAIRMAN. How do the people who go into these towns acquire title?

Mr. HOWE. Under the terms of the Curtis Act the towns are proven up, segregated, and sold, and they have just as good title as you would have to Washington City property, and they can go there and buy and build. Those towns are built up with brick blocks, the same as Oklahoma. They have churches and schools.

Mr. POWERS. How do you get at the fact that Ardmore has 15,000 inhabitants?

Mr. HOWE. I take Mr. Henshaw's word, and I have been there and have talked with the people. I will tell you how they get at it. They figure on the school population—they haven't any other things to figure on—and on the votes at the municipal election for raising taxes, and in that way, and in the assessments they have taken, and in voting for waterworks and school bonds, and those matters they have themselves been able to take a census.

Mr. POWERS. I spent only a few hours at Ardmore, but I happened to meet a man there from my own State, who had a very good team, and I rode over all of it and around it.

Mr. HOWE. This last fall?

Mr. POWERS. Yes; and I should not think it had 15,000. I may be wrong about it.

Mr. HOWE. What would be your estimate?

Mr. POWERS. I should say 10,000 would be the outside figure.

Mr. McGUIRE. Where do you get your figures that Sapulpa has 5,000 people?

Mr. HOWE. I take that from the statement from a gentleman I saw on the train, so it may not be correct. My information with regard to Ada and Roff is personal. The others are given from information of other people. I am simply illustrating how much Sapulpa and these other towns have grown.

Mr. LLOYD. Do you not think the condition of the Indian Territory is a good deal like the condition of the States—that along about the actual time of taking the census there is a greater population among all of the towns than at any other time?

Mr. HOWE. I suppose so.

Mr. POWERS. Do you not think, Mr. Lloyd, that there are about 10,000 at Ardmore?

Mr. LLOYD. I think so. It is a wonderful growth.

Mr. HOWE. It is a wonderful growth, anyhow. I have an extract from the report of the inspector, J. George Wright, under date of November 30, his last report, as to the number of towns in the Indian Territory, proven up and complete. I will say that there are, under those figures, 338—that is, the title to which is acquired, all except about 20, where there are applications for alienation now pending.

Mr. LLOYD. The 338 must have a population of at least 200 each?

Mr. HOWE. Yes; the least must have 200, and it includes these larger towns. The figures I refer to are given by nations. I do not want to take the time to read this extract, but will hand it to the stenographer and let him insert it.

The extract referred to is as follows:

By the report of J. George Wright, inspector for the Indian Territory, under date of November 30, the following is shown as to town sites in the Indian Territory:

Creek Nation, complete.....	25
Choctaw Nation, complete.....	89
Not completed, upon which they are working.....	1
Not yet commenced.....	12
Chickasaw, complete.....	130
Not working on.....	2
Cherokee, complete.....	53
Seminole, complete.....	1
Alienation for town sites, entry granted, pending before Department, estimated..	25
Total.....	338

Mr. HOWE. I want to say that there is one strong argument, and I wish to urge it as strongly as I, in my feeble way, can, for what I consider the necessities of the Indian Territory.

Mr. LLOYD. In this connection, where do you reside, Mr. Howe?

Mr. HOWE. My family and myself have lived in this city since the year 1897, except a portion of the time, about a third of it, when I have been in Indian Territory and in Oklahoma. I went into Oklahoma at the original opening of that Territory, and I was there all of the time until the time of my coming to Washington. Then I would be here and there, as my business demanded. My interests are in Oklahoma and the Indian Territory.

I have interests in both Territories. As an actual fact, if this were a State, and I could obtain a residence here, I presume my legal residence would be in Washington in one way; but on the other hand I think a man never loses his residence, and my interests are all there. It was there I was married, it was there my children were born, and it is there that I finally expect to rest. Oklahoma City is the town.

The census returns of the Indian Territory show 36,000 Indians in the Territory, to which should be properly added 10,000 more freedmen, included in the census as Indians. That makes about 46,000. I should have to dispute the census returns enough to say that I think there are 70,000 Indians, or people of Indian blood on the rolls.

I think as a matter of fact there are about 7,000, or 1 per cent of the total, or 10 per cent of the Indian enrollment, that are full-blood Indians. I want the committee to bear in mind the character of that Indian population. It is entirely different from that in Oklahoma. They were blanket Indians, and were put there by Executive order. They are blanket Indians yet, except that they have had ten years'

association with the whites and have had admirable educational opportunities.

Mr. HINSHAW. Is there a single Indian child in Indian Territory but what is educated and is being educated?

Mr. HOWE. Not one that I know of; and I can go still further, and say there is not in Oklahoma, either. The Indians are the only people who have schools in the country in the Indian Territory.

Mr. POWERS. I have heard it stated when I was in the Indian Territory—I have been there four times—that the Indians were the ones that had the schools.

Mr. HOWE. They still are.

Mr. POWERS. I was there four times, and went all through there. They had schools and tribal governments, and I thought they were about the best off and the best-to-do people there. Some of the Indians were really wealthy and had as good homes as I found anywhere.

Mr. HOWE. Twenty-five years later they are still better.

Mr. POWERS. And when I heard there were so many white school privileges, I thought it must have changed from what it was when I was there.

Mr. HOWE. I will state that the white man's child can not go to the Indian schools.

Mr. POWERS. Still they had white schools at Ardmore.

A MEMBER. The Indian children are well educated?

Mr. HOWE. Yes.

A MEMBER. In the towns they are educated?

Mr. HOWE. They are well educated now.

A MEMBER. But outside of the towns there are something like 150,000, are there not?

Mr. HOWE. Right in this section there are no schools adjoining a town to which they can be sent in. They are nearly all tenants. They must be tenants. It is their children that are absolutely without school facilities, and they have no possible chance of obtaining them.

Mr. POWERS. Those people have gone in largely since I was there, twenty-five years ago. When I was there, every man who came there and married into an Indian tribe became an Indian and had all the rights of a member.

Mr. HOWE. That stopped in 1898. Mr. Chairman, I do not wish to detain you, but Mr. Doyle requested me to make a statement.

The CHAIRMAN. We are very glad to have heard you. The committee has enjoyed your statement.

Mr. HOWE. During the last visit I made, and I was only home three weeks. I was down there nearly six weeks prior to that time. I traveled quite extensively over Oklahoma. My business called me there. I talked with bankers, merchants, lawyers, and business men, who were my friends and acquaintances. Nearly everyone of them spoke to me with regard to the proposition of statehood. They seemed to think that because I came from Washington I might be able to give them some special information, which was, of course, a mistake.

I answered that and told them that I could not; that I knew nothing about it. This is the sentiment I found: They want immediate statehood. One of the parties in its last platform declared for "immediate" statehood. Part of the people want to wait for the Indian Territory. The other portion want statehood for Oklahoma, under the

belief that they can get it "immediately," their idea being, as near as I can judge, that they wish to participate in the next Presidential election; but I find on talking with those men and saying to them that it is an absolute impossibility to get immediate statehood, that it will take a couple of years, anyway, those men do not object to the Indian Territory, but want it.

If you strike out the word "immediate" and leave it to the people, or tell them that they can not get statehood for two years, three-fourths of them, in my opinion—and I do not know but more of the people of Oklahoma—stand for statehood with the Indian Territory. The only objection to statehood with the Indian Territory that is urged is that it may delay it. They are American citizens and bright men, and they want the rights of full statehood.

Mr. McGUIRE. Whereabouts were you during that talk in Oklahoma? Were you at Oklahoma City?

Mr. HOWE. I was at Oklahoma City.

Mr. McGUIRE. That is your home?

Mr. HOWE. And I was at Lawton; I was at Weatherford; I was up the Santa Fe, and I went as far as Arkansas City; I was over at Shawnee and down to Tecumseh.

Mr. McGUIRE. That is the southeast part of Oklahoma?

Mr. HOWE. Why, Lawton is not in the southeast part; it is southwest. Over here, and down here, and down here [indicating on map].

Mr. McGUIRE. You did not find much single statehood sentiment over there, did you?

Mr. HOWE. Some.

Mr. LLOYD. What was the sentiment at Lawton?

Mr. HOWE. I was talking with several lawyers there. They were for immediate statehood for Oklahoma, upon the theory that they could get it at the time, and that if they took in the Indian Territory they would have to wait. They did not want the delay. That is the sentiment of most of the men with whom I talked.

Mr. McGUIRE. You did not find anybody at Elreno in favor of single statehood, did you?

Mr. HOWE. I can not answer as to Elreno, for this reason: I only stopped there over one night, to see a man, and I didn't go around to see hardly any of those boys. I did stay at Lawton a couple of days and over at Weatherford during one day, where I had a chance to talk of it; but I didn't have an opportunity to speak of the matter in Elreno.

Mr. McGUIRE. Pardon me; but for the benefit of the committee will you indicate on the map where Elreno is with reference to Oklahoma City? At Oklahoma City it is all one way.

Mr. HOWE. That is admitted, I think.

Mr. McGUIRE. Now, show where Elreno is. There it is all the other way.

Mr. HOWE. Oklahoma City is in Oklahoma County, at the point where my pencil is, on the North Canadian River, and distant from the east line of Oklahoma about 50 miles; and Elreno is about 30 miles west from that point and is the county seat of Canadian County.

Mr. McGUIRE. The sentiment changes when you get that distance almost entirely; and it is the same way north of Oklahoma City. Oklahoma City is for single statehood. Go north to Guthrie and the sentiment is all the other way, and it continues so. Oklahoma City is

for single statehood. Go to Elreno and the sentiment is all the other way, and continues so.

Mr. HENSHAW. The capital question enters into it?

Mr. MCGUIRE. It does with Oklahoma City and Guthrie.

Mr. HENSHAW. And El Reno?

Mr. MCGUIRE. No; El Reno never talks capital. I never heard a word of capital in my life in that county, in the city of El Reno.

Mr. HOWE. As a supplement to these remarks, Oklahoma City is the largest city in the Territory, and is the largest commercially as well as in population, while Shawnee now claims 14,000 people and is the third city in size in the Territory.

Mr. LILLEY. Which is the second in size?

Mr. HOWE. Guthrie.

Mr. MCGUIRE. It is the second in size.

Mr. HOWE. And Shawnee third.

Mr. MCGUIRE. Shawnee and Enid are about the same, I judge.

Mr. ROBINSON. I have prepared a series of questions that I would have liked to have propounded, but it is evident that I can not very well do it. If I can have unanimous consent I will leave them with Mr. Howe, and will ask him to answer them if he can throw any light on the matter.

The CHAIRMAN. If there is no objection Mr. Robinson will submit the questions to Mr. Howe, and the questions and answers may be incorporated in the report.

Mr. ROBINSON. His answers may be made and inserted by him in the revision of his remarks, if he desires to do so, in so far as he has not covered them in the general discussion.

The CHAIRMAN. Without objection Mr. Howe may take his own course in answering the questions propounded by Mr. Robinson.

(The questions and answers above referred to are as follows:)

Q. Under existing treaties how much of the Indian Territory will be subject to taxation after March 4, 1906?—A. All of the Seminole country; 444,000 acres of coal lands in the Choctaw country; 1,000,000 acres of excess lands in the Choctaw-Chickasaw country; all of the Creek lands, which will be by that time sold, amounting to at least two-thirds of the salable lands; 600,000 acres of excess Creek lands; practically all of the Quapaw Reservation, amounting to about 37,000 acres; all of the town sites numbering 338 separate towns; the various railroad rights of way of the land included therein.

Q. How much will be subject to taxation under the terms of the Robinson bill after that time?—A. If there is added to this bill section 15 of the Quay bill, either as it is now written or in a modified form, after the lands are sold by the Indians a total of over 12,000,000 acres.

Q. What is the power of the tribal governments under existing treaties?—A. The power of the tribal governments is limited at present to an election of officers and to proceedings relative to management of the estates belonging to the nation and the funds subject to the approval by the President of every act passed by them. If the Department of the Interior recommends the approval of an act it is generally approved. If it recommends adversely, it usually receives the disapproval of the President, and in this way they still retain the power to modify existing agreements. They are continued in office and continued as governments for the purpose of aiding in the distribution of tribal lands and funds among the members of the nation.

Q. How are the funds raised to support the tribal governments?—

A. In the past that fund has been raised by taxation levied principally on the white people in the Indian Territory. A white man in order to work a tract of land had to have a permit for which he paid the Indian. A merchant was taxed 1 per cent of his gross total purchases and could be compelled to show his bills and invoices, so that after the town sites were proven up, a man who was doing business on his own property, in his own house, was called upon to pay to the tribal government 1 per cent of his total business for a year.

If he did not pay it, he was taken and forcibly ejected from the country with the consent and assistance of United States authorities. If he returned to the country, he was guilty of a misdemeanor. This was done without trial by any court. The refusal to pay the tax was the only necessary prerequisite. A case was taken before Judge Clayton, who held that after the town sites were deeded the purchaser had a right to pursue a lawful calling upon his own land; that the nation had no interest in this property; that it had passed from them, and that the United States authorities could not take him from his own home or imprison him for returning to it. But I am informed that the Department of the Interior have insisted upon an appeal from this decision and are still contesting for the tax. In addition to this, occupations are taxed. A lawyer who is an officer of the court must pay \$25 per year for the privilege of practicing before that court in that country, all those occupations the same, in the Cherokee Nation. There is a tax of 20 cents on all hay shipped from this nation to any point in the United States. This is collected by the inspector in charge, and if an attempt is made to ship hay upon which the tax has not been paid the hay is confiscated. None of this tax or the funds derived therefrom go in any way to the benefit of the white people who pay them; nor are they levied against Indians engaged in the same business.

Q. Who executes the law with relation to the collection of taxes in the Indian Territory at the present time, and how?—A. The officers of the United States under the direction of the Department of the Interior, through the Indian agent and the inspector in charge in the Indian Territory.

Q. Do the white people of the Indian Territory pay any taxes to the tribal government; and if so, what for and why?—A. I have answered this question above.

Q. What is the title to town property in the Indian Territory, and how is it subject to taxation?—A. Under the terms of the Curtis act and several amendments which have been made with relation thereto in the agreements and in the appropriation bills passed. The towns which were in existence were surveyed and lots set aside, and parties who occupied them were permitted to purchase the same where they had improvements thereon, in most cases at one-half their appraised value. Those lands included in the town site which were not improved, either have been or will be sold to the highest bidder. Payments are made to the Indian agent, the funds deposited to the credit of the tribe or nation within whose boundary the town is situated.

Where new towns have been built the Dawes Commission have been authorized, upon a showing, to set aside a proper amount of land for town purposes wherever the same did not conflict with prior rights of an allottee, and by a more recent act, where it became necessary upon

proper showing, an allottee who happened to have lands where they were needed for towns has been permitted to make an application to the Secretary to be allowed to alienate part or all of his land for town-site purposes, and these applications are the ones referred to as now pending. There are several towns with at least 2,000 people in them which are located upon such lands. The title in this particular class of cases comes from the Indian allottee instead of from the nation.

Q. Are there any blanket Indians in the Indian Territory; and if so, how many?—A. Not a blanket Indian that I know of or ever saw. I mean by this the Indian who did not wear the clothing of a white man or who lives in a tepee and does not follow the general habits of civilized life. I said before that there were two bands of nonprogressive Indians in that Territory, but they do not correspond in any degree with the blanket Indians in Oklahoma.

Q. What proportion of the Indians in the Indian Territory are of the full blood?—A. No man can answer this question except from his judgment. It is my honest belief about one-tenth of the total Indian population, or about 7,000, in the Territory.

Q. By what title do the coal companies in the Indian Territory hold their lands and what is the area of the coal deposits?—A. They have no title except a lease made under existing law by the Secretary of the Interior. When these lands are sold they will be sold subject to the lease. The purchaser will take the title which the nation now holds and receive the royalties which it is entitled to receive. It is assumed that the coal companies will individually buy their own leases or the lands covered by their leases.

The area of a coal deposit is unknown. Since the segregation of 444,000 acres coal has been found in paying quantities in the Creek country, and in the Cherokee country the deposit is very large and is being worked at a number of points not included in the segregated lands.

Q. What are the mineral laws of the Indian Territory?—A. Strictly speaking, there are no mining laws in the Territory—that is, no mining laws which would apply to the public lands of the United States, with the exception of the segregated coal and asphalt lands—the allottee takes a title to his land and to the minerals. If he is so located that he can sell he can transfer that title. If he can not do so there is no method provided under which it can be secured. There is a method, cumbersome and unsatisfactory, by which an allottee can lease oil land in the Cherokee Nation, but before he can comply with the requirements and get a lease approved the allotment must have been made and the matters must have gone to and through the Department of the Interior, taking it in many cases many months.

Q. What is the condition in the Indian Territory with relation to schools?—A. The condition of the Indian Territory with regard to schools is without a parallel in the United States. The Indians have ordinary school facilities, or at least such as are satisfactory to them, and every Indian child can, if he or she or the parent desires, secure a common school education. The records of the superintendent of education indicate that these schools are not satisfactory, but they are much better than none. The white children, however, who live in the country are without any school facilities whatever and without opportunity to obtain them. I know of no greater menace to the future of this nation than this condition of affairs in the Indian Terri-

tory. The number of school children has been estimated at 185,000—I mean the number without any chance of obtaining a common school education. To permit this condition to exist one day longer than is absolutely necessary is, in my opinion, a neglect of duty which should appeal to every man in this country.

Q. How are the insane or poor cared for?—A. There is no law provided for the care of the unfortunates of the Indian Territory. It is said—and I think the records will bear me out—that where people were found to be insane in some cases a criminal charge has been brought against them so based upon the necessities of the situation, and a verdict taken under which they have, in a number of instances, been brought to St. Elizabeth's Asylum, in Washington, as United States prisoners who were found to be insane. It is also charged that where a friend or relative could be found in any of the adjoining States or in the Territory of Oklahoma the towns have contributed the necessary money for the poor, and the indigent have been sent to these places, where they were kept for a time and finally sent to the institutions provided for them in the State; in other words, dumped out upon the surrounding country. When it occurs out in the country there is no remedy as matters stand at present. The towns, being incorporated, endeavor to assist those who are within their limits, and the burden is a heavy one. The mercy of both God and man seems to have forsaken or forgotten the unfortunate people in the Indian Territory.

Q. Where is a man prosecuted for a petty offense?—A. I think this question has been fully answered. Before the United States commissioner and the Federal courts.

Q. What authority does the Indian agent exercise, and what relation does it bear to that of the inspector? What relation do these men bear to the courts? What authority has the Dawes Commission and what relation does it bear to the other authorized agents or officers in that country? What provision is there made for either the acquirement or protection of property outside the town limits?—A. I can answer these questions better taking the four together: The United States Indian agent at the Union Agency exercises all of the authority of an Indian agent under the general law. He also has special authority conferred upon him to receive the moneys and issue the deeds for town property and through the Indian police to eject people who he decides are wrongfully holding possession of an Indian allotment of Indian land. In the exercise of this last authority he is sole judge. A provision of the Indian bill provides that he shall not be subjected to injunction or the process of courts. The inspector also has an office at Muscogee. He is generally considered as the personal representative of the Secretary of the Interior in the Indian Territory. To him all applications for leases, etc., under the law are made; he has supervisory authority over practically everything in the Indian Territory, except the enrollments and allotments, which are in the hands of the Dawes Commission. The Dawes Commission is charged with the duties of preparing the rolls of parties who are members, or, as they are termed, citizens of the nations and of the allotment of lands thereunder. All of this complex machinery is under the direction of the Secretary of the Interior.

The Dawes Commission have denied his authority over them, but it has been exercised in face of that denial. The machinery is complex, and it has been in many ways unsatisfactory; perhaps it is the best the

Government could do, but at best it has been arbitrary and the limitations upon what could and could not be done has been so great that the advancement of the towns has been retarded, individual rights limited and abridged, and an unsatisfactory condition of affairs, both to the Indian and to the white residents as existing now. These men bear no relation to the courts whatsoever, and under existing laws so much is left to the discretion of the Department that it is almost impossible to correct any errors in the courts, because they are not subject to mandamus or injunction, where they are exercising a discretion conferred upon them either direct or implied.

The people of the Indian Territory are now looking for relief through the action of this committee by the establishment of a stable government under which they will be permitted to provide suitable legislation applicable to the wants and necessities of that country. No country can be governed properly at long range from 1,500 miles distance; and it is a further fact that every one of the real governing officers are men who are appointed from other States and prior to their appointment knew nothing of these people or their necessities. It is to be presumed that when their term of office expired they would return to their homes. In support of this I direct your attention to the fact that the Dawes Commission is composed of men from other States; the Indian agent the same, the inspector the same; also the judges the same; a portion of the marshals were residents of the Indian Territory, but the only business they have is service of process. The petty Indian officials have no legislative power. The people are not even permitted to have a Delegate to speak for them either before the committees or on the floor of the House. The story of their wrongs is forgotten, while voluminous reports from the various officials, showing to them what they have or are seeking to accomplish, draw the attention of the most earnest members of the committee from the necessities of the Indians in that country.

Q. What provision is there made for either the acquirement or protection of property outside the town limits?—A. Absolutely none as to real estate.

Q. What is the area of lands now on the tax rolls in the Territory of Oklahoma?—A. I am informed between 7,000,000 and 8,000,000 acres.

Q. What portion of Oklahoma is not subject to taxation by reason of being allotted to Indians or within an Indian reservation or otherwise reserved?—A. A little less than 4,000,000 acres.

Q. What portion of Oklahoma is unentered and now vacant public lands?—A. According to the last report the same are given as follows:

Alva district	43, 916
El Reno	6, 818
Kingfisher	126, 659
Lawton	16, 681
Mangum	42, 000
Woodward	114, 985
Beaver	2, 738, 709
	<hr/>
	3, 089, 768
Saline Reservation	17, 263
	<hr/>
	3, 107, 031

Pasture reservation and the Indian reservations.

Q. How much land is there now held under homestead entry upon

which final proof has not been made and which is not subject to taxation and may not be subject for a period of five years?—A. This can not now be estimated. There is considerable in all the districts of Oklahoma upon which proof has not been made. Practically all of the lands opened in 1901 are in this condition—I should say, at least, about 2,000,000 acres.

Q. Is there within the limits of Oklahoma one developed coal mine or one coal company working any mine within this Territory?—A. There is not to my knowledge.

The CHAIRMAN. At this point, gentlemen, I wish to make a suggestion. This question of statehood is a very interesting question, and a great many of our friends come in to hear the discussion. They are all more or less interested. I have noticed that when some gentleman has the floor there is a tendency, and it is very natural and very proper, perhaps, to have interrogatories submitted by gentlemen who are not members of the committee. But the chairman desires to suggest that it makes it very difficult indeed for the reporter, who does not know the names of the gentlemen who are not members of the committee, and it introduces confusion in the remarks of the gentleman who has the floor.

The Chair would therefore suggest that those gentlemen who are interested shall submit their interrogatories to members of the committee and let the members of the committee propound them, so that we may preserve better order in the remarks of the gentleman who has the floor. It is only fair to the gentleman who may be speaking to the committee, I think, and if there is no objection from the committee perhaps we had better make some such rule as that.

Mr. HOWE. I desire to thank the chairman and the members of the committee for their attention and to say that if there is any further light that I can throw upon this matter I shall be at your service at any time. When I speak in that way I am conscious of the fact that I have been in that portion of the country more than some members of the committee, probably, and perhaps more than some of the members of the Oklahoma delegation who are here.

It is true that the condition of these treaty tribes is rather a delicate and perplexing problem, and one that it is hard to grasp and understand at times without giving considerable attention to the subject, and I appear, at the request of Mr. Doyle, in order that I might perhaps explain a little that was dark to you. And am at the same time aware that it was a favor to myself and those for whom I speak.

The CHAIRMAN. The committee has been interested and instructed by your remarks, and is glad to have had you appear before it.

Mr. LLOYD. I move that we do now adjourn until 10.30 to-morrow morning.

The committee, at 5 o'clock p. m., adjourned until to-morrow, February 2, 1904, at 10.30 o'clock a. m.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 2, 1904.

The committee met at 10.30 o'clock a. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. Colonel Havens, before you proceed the chair desires to ask you to present to this committee, at some time during your remarks, in a concise form, all the arguments that present themselves to your mind against the joinder of Oklahoma and the Indian Territory in a single State. There is another suggestion which was made last night, which some of the gentlemen here may not have heard, to the effect that questions to be propounded to gentlemen addressing the committee should be propounded by some member of the committee, because if they are propounded by gentlemen who are in attendance here, not members of the committee, they confuse the reporter and lead to confusion in the argument of the gentleman who is addressing us.

You may now proceed.

STATEMENT OF A. G. HAVENS.

Mr. HAVENS. Mr. Chairman and gentlemen of the committee, the material facts relating to the qualifications or fitness of Oklahoma for statehood—

Mr. LLOYD. May I suggest a fact, as to which I think we are all agreed, and that is that we are not especially concerned further about statistics.

Mr. HAVENS. I was about to say that I should not touch upon that question.

The CHAIRMAN. If any statistics are to be presented by you, please present them in the most condensed form possible.

Mr. HAVENS. I was about to say that these facts had been so fully presented, that is, the facts relating to the wealth, population, and general resources of the Territory, and are so well understood generally that it would be an imposition upon the patience of this committee for me to rehearse them now. I desire, however, to refer to some of the incidental questions and considerations involved and to some of the statements made by Mr. Doyle in his argument.

Ten years ago, when Oklahoma had about the wealth and the population which Territories have usually had when admitted as States, she made application for admission as a State and was refused. During the succeeding ten years she has been continually coming here with her application for admission as a State, and has been steadily repulsed, until we have grown into proportions greater than about one-third of the States of the Union. At the last general election, in 1902, we cast more votes in our Congressional election than were cast in 18 of the States of the Union.

Mr. LLOYD. You mean in any one of the 18 States?

Mr. HAVENS. Yes; in any one of 18 States, and yet we are on the outside. We are here appealing for that recognition to which we believe we are entitled. There must be some reason for this outside of the conditions that ordinarily prevail. There must be some reason why Oklahoma has been refused admission to the Union until she has attained a population greater than many of the States of the Union

and more than double what has been required of any other Territory that was ever admitted to the Union.

What is that cause? When we have come here with our application for statehood we have constantly been met from the Indian Territory with a proposition to attach that Territory to Oklahoma. Discussions which have followed have related mainly to the conditions in the Indian Territory, and not to a fair and impartial consideration of Oklahoma's claims. The time of the committee has been occupied with the material considerations that have been presented, relating to complicated, mysterious, and uncertain conditions that prevail in the Indian Territory, and the question of our admission has been embarrassed, hindered, and denied a free and impartial consideration because the Indian Territory has constantly presented itself with a claim to be attached to Oklahoma.

Our friends from the Indian Territory have insisted, through representatives here, upon being attached to Oklahoma, and have at last succeeded in bringing this question squarely before this committee. They seem to think that it is impossible for them to secure the legislation which they so sorely need unless they can hitch on to Oklahoma and be brought in upon the strength of her claims for admission as a State. And so heretofore, in half a dozen Congresses, as well as before this committee to-day, this question has been embarrassed and hindered by these conditions in the Indian Territory. What has been the result? The result has been that the Indian Territory has failed to secure legislation which she ought to have had years ago and which she might have had if she had presented herself here without the complications and hindrances that have been brought about by reason of the entanglement with Oklahoma; and Oklahoma has been defeated in her aspirations for statehood because of those entanglements.

If Oklahoma and the Indian Territory had been situated 100 miles apart, so that their respective rights and claims would not have been entangled and complicated, Oklahoma would have been admitted as a State years ago, and the Indian Territory would have secured the legislation which it is discreditable to this Government and the country she has not secured long ago. The anomalous condition which exists there would have been provided for by Congress, except for the embarrassments that have been constantly presented here and which our friends from the Indian Territory have mistakenly brought here in the belief that by hitching on to Oklahoma they can secure that legislation through her admission as a State into the Union.

I do not criticise nor find fault with the representatives of the Indian Territory for this condition. They are more sinned against than sinning. Some of the people of Oklahoma are chiefly responsible for the fact that the representatives of the Indian Territory have presented themselves here in this attitude. We have in Oklahoma two or three influences that have steadily opposed any immediate statehood for that Territory. Let us see what those influences are. The Federal officeholders of Oklahoma have steadily opposed any proposition that looked to immediate statehood for that Territory, apparently with the view that statehood would end their occupation as Federal officeholders. Their influence has steadily gone against every effort of people of that Territory to secure statehood. Not daring to oppose public sentiment and say they were opposed to statehood, they would say, "We are in favor of statehood; but we want to wait until the Indian Territory is

ready. We want to be united with the Indian Territory." They whisper in the ears of the Indian Territory people that they should not ask for Territorial government; that they should not undertake to secure legislation; but that they should make a common cause with Oklahoma for statehood; and in that way they have accomplished their purpose of delaying statehood and holding on to their Federal positions.

This condition of affairs existed under the Administration of President Cleveland, when every Federal officer took that position. It existed under the Administration of Mr. McKinley and partially exists to-day, but not so fully as it did then. A portion of our Federal officers are supporting and advocating the passage of the McGuire bill. Our governor, secretary, and United States attorney, and two or three of the Federal judges at this time are favorable to the passage of this bill. But prior to this Congress I know of no Federal officer who has not occupied the position I have stated.

Then there is another influence. Every railroad corporation in the Territory of Oklahoma has occupied precisely the same position. All of the influence and power of those corporations have been brought to bear to defeat legislation upon the statehood question. And why? The legislature of Oklahoma is a small body. The house of representatives is composed of 36 members and the council of 13 members—a body very easily handled.

The railroad companies have never failed to get what they want. They are better satisfied that these things should remain as they are than to take the risk of conditions that will follow when statehood comes, and when they fear that a railroad commission may interfere with their rates for traffic and regulate, to some extent, in the interest of the people, the affairs of the railroad companies. And so it is a fact that the attorneys and officers of every railroad corporation in that Territory have been steadily arrayed against any form of statehood for Oklahoma. They say: "Wait until the Indian Territory is ready; we are doing well enough."

I understand, and have been informed since I have been here upon this trip, that one of the great railroads which has heretofore occupied that position is now favorable to the passage of the McGuire bill and that their attorney at Guthrie occupies that position. That is the Sante Fe Railroad Company. I know of no other railroad in the Territory to-day whose attorneys and officers are not working to defeat the passage of this bill and who are not encouraging the people of the Indian Territory to hold off and wait until some uncertain time in the future when the two Territories may be united.

Then there is another influence. We have the capital question out there—the question of the future location of the capital of the Territory. The town of Shawnee, as you will notice, is situated only a few miles from the Indian Territory, while Oklahoma City is only about 30 or 35 miles farther west. Each of these cities is ambitious to secure the location of the capital. They believe that their location in the southeastern portion of the Territory would give them but little chance of succeeding, unless they can secure an alliance with the Indian Territory. Until two or three years ago the people of Oklahoma City were favorable to statehood for Oklahoma. It was then believed that there would be no trouble in moving the capital from Guthrie. There was but one railroad line running through Guthrie and that

town was very inaccessible to the people of the Territory, but within the last two or three years Guthrie has secured nine lines of railroad, which run out in nine different directions, penetrating every part of the Territory and making it easily accessible to all the people.

It is now apparent that, with the present boundaries of Oklahoma, the capital can never be moved from Guthrie, and the only hope Oklahoma City and Shawnee have of securing the location of the capital is in defeating statehood for Oklahoma. Within the last two or three years, to secure an alliance with the Indian Territory, they have shifted their position, and, having been advocates of statehood for Oklahoma, have suddenly become insistent upon combination with the Indian Territory. They have held what they call single statehood conventions at Shawnee and have invited the people of the Indian Territory to participate with them. They have secured their presence and have given them assurances and encouragement to believe that by holding out and seeking no independent legislation for themselves, by waiting until Oklahoma can pull them in, they will get into the Union as a State or as a part of a State. In fact, they have been assured that there was no question that if they waited until this Congress they would secure statehood.

These influences, Mr. Chairman, have had the effect of defeating statehood in Oklahoma, and these are the influences that have operated against us.

What is the sentiment of the people of that Territory? I make the statement that outside of the southeastern corner of the Territory, embracing three or four counties within the range of Oklahoma City and Shawnee, there is practically no sentiment in that Territory favorable to statehood with the Indian Territory.

The CHAIRMAN. You mean there is no such sentiment in Oklahoma Territory?

Mr. HAVENS. I mean to say that there is no sentiment in Oklahoma Territory in favor of single statehood.

Some gentleman, the other day—and I do not know whether he is present now or not—inquired of one of the speakers if there was not a square issue made in that Territory in the last election upon the statehood question, by the platforms of the political parties. I undertake to say that prior to our campaign in 1902 no political party in Oklahoma ever adopted a platform favorable to single statehood. On the contrary the people, irrespective of party, have stood together in advocacy of statehood for Oklahoma.

No political party until last year, 1902, ever made a declaration in a platform in favor of single statehood—neither party. But in that convention the candidate of the Democratic party who was nominated for Congress resided in Oklahoma City and shared in that feeling with reference to the location of the capital. He was the nominee of that convention, and the delegation from that county succeeded in securing a declaration in the platform in favor of single statehood. That declaration was as much a surprise to the Democratic party of the Territory as it was to the Republicans, because prior to that time the Democracy of the Territory had occupied no such position, and they do not occupy it to-day. They voted for Mr. Cross, who was the Democratic nominee, notwithstanding this declaration of the platform which they did not approve. Take the county in which I reside, one of the largest of the Territory, and take my city, having a population of about 10,000;

to-day I know of but three men of either political party in that town who favor the idea of an alliance with the Indian Territory. I have resided there from the day the town started, and I know the people and the sentiment of the community, and, while there may be more, I know only of three men who are favorable to the proposition that is being made in favor of single statehood.

Mr. LLOYD. May I ask you this question: Is the question of statehood in any sense a political question in Oklahoma?

Mr. HAVENS. It never has been a political question in that Territory. Our statehood conventions have all been called irrespective of party, and have been composed of representatives of both parties. It never has been made a political issue, until Mr. Cross and the Oklahoma City people succeeded in getting that plank in the Democratic platform in 1902; and even the fact that the declaration was placed in the platform did not have the effect of switching the Democratic party to that position, and they are not there to-day, outside of the particular localities I have mentioned.

Mr. LLOYD. May I inquire what your town is?

Mr. HAVENS. Enid, Garfield County.

Mr. LLOYD. Is not your town one of the applicants for the capital in the event of statehood?

Mr. HAVENS. No, sir. There was some talk among some of our people to that effect a year or two ago, but no one attaches any importance to it. We have no chance of securing it, and are making no contest for it. That town has been, however, trying to secure the location of some one of the Territorial institutions.

I want to refer to one other matter of history. In the legislature of 1900 the people of the Territory, wearied with their continued failures to secure recognition from Congress, believed that if they adopted a constitution and presented it here without waiting for an enabling act from Congress, the question would be presented fairly and squarely as to whether Oklahoma should be entitled to admission or not, and it was believed that she would thereby head off the complicated questions relating to an alliance with the Indian Territory and secure the judgment of Congress as to their claim upon its merits.

In the legislature a bill was introduced providing for calling a constitutional convention, precisely as Kansas did. Kansas framed her constitution without waiting for an enabling act, and some other States have been admitted in a similar way. I had the honor of preparing that bill, being a member of the council. It passed the council and was sent to the house, where it also passed with some slight amendments, and came back to the council, which refused to concur in the house amendments. A conference committee was appointed, of which my friend Doyle and myself were both members.

Mr. LLOYD. Then you did not agree?

Mr. HAVENS. We agreed. That was exclusively an Oklahoma bill, and Mr. Doyle was at first urgently in favor of it. Then, as I say, the only complaint that Mr. Doyle made of that bill was that in preparing it I had given the Republicans a little too much advantage in the matter of electing delegates to the constitutional convention. He insisted on having such a modification as would give the Democrats a little better show. When we got into the committee of conference we let Mr. Doyle have his way about it, and he went in and voted for the bill.

While that bill was pending in the legislature a statehood conven-

tion was called, irrespective of party and politics, and we all agreed about it. There were no differences of opinion except on the matter of representation, and we reconciled those differences. That convention was one of the largest that ever assembled in the Territory. All parts of the Territory were represented, and it was composed about equally of Republicans and Democrats. The subject of politics was not considered. What they wanted was statehood. That convention indorsed the statehood bill for Oklahoma with but one dissenting vote. There was but one voice in that convention against the passage of that statehood bill for Oklahoma. They declared in favor of statehood for Oklahoma without the Indian Territory and in favor of the passage of this bill. That was the state of public sentiment up to that time.

Mr. LLOYD. When do you say that was?

Mr. HAVENS. That was in 1899. There had been no political divisions up to that time and no differences of opinion among the people generally, except those differences I have heretofore called your attention to, coming from the influences of Federal officeholders and railroads. At that time the capital question had not arisen. The representative of Oklahoma City, who is now chairman of this single-statehood committee, and who, it is announced, as I understand from the chairman, will be here to advocate single statehood before this committee, was a member of that legislature and was chairman of the committee that reported the Oklahoma statehood bill.

Mr. LLOYD. Was that Mr. Ames?

Mr. HAVENS. No; it was Mr. Jones. He was originally a supporter of it and was as enthusiastic about it and as earnest as I was myself. The constituency which he represented, embracing Oklahoma City, occupied the same position, and he represented the sentiment of that entire community. It was not until the capital question assumed a new phase that Mr. Jones and others of Oklahoma City changed their attitude upon the statehood question, and in that city to-day Republicans and Democrats alike are opposed to the McGuire bill and in favor of the attachment of the Indian Territory to Oklahoma. It is not a political question there.

I want to refer to another fact as indicative of public sentiment in that Territory to-day. The advocates of single statehood called a convention to meet in June last at Shawnee, the purpose being to bring pressure to bear in favor of single statehood. They made frantic efforts to secure a large convention. They sent letters all over the Territory, appealing particularly to the Democrats, whom they expected to be favorable, to send delegates to that convention.

Letters were scattered as thick as leaves in autumn all over the Territory, begging those whom they hoped might be friendly to send delegates to that convention. What did they succeed in doing? They did not get, in the entire Territory, delegates from half a dozen counties. After the most frantic efforts they did not succeed in getting a convention of delegates from more than three or four counties, and those were counties located in the corner of the Territory to which I have called attention. The Democrats in Enid called themselves together to see what they would do about it, and they deliberately voted that they had no sympathy with the purposes of that convention and refused to send delegates to it. That was true as to the entire western two-thirds of the Territory.

I wish to call your attention to another aspect of the influences I

have spoken of in that section embracing about two-thirds of the Territory which lies west of the Santa Fe Railroad.

I first, however, want to call your attention to the methods they resorted to to secure delegations for the Shawnee convention. At the city of Guthrie, where there were scarcely any single statehood people, a gentleman by the name of Niblack and another by the name of Joe Wisbie assembled themselves together as collective agents of Oklahoma civilization, I suppose, selected a delegation, and announced to the press through the Territory, by telegraph, that a mass meeting convention of the people of Guthrie had appointed the following gentlemen as delegates to the Shawnee convention. Upon that delegation they placed the most prominent antisingle statehood citizens of the town, and upon them such men as Mr. Greer, Mr. McNeil, Governor Barnes, and other gentlemen of that sort, in order to create an impression upon the outside that these gentlemen were favorable to the scheme. They were advertised all over the country as having been appointed to this single statehood convention. They knew nothing of it, and no one did, outside of these two gentlemen, in a city of 20,000 people. It was not known that any such proceedings was going on. Those gentlemen, of course, did not recognize any such appointment, and, of course, did not attend the convention.

Mr. LLOYD. Did they send proxies to the convention?

Mr. HAVENS. I will tell you how they managed that. Take, for instance, Kingfisher County. Probably there is but one single statehood man in it, and that man from Kingfisher County attended the convention. When he got over there they seated him as a delegate, and in the proceedings of the convention he was regarded as the representative of the people of Kingfisher County. He was there without credentials and without any constituency behind him and without authority. The same thing was done as to several other counties. In that way they managed to get into the newspapers. The people of Oklahoma, outside of those two or three counties, had little more to do with that convention than the people of Washington City.

Mr. Doyle read the other day from a memorial to the Oklahoma legislature of 1901, from which he undertook to make it appear that the sentiment of Oklahoma was against statehood for Oklahoma. The people of Oklahoma have become impatient and discouraged at the failure of their previous efforts, and have come to feel that they have got to surrender, or at least take anything that Congress will give them, and that if it is single statehood they will have to submit. This memorial, after reciting the conditions that exist there and the claims of the Territory to statehood, says:

Believing that immediate relief should be had by them (the people) if, in your wisdom, Oklahoma alone is not entitled to statehood, we urge immediate admission with the Indian Territory.

This resolution assumes that the people want statehood for Oklahoma; but they say that if, in your wisdom, Oklahoma alone is not entitled to it, then give us something else. We want some kind of statehood. That was the sentiment and feeling when the memorial was adopted, and there was not a vote of the Oklahoma statehood people against it.

Mr. LLOYD. Is that the sentiment to-day?

Mr. HAVENS. That is the sentiment to-day to a very large extent.

I want to call your attention to one or two statements made by Mr.

Doyle. He contended that it had been in view by the people of the Territory from the first that its destiny was with the Indian Territory, and that our legislation had been shaped accordingly.

Mr. MCGUIRE. I will point out on the map those locations as you go along.

Mr. HAVENS. Do you know the original lines of the Territory?

Mr. MCGUIRE. Yes.

Mr. HAVENS. He argued this from the location of the agricultural college and the university. He argued that it was manifest that the legislation contemplated the future combination with the Indian Territory. Mr. Doyle seems to have forgotten that at the time that was done Oklahoma consisted of but three full counties and a half of two or three others.

I believe I can indicate on the map better than you can what constituted Oklahoma at that time. This is all there was of the Territory. It included a portion of Payne County and a half of Kingfisher. Here was the line of the Territory at that time. The rest of this portion was an unsettled Indian county and Logan County was not included in it. Pottawatomie County was not included. None of this sweep of country here and none of this strip over to the western boundary of the Territory was a part of the Territory at that time; that is, it was unorganized territory and not represented in the legislature.

At the time the capital question was first agitated there was an intense conflict between Guthrie, Oklahoma City, and Kingfisher for the location of the capital. It became so intense that corruption was charged and all sorts of irregularities were supposed to have existed in connection with the attempted legislation. Kingfisher, lying on the west boundary of the Territory, was an applicant for the capital.

The friends of one of the other towns offered to unite with them and give them the agricultural college, and finally offered to give them both the agricultural college and the university if they would recognize their claim to the capital and unite on their town. Kingfisher refused to do it, and lost the capital and lost the agricultural college and the university. Otherwise they would have been located on the other side of the Territory instead of where they are. It was a result of a combination to locate the capital at Guthrie. That is what located these institutions. Statehood was not thought of at that time. It was only a few months after the organization of these three or four counties as an organized part of the Territory.

Now, gentlemen, there is contained in this bill a provision that in the future the Indian Territory may be attached to Oklahoma. In his remarks here yesterday, Mr. Doyle denounced that provision as an infamous proposition. What is it? That provision does not attach the Indian Territory nor any part of it to Oklahoma. It does not require it to be attached. It is simply a provision that if, in the future, Congress shall desire to attach it, Oklahoma will not stand in the way. It commits Oklahoma to a position where she can not object, if Congress should desire and the Indian Territory should desire to be attached, and that is all it provides. It does not make it obligatory upon anybody, upon the people of the Indian Territory, or upon Congress to attach it.

Mr. LLOYD. That clause in the McGuire bill does not give the Indian Territory any say about it, does it?

Mr. HAVENS. It just leaves it an open question with Congress and

the Indian Territory. It puts Oklahoma in a position where she has nothing to say about it.

So far as that provision is concerned, it was stated here the other day, and I think I can state it safely now, that it is not there because the people of Oklahoma want it there. We do not want the Indian Territory. Speaking for myself, I say that I hope we never will have any connection in the way of statehood with that Territory, and I think that is the sentiment of our people generally. The provision is there in deference to a sentiment outside of the Territory which has seemed to exist that we ought to be united with the Indian Territory. We want statehood, and if the Indian Territory is to be united with us let it be done in the future, and let Oklahoma come into the Union without waiting another ten years.

Mr. POWERS. Has not the same provision as that been in a number of bills heretofore that have been passed by the House and the Senate and the infamy of the provision has never yet been discovered?

Mr. HAVENS. Yes, sir; it passed the House of Representatives at the last session.

Mr. POWERS. It was in a bill antecedent to that also.

Mr. MCGUIRE. I think it has been in a large number of bills.

Mr. HAVENS. It is there not for the purpose of doing injustice to the Indian Territory. I will concede that it would be unjust to the Indian Territory that it should be taken up by piecemeal hereafter and attached to Oklahoma. There is no question about that. I believe that if this bill passed with that provision in it the impropriety of butchering up the Indian Territory in the future and of creating two States would be so clear and manifest that there would not be a voice in the Indian Territory or in Oklahoma, and probably very few, if any, in Congress, that would favor it. I do not believe it would ever result in the union of those Territories.

Mr. ROBINSON. Do you know of any instance where Congress was so unjust, even although the act clothed them with that power?

Mr. HAVENS. No, sir; I do not.

Mr. RODEY. I never knew of that provision being in any bill.

Mr. POWERS. I have been told that it was in a bill passed at the last session, and it has been in former bills.

Mr. DOYLE. It was in the first bill introduced ten years ago.

Mr. HAVENS. Mr. Doyle stated the other day that the failure to locate public buildings in Oklahoma was an indication that they were waiting to give the Indian Territory a chance.

Mr. Chairman, all of the public buildings that have been located since the original action locating the university, by the first legislature, have been located on the western side of the Territory, showing that no such purpose as future union with the Indian Territory has been contemplated. In Woods County is one of the finest normal schools there is in the West, housed in one of the finest buildings. A preparatory school exists in the county just east of it at Tonkawa, and another normal school has been located in the western part of the Territory.

Mr. POWERS. How many normal schools have you?

Mr. HAVENS. We have three.

Mr. POWERS. The location of normal schools would not indicate much, because if you had the Indian Territory you would locate some in that Territory.

Mr. HAVENS. That would be so, I think; but I say the matter of the location of public buildings does not indicate anything.

Mr. LLOYD. Why is it that you have a penitentiary and insane asylum located as you have?

Mr. HAVENS. A bill passed the legislature twenty-two or twenty-three years ago locating the penitentiary, and it was vetoed by the governor.

I want to go back for a moment and refer to the statehood bill passed by the legislature, calling a constitutional convention. That bill passed both houses of the legislature and there were but two votes against it in council and in the house; but it was vetoed by the governor. The governor was a Federal officeholder, and his official occupation would have ceased or might have ceased if that bill had become a law. To-day that same governor is an advocate of statehood under the McGuire bill. He was placed upon a delegation to come here and present this matter to this committee. He is not here as a member of that delegation on account of business obligations which made it impossible for him to come.

Mr. REID. I did not quite get your idea of why he vetoed that bill.

Mr. HAVENS. He vetoed it on the ground that it was a bill to secure statehood for Oklahoma alone, and he was in favor of a final union between Oklahoma and the Indian Territory.

Mr. REID. What reason did he give for it, in his veto message?

Mr. HAVENS. You heard it read here the other morning.

Mr. REID. I was not here when it was read.

Mr. HAVENS. That was the chief reason he gave, that he did not think Oklahoma alone should be made a State.

Mr. REID. You refer to his being a Federal officeholder. I do not quite see what that had to do with vetoing a bill for a public building. I want to get at whether that was why he did it.

Mr. HAVENS. That is a difficult question for me to answer, but this capital question entered into it. The location of the public buildings was antagonized by Oklahoma City and Shawnee. They wanted to hold off the location of buildings and use them to trade on in order to locate the capital in the future. I never could see any other reason in it. But since then Congress has passed an act which absolutely prohibits us from erecting any public buildings, and we are to-day in a condition where we have no power to locate public buildings at all.

Mr. ROBINSON. Not even an insane asylum?

Mr. HAVENS. No, sir; we can not locate an insane asylum.

The CHAIRMAN. Refer to that law, so that we can have it in the record.

Mr. HAVENS. I do not remember the date of the act.

The CHAIRMAN. It was passed four years ago.

Mr. ROBINSON. What do you do with your insane?

Mr. HAVENS. I will come to that after a while. These influences with reference to the future location of the capital have had the effect of preventing the location of other buildings until the capital can be located.

Mr. ROBINSON. It is held up until after the admission of the Territory as a State?

Mr. HAVENS. They are held up with a view of using these other locations for the purpose of trading in fixing the location of the cap

ital; but Congress has interposed and prohibited the location of these other buildings.

Mr. ROBINSON. I think that has been put into the Congressional bill because Congress wants to resolve the whole question and decide the statehood question before the people of the Indian Territory and Oklahoma locate a number of public buildings when there is this conflict of sentiment upon the subject.

Mr. HAVENS. I do not think that is possible, because Mr. Flynn was instrumental in having that provision placed in those bills, and he certainly had no view of that kind.

Mr. LLOYD. Was he not a resident of Oklahoma City?

Mr. HAVENS. No, sir; he was a citizen of Guthrie.

Mr. LLOYD. Is he not now a citizen of Oklahoma City?

Mr. HAVENS. Yes; he is now. Our condition with reference to public buildings is this: We have the insane, the deaf, dumb, and the blind and we have no place whatever to keep them; we have our criminals, and we have no place whatever to take them or to take care of them. We have a contract with the State of Kansas to care for our criminals, and we are at the expense of transportation and of paying a price to Kansas to take care of them, in which there is a good profit. She has now notified the governor that she will not renew the contract to take care of our criminals, and it is a matter of uncertainty what we will do with them. We have got to go to Arkansas, or Missouri, or Texas, or Nebraska, or some neighboring State to have them cared for, and it is not probable that any of those States have accommodations for them. There are over 300 of them. That is our condition with reference to criminals.

With reference to the insane: They are contracted out. The deaf, the dumb, and the blind are taken care of under private contract. Some company organizes and puts up a building just as cheap as they can, that will make a pretense of answering the purpose, and takes the contract for caring for the insane. In the sanitarium in which the insane are cared for to-day the stock is selling at 100 per cent premium, and it is paying and has paid dividends of 100 per cent on the capital under the contract the Territory has made with them.

The deaf and dumb are taken care of the same way, by private contract. We have no other way to do it. We have no power to locate buildings. We are without a penitentiary, without an insane asylum, without a deaf and dumb asylum, without a blind asylum, and without reformatory institutions. Our youthful offenders, who are usually cared for in the States in reformatory institutions, must either be sent to the penitentiary along with hardened criminals or turned loose. The legislature has passed an act to the effect that these juvenile offenders may be paroled by the judge, upon certain conditions, such as that they shall report to him occasionally at stated times. They are turned loose rather than to place them in penitentiaries along with old and hardened criminals. We have no power to locate reformatory institutions.

Mr. POWERS. Have you ever come to Congress and asked them to give you permission to locate a penitentiary or an insane asylum anywhere in the Territory?

Mr. MCGUIRE. I will answer that. That will be asked at this time. We are now met with the proposition from the State of Kansas that

unless our next legislature provides for building a penitentiary our criminals will be turned loose, so far as that State is concerned. We will ask that at this time.

Mr. HENSHAW. Mr. Chairman, I want to make an inquiry as to what course these proceedings will take and what the programme is.

The CHAIRMAN. As I understand it, Mr. Henshaw, no other gentleman has announced a desire to address the committee immediately after Mr. Havens, so that, in view of that fact, this committee will probably adjourn subject to the call of the chairman. The chair laid before the committee on yesterday a telegram from certain citizens of Oklahoma, stating their desire to be heard before this committee, and when they arrive a date will be fixed by the committee for a hearing. Until that time comes, unless Mr. McGuire or some other gentleman interested in statehood should announce that someone desires to be heard before the committee, we will probably hold no further meetings with reference to statehood.

Mr. LLOYD. Mr. Henshaw is from the Indian Territory. He is a member of the bar there, representing the bar association, and he wants to be heard.

Mr. ROBINSON. When do you want to be heard?

Mr. HENSHAW. I would like to be heard as soon as possible.

Mr. ROBINSON. Why can not we hear him to-day?

The CHAIRMAN. It depends on what is going on in the House. It is rather difficult to get members out of the House and get them to come down here; but if there is no objection on the part of any member of the committee we will take a recess until 2 o'clock. Mr. Havens will then complete his argument, and we will then hear Mr. Henshaw.

The committee thereupon took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee met at 2 o'clock p. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. Gentlemen, shall we proceed informally? I have no doubt a quorum will be here in a very few minutes. Colonel Havens, you might proceed, if you desire.

STATEMENT OF HON. H. E. HAVENS—Continued.

Mr. HAVENS. Mr. Chairman and gentlemen of the committee, when the recess was taken at noon I had but one or two more points to which I desired to refer, and it will not take me long to cover them now. I would like to suggest to this committee the question as to when, if existing conditions continue, it would be possible to make Oklahoma a State, taking into view the conditions that exist in the Indian Territory, and how much longer would Oklahoma be kept from becoming a State. The conditions there are such that in my judgment it is not at all probable that Congress will consent to include that Territory within a State for several years to come. You heard yesterday an intelligent statement of the conditions that exist there with reference to these old treaties, the titles to lands, and the necessity for future action in settling the complications that exist there.

Now, in conversation since I have been here, with a man who is perfectly familiar with the conditions there and the operation of the

Dawes Commission, he expressed the opinion to me that it would be impossible for that Commission to complete its work under five years. There is but one tribe that has as yet been allotted its lands—or possibly two tribes—the Seminoles and the Creeks, and the rest are yet to be allotted; and then come in the questions with regard to the sales of these lands, the methods of dealing with the Indians, and the taxing of the lands of that Territory, and the relations of the Government to the Indians, that neither Congress nor the Dawes Commission are likely to settle for years to come.

Now, what seems to me to be needed is this, that a temporary organization of some kind should be given to the Indian Territory by which they can proceed to prepare themselves for statehood as other Territories have been required to do, and in that way they would reach statehood a great deal quicker than they would to attempt to jump straight to it without any preparatory condition, without any Territorial organization.

Mr. ROBINSON. What form of organization would you suggest?

Mr. HAVENS. My idea is that they ought to have a Territorial government.

Mr. ROBINSON. Could a Territorial form of government be protective of the interests and face these conditions that exist in the Indian Territory any more completely than a measure providing for single statehood could safeguard and care for all those interests?

Mr. HAVENS. I think so, because all Territories remain practically or in fact under the control of Congress and the Government. In the condition we are in we can not regulate our own affairs except as Congress consents to it, and in simply making a Territorial organization Congress retains its supervisory power over the conditions that exist there.

Mr. ROBINSON. And could not Congress in the exercise of that power safeguard all the interests and meet the conditions by making a single State of the two Territories?

Mr. HAVENS. I should doubt much whether it could or not, but I do not think that the time has come when Congress will be willing to turn over the chaotic condition that exists there to a State government, but I think that it will retain its control, as it does over other Territories, until conditions are more settled, and that a Territorial form of government would be a step in the right direction to further the interests of that Territory and make them fit for a State government much more quickly than if they insisted on immediate statehood.

Mr. THAYER. What was the argument in the Indian Territory against it.

Mr. HAVENS. I do not know, sir; I have not been here, you know, and I have not heard the discussions on that question, and I do not know what the arguments were.

Mr. THAYER. Would you mind my asking you this question—I do not know and I am not clear—has it ever made application for Territorial government?

Mr. HAVENS. There was a bill pending during the last Congress that was known as the Moon bill, which was a bill to form a Territorial government in that Territory. Why it was not acted upon I do not know, but I think it was done under this same pressure that is here now, coming partly from the Indian Territory itself, and for reasons which I explained this morning—the hope of getting statehood.

Mr. McGUIRE. May I interrupt you just a moment?

Mr. HAVENS. Certainly.

Mr. McGUIRE. Was not the Moon bill reported unanimously—

Mr. RODEY. Yes, sir. Mr. Moon blocked the House for four weeks because it would not be considered, as will be remembered by members present.

Mr. McGUIRE. You began to advocate the statehood of Oklahoma years ago?

Mr. HAVENS. Yes, sir.

Mr. McGUIRE. And the condition of Oklahoma at the time you began to advocate statehood for it was about the same as the condition of Indian Territory now, was it not?

Mr. HAVENS. I do not think so. I do not think we ever had any complicated conditions, or any difficulty growing out of land titles or the Indian question in Oklahoma, such as exist in the Indian Territory to-day. We never had them.

Now, in view of the possible action of Congress with reference to the Indian Territory, it is my judgment that if Oklahoma is refused admission as a State by herself we shall continue to remain out for the next five or ten years to come, for even after the treaties of 1897 have expired and the power of Congress becomes unquestioned to erect a government over that Territory these complications will still exist to a great extent, and if a State government is proposed for the Territories jointly we will be met by the same conditions that exist to-day to a large extent and the whole question will be embarrassed, and it will take years even then to induce Congress to establish a State comprised of both Territories, and that means for Oklahoma a continuance out of the Union for from five to ten years more, and with 700,000 people, in the conditions that exist in Oklahoma to-day, it is an injustice to the people of that Territory that they should be kept in that condition on account of affairs for which they are not accountable and over which they have no control in the Indian Territory. Why, gentlemen, when the original thirteen States engaged in the war with Great Britain for the independence of this country there was but one State then that had anything like the population or wealth that Oklahoma has to-day.

The CHAIRMAN. Pardon me for interrupting you; I wish you would be as specific as you can as to the difficulties you find in incorporating the Indian Territory with Oklahoma in a State.

Mr. HAVENS. Well, I was stating what I think are the difficulties, that they are such that it deprives Oklahoma of statehood, that on account of the difficulties that exist there, and which will take several years to straighten out and untangle, Oklahoma is being kept from obtaining a State government, and to wait upon those conditions is an injustice to us.

The CHAIRMAN. Your statement that there are conditions in Indian Territory, certain conditions, that will make it impossible for Oklahoma to become a State, is what I am trying to get you to explain.

Mr. HAVENS. It is not a legal impossibility—I do not mean to say that, but it is practically so, because whenever a State government is proposed for those Territories jointly, we will continue to be met and thwarted.

Mr. LLOYD. Thwarted, where?

Mr. HAVENS. By the conflicting views regarding the settlement of the Indian Territory matters.

The CHAIRMAN. I presume you refer to the Indians when you speak of difficulties?

Mr. HAVENS. To the Indians, and to the lands, and the condition of land titles.

The CHAIRMAN. You refer to two points, then, the Indians and land titles. Will you state to the committee in a few words what the difficulties would be with reference to the Indians?

Mr. HAVENS. To the Indians——

The CHAIRMAN. Yes. You say there are certain conditions in the Indian Territory that would make it practically impossible for Indian Territory to be incorporated with Oklahoma as a State at this time, but that statehood would necessarily have to be postponed at least five years. What I want to get at is a specific statement as to what the difficulties are.

Mr. HAVENS. The difficulties are largely in the allotment of their lands and the provisions for the sale of them, and their taxable character.

The CHAIRMAN. Now, the allotment of the lands. Proceed, and be as specific as you can, assuming that the members of the committee are not as fully informed as you are and need specific information.

Mr. HAVENS. I believe the statement of Mr. Howe here yesterday, as to the condition of things in that Territory in relation to the Indian titles and the sale of those lands, is probably better than any that I should make. The truth is that I question whether there are more than a very few men outside of the Interior Department and those attorneys whose business it is to study the situation there who really know much about it.

Mr. LLOYD. That is the very point we are getting at. Now, that well-posted individual who made that statement yesterday stated that the conditions in Indian Territory were such that they could be admitted to statehood at once, and insisted that we accept the Robinson bill, which admits both to statehood at once.

Mr. HAVENS. In that connection let me call attention to another fact. It was stated by Mr. Doyle here, in his remarks, that the Government had violated its treaties with the Indians in the formation of Oklahoma; that it disregarded the treaties with the Indians in the formation of the courts in Indian Territory, and otherwise, and that having done that, it could establish a State government over the Indian Territory just as consistently at this time as it could after the treaty has expired. Now, there is no question about the legal power of Congress to do that, but I dispute Mr. Doyle's statement that the Congress has ever violated its treaties with the Indians.

Mr. STERLING. Do you agree with Mr. Howe that the lands might be subject to taxation if any kind of a bill was passed?

Mr. HAVENS. No, sir; not entirely. And I believe Mr. Howe did not agree that the Indian lands might be taxed. He said that the lands, after being sold, might be taxed.

Mr. STERLING. He said that eleven-twelfths might be——

Mr. LLOYD. He said seven-elevenths.

Mr. STERLING. Seven-elevenths, was it?

Mr. LLOYD. Yes; seven-elevenths.

Mr. HAVENS. I think he said after they were sold.

Mr. STERLING. I did not know that he put that limitation on it.

Mr. HAVENS. Yes, sir; not until after the land was transferred from the Indians.

Mr. STERLING. Of course, nobody disputes that—after it is transferred; but I understood him to say that seven-elevenths of it could be taxed immediately after the Robinson bill was passed. I understood him to say that those lands could be taxed then.

Mr. HAVENS. The title is not transferred from the Indians; it is in the Indians.

Mr. STERLING. No; it is transferred from the Government to the Indians. The question is whether or not, by the passing of the Robinson bill, lands would be made subject to taxation without violating the agreement between the Government and the Indians.

Mr. HAVENS. Not so long as they remained with the Indians. The surplus lands that might be sold would become taxable, and in the Cherokee country there are no surplus lands.

Mr. MCGUIRE. There are two things in the way of the Government taxing that Indian land, or of its being taxed. First, it never has been the policy of the Government of the United States to tax any real estate belonging to an Indian as long as the Indian owned the land. The second thing is that it has never been the policy of the Government of the United States to allow an Indian to convert real property into money except by a very slow, tedious process, for the reason that the minute an Indian gets a dollar the other fellow has it. And the Government keeps that vigilant watch upon the Indian all the time until he is gradually elevated to that position at which the Government thinks he will retain a part of his wealth, at least.

Mr. STERLING. You do not agree with Mr. Howe's proposition?

Mr. MCGUIRE. No, sir; and I have been with the Indian and in the Indian Territory for twenty-two years.

The CHAIRMAN. In case the Indian Territory should be incorporated with Oklahoma as a State, then what would be the relation of the Indian lands to the State government?

Mr. MCGUIRE. Just what it is in Oklahoma, if you will pardon me.

Mr. HAVENS. It would be just what it is in Oklahoma, and as the Indians and Congress arranged that it should be.

The CHAIRMAN. Under existing laws?

Mr. HAVENS. Well, under existing treaties the Indians take their allotments, which allotments contain the best and the most of the lands, as the allotments for them and their families. They are usually allowed 160 acres for each member of the family. Then the surplus after these allotments are made may be sold to the public generally, to anybody that will buy. Those lands would become taxable, but the lands remaining in the hands of the Indians or that remained in their control as allotments, which embraces the great bulk of the land in the Territory, would not be taxable.

Mr. WILSON. Do you maintain that the State government could not tax them?

Mr. HAVENS. Yes, sir.

Mr. WILSON. How could they contribute to the State government, then?

Mr. HAVENS. They would not contribute to the government.

Mr. RODEY. Their enabling act, that has not been passed, has the provision in it that the constitutional convention shall state in an ordi-

nance to be adopted that they will not tax the Indian lands in that way. Otherwise, the State would have absolute power. The State has absolute power to tax any property owned by an individual unless it abrogates the power to do it.

Mr. STERLING. Could they do it by an agreement?

Mr. HAVENS. Yes, sir.

Mr. ROBINSON. It is held in North and South Dakota that the power exists against the Pawpaw Indians of Indian Territory.

Mr. MCGUIRE. It is not only the question of violating the agreement with the Indians, but the Government persists in extending that protection to the Indians.

Mr. ROBINSON. Except as to North and South Dakota and the Pawpaw Indians being taxed, and the North Dakota Indians being taxed on the real estate they hold in fee.

Mr. MCGUIRE. I presume the same conditions exist there as in certain regions in Nebraska where the Indian has become civilized, and only has perhaps a very little Indian blood, and he has as good business qualifications as white people, and has taken his land in fee, and has become a citizen; and in that instance in southern Nebraska, and in a few other cases, the Government does tax the land. There is not an Indian allotment in Oklahoma that is taxed to-day.

Mr. POWERS. If I may be allowed to interject a remark, I would say that I am satisfied that if our bill, whatever it may be, does not fully protect the rights of the Indians as they now exist and under treaty regulations, if it attempts to repeal the restrictions on their alienation, or if it attempts to take away any of the rights that the United States has given them, it is going to meet with very strenuous opposition.

Mr. HAVENS. In the Five Civilized Tribes they have rights under the treaties which protect them to an extent that these Indians, the Pawpaws and the Indians of North Dakota, perhaps do not have, and in the effort to tax them, either through the State governments or Congressional action, it would be necessary to disregard those treaties.

Now, the policy of Congress has always been to respect the treaties with the Indians; and I want to refer to the existing treaties which Mr. Doyle claims have already been violated by Congress. Take the case of the Cherokees. Their treaty of 1828 conveyed to them 7,000,000 acres of land as a whole, and they were guaranteed that that should not be included within the limits of a State or Territory without their consent, and then the treaty goes on and recites that in addition to the 7,000,000 acres hereby granted they shall have a perpetual outlet as far west as the jurisdiction of the United States extends to reach their hunting grounds where the buffalo abounded, and all that sort of thing.

Now, when Congress came to act on this question in the matter of Oklahoma that question arose, whether that treaty which guaranteed protection to the Indians from the organization of a State government applied to that outlet or not, that is 58 miles wide across the end of the Territory, and including the Osage Reservation. The question was whether that treaty protected the Indians from the establishment of a government or not. There was a lengthy discussion, and it was fully discussed in Congress at that time, and it was the judgment of Congress that those treaties were not applicable to that Territory; that it was simply conveyed to the Indians as an outlet, and that Congress had a right to establish a Territorial government over it.

The CHAIRMAN. They have simply a right of way?

Mr. HAVENS. Yes, sir.

The CHAIRMAN. Going and coming; an easement?

Mr. HAVENS. Yes, sir; in a former Congress Mr. Garland, Attorney-General of the United States, in an opinion, called the attention of the Committee on Territories of the House of Representatives to this matter. He was the Attorney-General under President Cleveland. He wrote a letter, addressed to the chairman of the Committee on Territories of this House, in which he stated the opinion that the Indians had not even the right to lease the lands in that outlet for pasture to cattle dealers. As a matter of fact the Indians claiming those lands, claiming that they had a right to them, the Government finally recognized their claim and bought the lands from them and paid them either \$7,000,000 or \$8,000,000 for them, although in the opinion of the Attorney-General of the United States they really had no claim to them.

The CHAIRMAN. Could not a State be created, Congress imposing conditions on the State so created with reference to the Indians and Indian lands, so as to entirely protect the Indians and the Indian lands?

Mr. HAVENS. I would like to finish the point that I am on.

The CHAIRMAN. Pardon me; I thought that you had finished it. I would like to have you take that up later.

Mr. HAVENS. Very well. Now, Congress in organizing the Territory of Oklahoma did not disregard her treaty, did not assume to do so, but held that the treaty was not applicable to that territory—the Cherokee Outlet. The same view was taken with regard to the other lands obtained from the Seminoles and the Creeks. Congress had purchased those lands from the Creeks and Seminoles for the purpose of locating other Indian tribes upon them, and they were occupied by other Indian tribes who had no such treaties with the Government, and the view of Congress was that these treaties did not prohibit Congress from placing them under the jurisdiction of a Territorial government. Now, whether the view of Congress was correct or not I do not know; I simply place the judgment of that Congress at that time against the judgment of Mr. Doyle now, and say that there were no treaties violated in the organization of Oklahoma.

Then Mr. Doyle states that those treaties were ignored and trampled upon in the organization of the courts in the Indian Territory. Now, before Congress established a court in the Indian Territory it made treaties with every one of those tribes obtaining permission to do so, and I will read here from the treaty with the Cherokee Nation. This is the treaty of 1866:

The Cherokees also agree that a court or courts may be established by the United States within said territory, with such jurisdiction and organized in such manner as may be prescribed by law, provided that the judicial tribunals of the United States shall be allowed to retain exclusive jurisdiction of the civil and criminal cases arising within their territory in which members of that nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except where otherwise provided in this treaty.

A similar agreement was made with all those nations before Congress assumed to establish a court in those Territories, and it did not do it in violation of the treaty, but after obtaining a treaty giving Congress the power to do it. There was no treaty violated in that respect, but throughout all this transaction with the Indians of that Territory the Government has always carefully recognized the rights of the Indians under these treaties, and has never taken a step to interfere with those rights

until it has, by treaty or otherwise, obtained the consent of the Indians to do so.

Now, the question is whether Congress will now, or at any near time in the future, trample upon those treaties.

The treaties of 1897, made with all of those tribes, exempt them from State government until their tribal relations are dissolved and their lands have been allotted, and at this time, in my judgment, Congress can not without ignoring those treaties pass an act that would extend a State government over that Territory.

Mr. ROBINSON. In that connection I want to call your attention to the statement that was made within a week before the Indian Affairs Committee of the House of Representatives by the chairman of the Dawes Commission, that by March 9, 1905, they will have entirely completed their work.

Mr. HAVENS. I do not believe a word of it. We have heard that from the Dawes Commission for the last six or eight years, that they were about to complete their work, and that Dawes Commission will hang on for years to come. They have more work to do than they can do in that time. The Department has indicated to them that they must hurry up and finish within the next year or two, but they have been doing that for years before, and it has not been completed its work, and nowhere near completed it, and it will not be completed by 1905.

Mr. THAYER. You spoke about the Cherokee section here, and the fact that the Government bought that land back of them for the purpose of placing other tribes on it.

Mr. HAVENS. The Delawares, the Choctaws, the Seminoles, and the Chickasaws.

Mr. THAYER. Well, when they did place the others on these lands was there any treaty with these last tribes, or did the Government hold the land and give them the rental of it?

Mr. HAVENS. No, sir; no treaties existed with them then on that line.

Mr. THAYER. They could put the State government over them at any time without violating any rights?

Mr. HAVENS. Certainly; and did do it without any question.

Mr. ROBINSON. I would like, if you are through with that, to ask you if the Creek Nation has not now the power of alienation, and if they are not pursuing that right and alienating their lands, and if that does not open up 3,800,000 acres, if they will alienate, to purchase by others from them, and is not that now the present condition in the Creek Nation?

Mr. HAVENS. That is true in the Creek Nation. That is the only one, or perhaps it is so among the Seminoles. I did not know about that, but the Seminoles own a small strip of country there, and they have had their allotments completed, and that is the only one of the five tribes that has had its allotments made.

Mr. ROBINSON. And they are limited to 40 acres to each individual, which can not under the law be alienated at all?

Mr. HAVENS. Yes, sir.

Mr. ROBINSON. Of the 3,800,000 acres there is that per capita that can not be alienated?

Mr. HAVENS. Yes, sir; that is correct. Now, Mr. Chairman, what was the question that you asked me a short time ago, as to whether these rights could not be safeguarded in a State government.

The CHAIRMAN. It was that in effect.

MR. HAVENS. It is possible that that might be done, but that is not what we in Oklahoma are most interested in. Is it probable that Congress will undertake to do anything of that sort? Is it not probable that Congress will undertake to retain its control over that Territory until these chaotic conditions are settled? Will they establish a government and undertake control of that character at this time or at any future time? No; not for the next two years. If Congress respects those treaties they can not pass any bill on the subject.

It will be two years before the expiration of the treaties of 1897, when you can pass a law that would extend the boundaries of a State or even a Territory around those tribes. So there is two years, at least, before Congress has a right under those treaties to pass a statehood act that would include that Territory. Then, when the two years have expired, and you undertake to pass a joint statehood bill and provide these guaranties, you are met by the same difficulties of unsettled conditions there, and it would take years to get a statehood bill through the Congress of the United States. Now, I do not say that Congress has not the power to pass a statehood bill now, but to do it it must override treaties which for seventy years it has respected, and under all conditions and at all times has held to be sacred, and has never in any instance violated in any particular.

Is it so eager to make a State out of the Indian Territory now that at the close of this long career in the Indian Territory it is going to trample upon those treaties and disregard them? I say that you will not do it, and in the mean time we in Oklahoma have to sit back and wait. And when the two years have expired which yet remain, we will have the same difficulties to encounter, and we will come here and talk about the difficulties in the Indian Territory and be still further embarrassed and delayed, and to the people of Oklahoma it looks as if the only thing that would secure statehood for Oklahoma within a considerable period of years in the future is a bill which will admit Oklahoma to statehood now without reference to the Indian Territory.

MR. THAYER. If I mistake not, it has been stated here on several occasions by several parties that the Indians in Indian Territory having these reservations were perfectly willing and anxious for statehood, and, if so, could not they release any rights they have not to have statehood passed over them?

MR. HAVENS. You might make treaties with them, if desirable, and I am glad that you reminded me of that, because I would say that the Indians are opposed to joint statehood with Oklahoma. None of them are in favor of it. They are all opposed to it; and recently, in the month of December, I think—was it not, Mr. Foley?

MR. FOLEY. Yes.

MR. HAVENS (continuing). The Indians at a convention, in which all the tribes were fully represented, passed resolutions protesting against being included in statehood with Oklahoma.

MR. MCGUIRE. Unanimously?

MR. HAVENS. Unanimously. And they are opposed to this statehood with Oklahoma under any conditions.

But let me say another thing. If you will ask any of these several gentlemen here who are here from the Indian Territory what they would prefer to have, and what the people would prefer to have in that Territory, I venture to say that every one of them would say that the

people there would rather have a separate organization, that 90 per cent of the white people of that Territory would prefer a separate and distinct organization from Oklahoma. But they are here asking joint statehood because they see nothing else in sight. They think that possibly by attaching themselves to Oklahoma they can secure legislation more speedily; but it is not what they want. At heart they are opposed to it, and prefer a distinct organization. A Territorial organization or representation through a delegate in Congress is what the people of the Territory actually prefer, and they are only here favoring the idea of joint statehood with Oklahoma because there is nothing else in sight for them, and that seems to be the only hope in their view of things of getting legislation which they need.

Mr. ROBINSON. Now I assume that you have reached a branch where I might interrupt you. Is it not true that there may be leaders and also the rank and file among these Indians, all of whom are intelligent people in the Indian Territory, quite intelligent? Now, does there seem to be a division of sentiment between those who are leaders, who might profit by their leadership in these nations, and the rank and file of the Indians?

Mr. HAVENS. If there is, I am not aware of it.

Mr. ROBINSON. And that the latter, or the rank and file, prefer single statehood and have petitioned to that effect.

Mr. HAVENS. I am not aware of anything of that kind. It may be true; but I have been assured, and since I have been here in the last two or three days, in conversations with the representatives of the Indian Territory here, that what I have stated represents the actual conditions in that Territory.

Mr. ROBINSON. Those you refer to as being opposed to the single statehood of the two Territories were those who might be termed leaders, or in an official position, who might receive benefit by reason of their official position, were they not?

Mr. HAVENS. I suppose ordinarily the men who would be selected as delegates to the convention to represent their tribes would be the leading men. That would be the way with the political conventions of the political parties of this country.

Mr. ROBINSON. But the question is, Do they represent the sentiment of the people?

Mr. HAVENS. They claim to do so. They were sent there as the representatives of their tribes, and they unanimously adopted resolutions protesting against single statehood.

Mr. THAYER. Can you comprehend the condition of mind that a member of this committee is in when for two or three days he hears from amiable and excellent gentlemen, familiar with the conditions there, who come here and assert as a fact that the people of the Indian Territory want statehood with Oklahoma, and then the next day another set of equally intelligent and excellent men come here and assert that they do not want it? Has there ever been any vote in convention, anything by which the wishes of the majority of the people of Indian Territory have been expressed, and is it in writing anywhere?

Mr. HAVENS. There is not, so far as I know, any expression of the opinion of the people of the Territory taken where all of the people were represented. The Indians have expressed themselves, and the white population have held various conventions and participated in conventions on the statehood question, and they are divided among them-

selves at home; but my proposition was this, that even the Indian Territory men, these who are present here, will say that while they are advocating joint statehood, they do so because it seems to be the only thing possible to secure; but that they would prefer, if they could have their way about it, that nine-tenths of the people in the Indian Territory would prefer an organization of their own, an independent government, and I believe when any of them addresses you, if you will put that question to him in that way, that is the reply you will get.

Mr. ROBINSON. Now, you speak about the representative character of these gentlemen of whom you speak, and of whom speaking you have said to the committee some things. Do you know anything about the method of selecting those representatives of the Indian tribes, or were they selected as were some other delegates you described—delegates to conventions, where some people met who elected somebody who never served.

Mr. HAVENS. Mr. Foley understands that question, and I would be glad for him to explain it. I do not know anything about that. But usually the representative bodies of the Indians represent the sentiments of their tribes very faithfully, and they have to do so in order to be leaders.

Now, if there are no further questions, gentlemen, I believe that I have said all that I desire to.

Mr. ROBINSON. Do you claim that the Indians have a treaty arrangement with the United States Government whereby no statehood government could be established over them?

Mr. HAVENS. I do, most certainly; there is no question about that.

Mr. ROBINSON. Do you recall that it was sought in the negotiations between the Dawes Commission and the Indians to insert such a provision, but that was not inserted in the treaty?

Mr. HAVENS. Why, Mr. Robinson, in the original treaty of 1828 and which has been—now, I will read you from the Creek and Seminole treaties—

The United States hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State.

Now, that provision is in all of those treaties with every one of those tribes, and it has never been abrogated except under the treaties of 1897, which provide that the tribal relations shall cease in 1906, and under that it is held that after that time and until that time this treaty is still in effect. The treaty has not been set aside by any subsequent treaty. It is in force as much as when it was enacted.

Mr. ROBINSON. Then that restriction on the establishment of a state government over the Indians would cease in 1906?

Mr. HAVENS. That will cease in 1906, under the treaties of 1897.

STATEMENT OF MR. GEORGE A. HENSHAW.

The CHAIRMAN. You will address the committee on the bill on—

Mr. HENSHAW. On the Indian Territory's position on the piecemeal clause of the McGuire bill, and a few local observations.

Mr. Chairman and gentlemen, I only desire to be heard on one or two propositions, and it has been suggested that I explain the system of our government in the Territory.

Mr. THAYER. In what capacity do you come here?

Mr. HENSHAW. I am in Washington on legal business before the Department of the Interior, and also as one of the committee of the Bar Association of the Southern District of the Indian Territory, in the interest of some needed judicial legislation for the Territory.

Mr. LLOYD. Do you, in coming here to-day, represent anybody except yourself?

Mr. HENSHAW. No, sir; I can not say that I do. In other words, I am not here or was not sent here for the purpose of appearing before this committee. In fact, this statehood legislation was not considered at the convention in which the arrangement was made for this judicial legislation.

The particular points that I want to dwell upon are the conditions and the nature of our government in the Indian Territory. It seems that the Indian Committee—I do not want to criticise Congress nor the legislation of Congress for the Indian Territory—has been guided solely by the interests of the Indians alone. It seems that they have lost sight of the other 600,000 population that dwell within those borders. The reason for that can be readily explained, because of people coming here to represent different interests in the name of the Indians, wanting certain policies pursued in many instances, that would complicate matters and make the opportunities for private gain greater; and much legislation has been passed in the name of the Indian which was not for the benefit of the Indian. We have down there a kind of judicial government. We have four judges for the Indian Territory who act in their respective districts as governors.

The CHAIRMAN. Define those districts.

Mr. HENSHAW. The southern district consists of the Chickasaw Nation; the central consists, as I understand, of the Choctaw Nation; the western of the Seminole and Creek nations; the northern of the Cherokee Nation.

The CHAIRMAN. Do these judges hold courts, and at what places?

Mr. HENSHAW. They hold court in the southern district at six different places, Ardmore being what we call the head of the court, and in the central district they hold court at seven different places, and in the western district several places, and also in the northern district at several places. There are about 12,000 to 15,000 cases, civil and criminal, filed in these courts each year, of which these four judges dispose or try to dispose, and also they act as a supreme court of the Territory.

The CHAIRMAN. By what law are these judges created, and how is their jurisdiction defined?

Mr. HENSHAW. The law is composed of the different acts of Congress, and the jurisdiction is about the same as that of the Federal courts in the States combined with all the jurisdiction that the State courts possess. They have a similar jurisdiction to that of the combined jurisdiction of the Federal and State courts of the several States.

The CHAIRMAN. How are they created, these judges?

Mr. HENSHAW. They are created by act of Congress.

The CHAIRMAN. Are they appointed?

Mr. HENSHAW. They are appointed for four years, and that is another thing that should be remedied.

The CHAIRMAN. Appointed by whom?

Mr. HENSHAW. Appointed by the President. If they were appointed

for life they would not be susceptible to influences. I am not saying that they are, but Federal judges are appointive judges, and they are less susceptible if they are appointed for life, because they do not have to look after future appointments. However, I do desire to say in behalf of all the appointive officers and the marshals of the Indian Territory that there never has been a set of officers that has so faithfully tried to enforce the law, and they do enforce the law.

The CHAIRMAN. What lower courts, if any, are there in Indian Territory.

Mr. HENSHAW. We have 24 United States commissioners, I believe, or, rather, six for each judicial district, which have the same jurisdiction as the justices of the peace in Arkansas in civil matters, and also the same jurisdiction as United States commissioners in the States, to hear preliminary hearings, etc.

Mr. POWERS. To hear civil matters up to \$100?

Mr. HENSHAW. That jurisdiction has been increased to \$300 now.

Mr. THAYER. Are justices of the peace appointed by the people there, or by the National Government here?

Mr. HENSHAW. They are appointed by the judges of the respective districts, and are under the supervision of the judges.

Mr. THAYER. What salaries do the judges get, those four judges?

Mr. HENSHAW. The four judges get \$5,000 each and some additional expenses, and the commissioners get \$1,500 each per year, and they have of course marshals, one marshal for each of the four districts and his deputies.

The mentioned officers are our governors, judges, and legislature. They do business. They do work. They try a murder case sometimes in a day to a day and a half or three days. A case that they would probably try here in Washington for four or five weeks we would try in a day and a half and have the man in the Fort Leavenworth penitentiary on the third day, easy. [Laughter.]

They have to do that. They can not transact their business otherwise. But it puts us in this position, that the rights of people are disposed of hurriedly. It may be that they are disposed of correctly or perhaps they are not, but there is no remedy if they are not.

Mr. RODEY. Does any appeal lie from your court to the Supreme Court of the United States?

Mr. HENSHAW. In some cases on constitutional questions.

Mr. ROBINSON. Can you give us a statement of the size of their dockets and what they dispose of in the year?

Mr. HENSHAW. I have written for a statement of that and the clerk of the court says that it will be here in a few days. I can only give it to you now approximately. There are about 3,500 to 4,000 cases filed in each district annually, and there are now 600 prisoners in jail awaiting trial.

Mr. ROBINSON. Criminal cases?

Mr. HENSHAW. Criminal and civil cases, both.

Mr. ROBINSON. What provision have you as to giving recognizances in criminal cases?

Mr. HENSHAW. Of course, if they are indicted before the grand jury the bond is fixed by motion before the court, or if they are bound over before a commissioner. If they hold a man for murder his case is put without bail, and we make the motion on writ of habeas corpus or by agreement.

Mr. ROBINSON. What instances can you cite of delays in prisoners awaiting the determination of a court?

Mr. HENSHAW. What do I understand by that?

Mr. ROBINSON. I understand that people who are convicted and who are appealing may be unable to give bonds and are unable to secure a hearing of their cases, and are thus kept in jail or prison for a year or two awaiting a determination of their case.

Mr. HENSHAW. Well, that is often the case. There is no provision for giving them any relief by way of giving bond after conviction, except in special cases in the discretion of the court. They usually spend the time pending appeal in the penitentiary at hard labor. Now, as a result of this crowded condition of the courts—

Mr. THAYER. Let us follow that a little further. These jurors are chosen by some method?

Mr. HENSHAW. Yes, sir.

Mr. THAYER. Is that prescribed by the Government here?

Mr. HENSHAW. Yes, sir; they have a jury commission, which meets at each term of the court and draws the jury for the succeeding term.

Mr. THAYER. Then, how do you differ in the Indian Territory, as far as the judicial investigation part of it goes, from other Territories, except that you have more business and have not judges enough?

Mr. HENSHAW. That is the principal difficulty, having that crowded condition. I am not saying that we differ particularly, except that we have no intermediate courts. We are in a crowded condition. We only have a judiciary in name. Four judges are trying to do the work of thirty judges in the States. There are enough of men now in jail to occupy the time of the present judiciary for eighteen months, if they all get sufficient time to have a fair trial.

Mr. LLOYD. Has this matter of courts, about which you are now talking, any connection with the question of statehood?

Mr. HENSHAW. No, sir; it was simply to explain the conditions there and to illustrate how a people can be neglected when they have no one to look after their interests. I only wanted to say a few words upon the court proposition and to show the policy of the Government toward 700,000 people without an official head to make their conditions known, not even a delegate. How came the white man there and what is his status? is one of the propositions that I wanted to try to discuss before the committee. After they established the Indian people there, and the States adjoining became populated, those wilder Indians in the Comanche territory would come down and commit depredations on the white settlers in the States, which, of course, is a long history. The Government realized that the only solution to the Indian problem was to civilize them and mix them with white people and lose the identity of the race by amalgamation. Now, the Indians themselves, together with the Government, in a sense, invited the white people into the Indian Territory for this very purpose, although it was not expressed in that way. They have gone there, and married the Indian in a great many instances, and of course in the slow stages of progress through these marriages between the white man and the Indian the Indian has been improved in condition and educated and raised many degrees higher.

The white men have been the benefactors of the Indians. At the time when they went into the Territory the land was not considered as of practically any value at all, and they have gone there as the bene-

factors of the Indian race. They have been civilizers. They have done more to raise the standard of the Indian than all the Carlisle schools and all the money invested in that way, although the schools have done great work, but it has too often been the case that a graduate of one of those great institutions would return to his original native customs and habits, and before any substantial progress was made the conditions at home had to be removed.

Now, all the legislation that has originated in the halls of Congress has been with the view of legislation for the Indian alone, and his benefactors who have gone into the Territory and made a wild, howling wilderness worth millions of dollars have to-day no consideration in the halls of this Congress; nor have they had at any time in their history, except what they have gotten by sending men and lobbies here—and when I speak of that I mean legal lobbies. They have paid their expenses and time to present the urgent needs of the people; and I say every piece of legislation in reference to the Indian Territory that has been established has cost the people there, all told, \$250,000 in actual expenses and time of men coming here to explain the conditions. You can go to the officers down there and ask them to make in their official reports a statement of conditions existing there, but they answer and say, "That is not a part of our business, and we do not want to be dabbling in outside work;" and the departments here have nothing but these official reports to go by. They do not include the conditions and the wants of the white people of that country.

Now, as to Oklahoma. I want to state our position, and I want to state it as fairly as I can. I do not want to be governed altogether by how I feel about it, but by how I think my people feel about it. Oklahoma has, by some of her gentlemen who addressed this committee, compared her glowing condition, and the injustice that would be done to that country by attaching the Indian Territory to it. Oklahoma has been one of the spots under the Government most favored by Congress. Congress has given that people more money than it has given the people of any other Territory of equal size, perhaps, in the whole United States. Now, they argued here yesterday, and as I understand, they say that if, as by this Robinson bill, the new State is granted this public land out in the wild arid regions of Oklahoma, and make the difference up by the \$5,000,000 provided in the Robinson bill, that that would be an injustice to Oklahoma. Those lands in Oklahoma belong, as I understand it, to the United States, and it would be the United States giving us that amount. Did she not give Oklahoma about \$20,000,000 in their homes bill grant, and lands worth \$40,000,000, all told, for schools and public buildings?

Has not the United States given to Oklahoma the money to build every public institution that she has?

Has she not bought those Indian lands and given them to the people of Oklahoma?

When we have asked Congress to buy that 450,000 acres of coal land in the Indian Territory and give it to us as a school fund we have been met with a deaf ear. If Congress will do half as much by us as she has done by Oklahoma we will forge to the front with more public institutions, and a greater empire than Oklahoma will ever have. We have got the natural resources. We are the richest people on the face of the earth in natural resources, and have the resources to develop

the same, and are now forging to the front, notwithstanding all the impediments thrown in our way.

Now, what is our position in the Indian Territory with reference to Oklahoma?

Mr. MCGUIRE. Do you mean to say that the policy of the Government toward Oklahoma has been any different from what it has been with other Western States and Territories that have been admitted as States and Territories heretofore?

Mr. HENSHAW. No, sir; I do not say that. I simply say what I have said in answer to the criticism that has been made as to the Indian Territory. I do say you have been a pet of Congress for fourteen years. I will illustrate it this way:

We have been a people for which there has been absolutely nothing done except for 5 per cent of our people out there, as I said before, who have actually gone into that country and made the Indians rich. The Indian is wealthy, in a sense. Now, even in all of our towns the land is being sold by the Indians, and we are paying into the Indian treasury money that will be divided among the Indians. I am not complaining about the favors conferred on the Indian; this was entirely justifiable, but the neglect of the white people in their helpless condition.

In all the acts of Congress, in all the protection that has been given to the Indian, there has not been a word said about any legislation against trusts, monopolies, quacks in any of the professions, except, I believe, in the legal profession. Before we can practice law in that country we have to be admitted to the United States courts the same as in any other place. Not a word of railroad restrictions occurs in any of the legislation. When the Arkansas statutes were extended over the Indian Territory the chapter on railroads was omitted. Yet it was just as applicable as any of the Arkansas law. They have no law down there against the practice of medicine and selling drugs by anybody. The railroads can charge any price they desire for freights. The white people have practically paid the taxes that run the Indian government. Every merchant in the Indian Territory, while that is now in dispute, has had to pay to the Indian government 1 per cent on the average amount of stock he carried annually, and if he refused to pay it the Indian agent, backed by the United States Government, came and drove his cattle and moved his stock of goods from the Territory. That goes on to-day. We have not only made their country rich, but we have furnished the money to run their governments.

There is not a province in Russia but has greater liberty than the 700,000 people of the Indian Territory. To our king, the Secretary of the Interior, all bow. The judges tremble before him. Grafters and combinations have fostered under his theoretical administration. What I mean to say is, he governs that Territory 1,500 miles away, on a theoretical basis; and his theories work about the same as a farmer that farms on paper. The Secretary doubtless is trying to do justice by all, but his means of information and his official advisers in the Territory are not always acting without selfish interest.

Mr. HENSHAW. They call this tax a license; but, of course, the people there are living in their own houses, having a title to their own ground. This is in the towns. And they have a cattle tax, which applies to white people or noncitizens, and it has been a matter of trouble pretty much all the time. I speak of it simply to show the conditions there.

Mr. LLOYD. You have no government down there except by the courts?

Mr. HENSHAW. None except by the United States courts, and the Secretary of the Interior is commonly called "the king."

The CHAIRMAN. You spoke of the judiciary there, and I should like to ask you what you have which might conform to the legislative branch of any other government?

Mr. HENSHAW. We have not a thing on earth.

The CHAIRMAN. Have you anything which might conform to the executive branch of any other government?

Mr. HENSHAW. We have the respective judges of each district, who perform such functions as the executives in other countries with respect to recognizing requisitions and examining requisitions and things like that, and we have the Secretary of the Interior.

The CHAIRMAN. Then your judges perform legislative and executive and judicial duties?

Mr. LLOYD. Not legislative.

The CHAIRMAN. They are practically legislative?

Mr. HENSHAW. Except what is done like they did under the old common law when they had a question for which there was no law to apply, and the decision of the court establishes a new precedent.

The CHAIRMAN. Now, another thing. Have these Indian nations separate forms of government, or any forms of government?

Mr. HENSHAW. They had each one of them a separate republican form of government. By the treaties all of their rights to pass any laws of any consequence whatever have been abrogated, and they only meet now to appropriate what money they collect from the white people and such as Congress may pay them, and to have an executive to assist in the disposition of their property.

Mr. POWERS. Let me ask you a few questions, for I have been down in your Indian Territory, years ago. Originally, all this land was granted to these four tribes?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. It was regarded as their particular ownership?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. The white men went there?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. If I may use the term, you say they were "invited there?"

Mr. HENSHAW. Yes, sir.

Mr. POWERS. Who invited them?

Mr. HENSHAW. The Indians.

Mr. POWERS. Do you think they did?

Mr. HENSHAW. Well, that is the history of the matter.

Mr. POWERS. Has not this legislation you complain of been placed upon the ground, or been based upon the fact that the various speculators and men of all sorts, and cattle herders, were poaching upon the Indians and it was necessary to protect them?

Mr. HENSHAW. That was the theory, but it is hardly right to make 600,000 people suffer for the sins of a few grafters, the most of whom are ex-Federal officials.

Mr. POWERS. Did not Grover Cleveland have to institute very strenuous measures to get these cattle herders off?

Mr. HENSHAW. No, sir; that was in Oklahoma.

Mr. POWERS. Well, in Oklahoma?

Mr. HENSHAW. You see, he has done a great deal for Oklahoma by that; but who has done anything for the Indian Territory?

Mr. POWERS. Take 1857. Were there many of these white people there at that time except such as belonged to the tribe by marriage?

Mr. HENSHAW. I can only answer by history or what I have heard. Of course I was not there at the time, but understand there was but few white people there.

Mr. POWERS. I will ask you another question: When was the law passed which permitted, under certain conditions and under certain restrictions, the sale of house lots to white men?

Mr. HENSHAW. It was in 1896, if I remember correctly.

Mr. POWERS. Up to 1896 no white man could acquire any rights there in real estate, could he, except by becoming a member of a tribe?

Mr. HENSHAW. That is all.

Mr. POWERS. And if a white man was there, in accordance with the Indian custom, he became a member of the tribe?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. Now, go back twenty-six years. Did not the Indians at that time have a very good civilization? Did they not have good schools, and—

Mr. HENSHAW. No, sir; I will say that they did not, in part of the Territory; and in part they may have had a very good civilization.

Mr. POWERS. I thought they had very good schools there.

Mr. HENSHAW. They had good schools, but I do not remember what time they were established. They had good schools established in different localities, but, as I said before, the condition west of them in Oklahoma was a menace to the white settlers in the different States.

Mr. POWERS. At that time, twenty-six years ago, there were no settlers in Oklahoma?

Mr. HENSHAW. Nothing except Indians.

Mr. POWERS. Nothing but Indians?

Mr. HENSHAW. That is as I understand.

Mr. POWERS. And it was to preserve and protect the rights of these Indians that this peculiar legislation has been adopted?

Mr. HENSHAW. That has been the theory, yes, sir; but the legislation, like some of the Secretary of the Interior's rules and regulations did not always work as it was intended it should work.

Mr. POWERS. I suppose so.

Mr. HENSHAW. That is what I say; that has been the theory upon which the Government acted. As I say, when the Indian government passed laws permitting and authorizing the people to lease lands to white people for agriculture, that they might get their land in cultivation, and passed laws authorizing the marriages between Indians and white people, I say that was an invitation to the white people to go there and cultivate the lands.

Mr. POWERS. As I say, the white people who went there and married into the Indian tribes became members of those tribes?

Mr. HENSHAW. Yes, sir; they become Indian citizens and deserve more credit than the Carlisle school for their part of the work in the civilization; yet they have been held up to scorn during argument, which was wholly unwarranted.

Mr. POWERS. How is that?

Mr. FOLEY. A white man there who marries an Indian becomes a citizen of that particular tribe, and deserves the honor and praise for his great work as a benefactor of his adopted race, as well as for his courage.

Mr. POWERS. And they have all the rights of a member of that tribe?

Mr. FOLEY. Yes, sir. If you will permit me I will explain. Mr. Henshaw said that the people were invited there. I know something about that. They were invited there in this way: I was a licensed trader in that country, and came there under a license from the Government, and at that time—that was twenty-five years ago, we will say—the white people were invited there by the Indians in this way, to rent their lands to them. A great many white people came in from all the States and rented lands from the Indians because they could get them cheaper.

Mr. POWERS. They could get them cheaper than they could get them anywhere else?

Mr. FOLEY. Yes, sir; and they went there and rented them.

Mr. POWERS. They went there and rented Indian lands?

Mr. FOLEY. Yes, sir.

Mr. LLOYD. Is it not true that the white man went there because he thought he could do better than he could anywhere else?

Mr. POWERS. Better than he could in Kansas or Arkansas?

Mr. HENSHAW. That is the motive that carries us anywhere.

Mr. ROBINSON. How many whites are there now?

Mr. HENSHAW. Six hundred thousand. It does not solve this proposition, even, to go back and discuss the old treaties and regulations. There have been new treaties. The Indian government is dissolved now, so far as any actual government exists in the sense that we use the word government. And they would cut no more figure, practically speaking, in state legislation out there and would be no more hindrance or conflict than a Democratic convention in Pennsylvania does in the government of that State. [Laughter.]

Mr. MCGUIRE. Or a Republican convention would in South Carolina. [Laughter.]

Mr. HENSHAW. That is so.

Mr. ROBINSON. If you have reached a point where I can interrupt you, I would like to ask you a question, or I will withhold the suggestion that I was about to make if you can not now be interrupted.

Mr. HENSHAW. I can be interrupted anywhere. It does not confuse me.

Mr. ROBINSON. During your remarks have you thought to speak anything on the subject of the various companies in the Indian Territory, such as tribal development companies, like the Cherokee Oil and Gas Company, and other companies of that character, and as to the connection of the members of the Dawes Commission as stockholders and officers and president, and as to the connection of the district attorneys or other officials of the United States Government with reference to those companies, and the transactions in that regard?

Mr. HENSHAW. I do not know anything about the organization of those companies nor the personnel of their stockholders of my own knowledge, and therefore would not want to make any statement for fear I might make one incorrectly.

Mr. ROBINSON. Do you want at this time to give us what you might

have with reference to the combinations among the coal companies to increase the price to the consumer of their coal?

Mr. HENSHAW. Well, I only know about the same as the gentleman who preceded me, Senator Havens, said to you yesterday that there is an organization there, or is said to be.

Mr. ROBINSON. You need not repeat his statement unless you care to. It is in the record.

Mr. HENSHAW. Well, that is all I know about it.

Mr. MCGUIRE. By what process of computation do you reach the conclusion that you have 600,000 white people there?

Mr. HENSHAW. I was going largely on the figures of the Dawes Commission and the receipts of the Post-Office Department.

Mr. MCGUIRE. Can you tell from the receipts of the Post-Office Department?

Mr. HENSHAW. No, sir; you can not tell except approximately from the receipts of the Post-Office Department. Where a country goes along with the same gradual increase in business and so on without any special boom, then the increase in the Post-Office Department is a fairly safe criterion, but if there are other conditions that intervene the receipts will not be. Now, the total receipts of the Post-Office Department for the year 1900, at the time the census was taken, were \$203,496.60. For the fiscal year ending June 30, 1903, they were \$373,358.37, which only lacks \$30,000 of being twice what it was in 1900. That is one way of estimating that our population is about three-quarters larger than it was at the time the census was taken in 1900.

Mr. MCGUIRE. That figure might be affected, however, by various other facts.

Mr. HENSHAW. Yes, sir; but I do not know of any other conditions such as you speak of that have existed in the Indian Territory to affect that figure. Now, you take opening up that southern country, where a million people, foreigners, were in there for a week, and all writing letters home, and of course that is readily understood.

Mr. MCGUIRE. The increase of business in any city would bring about that increase in receipts?

Mr. HENSHAW. Yes, sir; an increase of business in the city means increasing business in the post-office to take care of it, and an increase in business means an increase of people.

Mr. MCGUIRE. Perhaps so; not always.

Mr. HENSHAW. Why, it is not a conclusive proposition, of course.

Mr. ROBINSON. Now, take the Dawes Commission.

Mr. HENSHAW. The Dawes Commission perhaps has a better right to know more of the increase in population than any other official body in the Territory, and they place the whole population at 700,000.

Mr. MCGUIRE. Is it one of the duties of that Commission to take the census; and if so, what was the process and what was the result?

Mr. HENSHAW. Not at all. They have no such duty; but they do have the duty of establishing sites where there are towns, and their agents and officers are in every town and every locality in the Territory.

Mr. MCGUIRE. You say it is not one of their duties to take the census. Have those officers any obligation by which to base a report upon, any sworn statement verified, or anything of that kind?

Mr. HENSHAW. No, sir.

Mr. ROBINSON. I believe they did not swear to their statements when they took the enumeration of the United States.

Mr. McGUIRE. There is a penalty upon a false enumeration. There was a penalty placed upon that.

Mr. HENSHAW. I now want to state our position on the statehood proposition as I believe our people feel about it.

Mr. LLOYD. You mean the people of the Indian Territory, or the people of the locality where you live?

Mr. HENSHAW. The people of the Indian Territory. We do not want to stand in the way of Oklahoma obtaining statehood. If Oklahoma wants to get in as a State by herself, I do not believe there is a conscientious man in the Indian Territory that is going to raise his hand against it. I say honor forbids it. We want to stand in the way of no people. While, of course, from the commercial advantage and the geographical location it is the judgment of myself, and I suppose of most all others, that we ought to be one State, I am speaking now of the financial and social relations of the people of Oklahoma and Indian Territory; I also say that we should not be put in an embarrassing position, by the piecemeal provision in the McGuire bill, and I say here, and I believe it is the sentiment of every person in the Indian Territory, that there should be no provision made or any clause or any provision or declaration whatever that we should become any part of the State of Oklahoma hereafter.

Now, our people are there. The conditions are there, and they are no worse than they have been painted by the gentlemen from Oklahoma; they are no worse than they have been represented by them, and "it is an accomplished fact;" we are there. And now the question before this committee is what you are going to do with us. We are opposed to that proposition with any piecemeal declaration whatever; we are unanimous upon that proposition with any declaration with reference to us, if Oklahoma is to be admitted. If this committee wants to admit Oklahoma, and make a clean, clear bill admitting Oklahoma, there will not be a voice raised from the Indian Territory against it.

Mr. RODEY. Did not the people from Indian Territory have a big delegation here that cheered when the omnibus bill with that clause in it was defeated in the Senate?

Mr. HENSHAW. Yes; and we will cheer every time you defeat a bill with that clause in it, because if we are sensitive upon one proposition it is that. As I look at it, taking the political sentiment of the country and the sentiment of Congress, waiving that proposition, can not Oklahoma go in now and create her State debts, and establish her penitentiary, and do all the acts she wants to do? Can you gentlemen say that she will not do it? Can you say that she will not when our conditions are removed, and we go into the State of Oklahoma practically without a mortgage upon a farm, with the Indians in the country with an average of six in the family and an average of \$2,000 in cash for each member of the family? We will then go in with Oklahoma, and we have to pay her debts, whatever they may be, and whatever her legislature may see fit to contract for in establishing great institutions that you can not comprehend now, we have to come in and share that burden. I say, waiving all that, what is our political status? Whenever you commit the Congress of the United States to a policy by adopting the piecemeal proposition that we may become a part of Oklahoma

with or without our consent, you can say that you conclude from that that we shall not go into Oklahoma without our consent.

Now, suppose you do that; I want to argue that proposition. Here is Congress committed to a policy putting us in with Oklahoma only with our consent; we may not want to consent to it. We may ask for something else. They will say to us, "Well, we do not see proper to give anything else now. You can go in with your consent or stay where you are." A declaration making us a part of Oklahoma with our consent is not a treaty, but may be repealed at will by a subsequent Congress.

Mr. RODEY. Would there have been no opposition to the omnibus bill last winter if it had had that clause left out of it?

Mr. HENSHAW. As I said before, it is the demand of every business man from a business standpoint, and from those that fear heavy taxation in small States, that we should be one State.

Our people would not oppose a bill making us a part of Oklahoma now, or when Oklahoma goes in according to the bill of Representative Robinson or Senator Quay, that gives us time to establish all of our relations and settle up the Dawes Commission business, and enter upon statehood in the year 1906; in other words, be ready, do all the preliminary work, and be ready at that time to enter upon statehood beginning in 1906.

Mr. POWERS. If I understand your position, it is this, that your people are willing to become a part of Oklahoma now.

Mr. HENSHAW. Yes, sir.

Mr. POWERS. But that your people are not willing that there should be placed in a bill admitting Oklahoma as a State a proviso, irrevocably, that Congress may have the right, with the consent of the people of the Indian Territory, at some future time to make that a part of Oklahoma, thereby necessitating the submission of any bill to make it a part of Oklahoma to a vote of the people of the Indian Territory before it could be enacted if Congress ever sought to do it? That you are not willing to have done?

Mr. HENSHAW. No, sir.

Mr. POWERS. And therefore if Congress will not adopt that as a whole now, and will not admit Oklahoma alone now, and does not feel like joining the Indian Territory now, then they must be kept out rather than have this provision on the bill that has been on every bill for ten years past.

Mr. HENSHAW. I do not know what has been on every bill for ten years, but we are certainly opposed to anything that would compromise the constitutional rights of 700,000 people to further favor Oklahoma.

Mr. POWERS. I can not see the injustice in that position.

Mr. HENSHAW. That would be less injustice, as I look at it, to Oklahoma to wait and come as provided in the Quay bill than it would to sacrifice our rights for the aggrandizement of Oklahoma.

Mr. POWERS. I can not see any injustice in it.

Mr. HENSHAW. That would be less injustice to Oklahoma than it would be to put us in with a proviso. What is the political effect of that proposition? This is far-reaching; you gentlemen may not be on this committee hereafter. You are dealing with subjects that will pass from your hands, and which we will have to meet from time to

time. You are now making a map of this great country to stand for ages, and will you be guided by sentiment, by the rights of 700,000 people?

Mr. POWERS. But if it is submitted to your people for a vote, your rights are protected.

Mr. HENSHAW. But suppose it is submitted to a vote and the people should refuse to go in with Oklahoma on a vote, Congress would say to us, stay where you are if you are too proud to be humiliated with your consent.

Mr. POWERS. Then, sir—

Mr. HENSHAW. Then, sir—pardon me.

Mr. POWERS. Then I would assume that some future Congress in its wisdom would treat you with all fairness and either give you statehood if you are able to have it, or give you a continuing Territorial government.

Mr. HENSHAW. I certainly think if the governor was Congress he would do just that way; I have no doubt about it; but the time to protect us from the sentiment of future political influences is now. Political sentiments are not always directed within the lines of constitutional and moral justice.

The CHAIRMAN. As I understand your position, you feel that a policy would have been established by Congress which future Congresses would feel bound to conform to?

Mr. POWERS. What has that to do with it?

The CHAIRMAN. I was simply stating his standpoint.

Mr. HENSHAW. In other words, it commits Congress to a policy, and now with us in our weakness, with the efforts and expenditures that it takes for us to come here 1,500 miles to impress upon Congress or a committee our wants, and with the probability of the different changes in Congress, it puts us simply in a living political grave. In other words, it simply makes a scapegoat of us for Congress to fight over for the next thirty years.

Mr. POWERS. Would you be in any different position than if Oklahoma was admitted alone without any provision?

Mr. HENSHAW. If Oklahoma was admitted alone we could come and say "We are ready for statehood," and then if there were those who did not want to give us statehood, and Congress committed to the policy of making us a part of Oklahoma, they could simply give us this proposition, "You can go with Oklahoma or stay out," and we could submit it to vote, and if rejected, the reply would come from Congress, "You can stay where you are," and there we would stay for years, until God only knows when.

Now, suppose they would admit us without our consent.

The CHAIRMAN. What is that?

Mr. HENSHAW. You would annex us when in your wisdom you saw proper, then, without our consent. Then when Congress does do it it will be settled. It may be that our people would be so dissatisfied that they would not accept it if it was left to us; but put on a clause that Congress can do with us just what they choose and then our status is fixed. I say that of the two propositions, the provision that Congress should put us on when they please and as they please would be preferable to the proposition allowing us a vote, as this would only be a subterfuge to get votes for the bill, and would mean identically the same thing and no one would be deceived in the intention of Congress.

Mr. POWERS. Better than if you consented?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. You expect this committee to believe that that would be better?

Mr. HENSHAW. Yes, sir.

Mr. POWERS. That Congress might put you on at any time without consultation would be better than a provision that they should put you on with your consent. A provision that they should put you on without your consent would be better?

Mr. HENSHAW. Of course our people would all be opposed to going in with Oklahoma after she formed her State government. Now, suppose a part of us were opposed and the other part was not opposed, maybe only one majority vote against it, that would keep us out indefinitely. That is my position on that. If the whole power was with Congress, as soon as they were ready they could put us on. That is all there would be to it. Again, this provision is not a treaty with our people and could be repealed by any subsequent Congress. Now, suppose that Oklahoma has two United States Senators here, when will they ever agree, with the confusion they could stir up, for us to come in and disturb their political positions; and supposing we would be Democratic—

Mr. POWERS. Well, we have a Republican Congress now, but it does not follow that we would always have one, and I can foresee that as calamities have befallen the country they may befall again. [Laughter.]

Mr. HENSHAW. We are not in a position to wait for the change; the business people of the country out there are not interested in the political situation. What we want is something to better our condition, and we do not want to get in a position so as to become a scapegoat to fight over here.

Mr. WILSON. You want to come in altogether or not at all?

Mr. HENSHAW. Yes; make it a clean shave altogether, one way or the other.

A MEMBER. Regardless of politics?

Mr. HENSHAW. Yes. Now, I was in the Indian Affairs Committee the other day when the chairman of the Dawes Commission was being examined by that committee with reference to conditions out there. Mr. Sherman, the chairman of that committee, asked him this question: "Would you have any objection to our putting a clause in our bill this year providing for the Dawes Commission to cease to exist after the end of the fiscal year 1905?" Mr. Bixby answered, "Our work will be completed, and there will be no objection to that clause in your bill." Now, what is there to do out there? The land of all the nations is practically allotted, or will be by the end of this following year. The Quay bill, so far as that is concerned—and I do not remember the provisions of the Robinson bill on that proposition—gives the State the right to tax its surplus lands, which could be sold if the Indians so desired—most of which can be sold by the time this new statehood would go into operation under the bill.

Then, there is the Indian, with from two to three thousand dollars per capita in the Chickasaw and Choctaw nations, and I do not remember what it is in the others, but it is a large amount, and I say that there could be no injustice under the treaties, these last of which do not provide that the Government shall not tax their land for any purpose. I say

there can be no injustice under that proposition whether they want to sell the land or keep it. The true conditions—if you could see the true conditions—are simple in so far as it affects the statehood proposition.

Now, I believe I have nothing further to say unless there is something that some of the committee desire to ask me.

Mr. ROBINSON. What would be the condition if a Territorial government were to be provided for the Indian Territory and draw a comparison upon the condition in case a State government is provided, on the subject of the taxation of this Indian land?

Mr. HENSHAW. I can not see any difference whatever. Now, I do not know the difference in cost between running a State government and a Territorial government. And as to the conditions in a State and Territorial government, they would be practically the same.

Mr. ROBINSON. Extending that theory to the taxation of the lands under a Territorial or a State government—

Mr. HENSHAW. It would be the same thing.

Mr. ROBINSON. These Indian lands—the Indian lands inside the reserve?

Mr. HENSHAW. Yes; under the reserve.

Mr. ROBINSON. They would be taxed the same under a Territorial or a State government.

Mr. WILSON. Would it not have to be?

Mr. HENSHAW. If there was a provision in the bill. As it stands now, none of the Indian lands can be taxed; but they might put in a provision in the bill giving them a right to tax all but their homesteads. And the Indian, you remember, is the landlord of our country; he has the land and the money in the Treasury, and we are paying him money for our town sites to-day, and he is the wealthiest citizen that we have to-day; and, except the full-bloods in the Indian Territory, they will average in intelligence with the people of any State. Now, that is a broad proposition. You may take the half-blood to-day who has been educated in the States in the schools Governor Powers spoke about, and you get a letter from one of those people and it will be without a single error, grammatical or otherwise, and it will be written in as beautiful a hand as you ever read.

Mr. ROBINSON. From what source of taxation would you draw for the support of the Territorial government, or for the support of the State government, and will you give us some approximation as to the value of town sites?

Mr. HENSHAW. I could not give you the approximate value; but of course we have the 400 incorporated towns that would be taxable, and all the railroads, and then this 450,000 acres of land, and all sources of that kind, and 95 national banks or 50 private banks, and a vast lot of personal property. The personal property in my town is assessed at \$400,000 this year—that is, the personal property. The town in which I live is only 3 years old, and the assessment this year is \$400,000.

Mr. ROBINSON. In a Territorial government who would pay the legislature and the governor, and what of the other officers who would be paid by the Territorial people?

Mr. HENSHAW. Well, of course, the Territory, as I understand it, would pay all Territorial officers, and the National Government would pay all appointive officers. However, this all depends upon the act creating the Territory.

Mr. McGUIRE. In the Territories?

Mr. HENSHAW. Yes, sir.

Mr. RODEY. The National Government pays that expense, and it amounts to \$30,000 in off years and \$60,000 in administration years.

Mr. ROBINSON. Who pays the legislature?

Mr. McGUIRE. The National Government.

Mr. HENSHAW. I want your attention upon this one proposition. Now, suppose you should decide that it would not be proper to tax these surplus Indian lands, would it not be better and cheaper for you, and better for us, and better for the Indian Territory if you should take the position to say that you would appropriate on behalf of the Indian Territory, for which you have never given anything except to the Indian, say \$50,000 a year or \$100,000 a year to assist the Indian in the tax proposition that the Indian did not pay? In other words, that you would give the Indian that much in lieu of having him pay his taxes? Now, would not that be cheaper than to have to pay \$500,000 a year, as you are now doing, for the Indian proposition in that country? That includes the courts and Dawes Commission. You appropriate \$250,000 for the Dawes Commission now, and if you had a Territorial government would it not be better and more equitable and cheaper? Would it not be better to make that appropriation than to keep us out and to keep Oklahoma out, and still continue to appropriate \$250,000 per year for the maintenance of courts?

Mr. WILSON. The Government would pay \$22,500 a year, as they do in my Territory, that is all.

Mr. HENSHAW. I do not know what it would be, but if they maintain the courts as they are now the courts will cost them \$300,000 a year.

Mr. POWERS. We might decide very easily to put you in, but if we decided upon anything we would like there would be some hope of getting it through. We must decide upon something that we can get enacted into law.

Mr. SPALDING. Referring back to the portion of the expense that the Federal Government pays in a Territory, is it not a fact that the Federal Government pays the secretary and the governor of the Territory and pays the salaries of the judges and legislators, for instance?

Mr. WILSON. Yes, sir; and that is all.

Mr. HENSHAW. And all the witnesses in cases that are pending?

Mr. McGUIRE. That is only in Federal cases.

Mr. HENSHAW. They are all Federal cases in the Indian Territory.

Mr. LLOYD. This is on a little different line. Suppose that this committee or Congress should conclude that Oklahoma ought to be admitted as a State by itself, then what kind of action do you think Congress should take with reference to the Indian Territory now?

Mr. HENSHAW. Well, they either ought to admit us as a State too, right now, or give us a Territorial form of government. There would be no reason why they should not admit us as a State in 1906. They could do it as consistently as they could give us a Territorial form of government, and of course a State could begin just as well, and we would be just as well prepared for it at that time as at any time in the future.

Mr. LLOYD. What do you say as to the proposition advocated by some as to providing some kind of schools, and providing in addition to that for a Delegate from the Territory in Congress?

Mr. HENSHAW. I was at that convention that made the proposition that we would ask for a Delegate instead of a Territorial government, and the motive that controlled that convention was, "Let us ask for something that they can hardly afford to deny us. If we ask for a whole Territorial form of government, we will get nothing. Let us ask for the smaller thing that we can get, basing our claim on the legislation that we have wanted heretofore and have failed to get." Now, as to the system of public schools, I do not know of any means whereby a regular system of public schools could be inaugurated in that country without the expenditure of a great deal of money, unless we had a Territorial or a State government, so as to make provisions for the location of buildings. Congress could provide the money to hire the teachers, but we have no houses for schools in the country.

Mr. POWERS. Are the Indians taxed for their schools now?

Mr. HENSHAW. No, sir.

Mr. POWERS. How are they paid for?

Mr. HENSHAW. They are paid for by the Government.

Mr. POWERS. But it comes out of their money?

Mr. HENSHAW. Yes, sir. Now, the situation in that country is this. In almost every incorporated town we have a good system of free schools, and the Indians all have good schools, and the people that are without schools now are the people in the country, and a great many of them have gone in there, as you know, very rapidly, and children that moved from the States that had a partial education and are verging upon manhood and womanhood, are those who are suffering, and their condition is very bad. But the cities and towns have as good schools as you have anywhere. I have the honor of serving upon our school board. I served upon a school board before I went to the Indian Territory, and have a pretty well defined idea of what the conditions are. We have spent about \$6,000 in our town this year in arranging for schools, and we have informed everybody in the country living in proximity to our town that they could send their children to our schools, that the doors stood open; we have said "We can not sit here and see your children growing up in ignorance within reach of our public schools."

The CHAIRMAN. How do you sustain your schools in your town?

Mr. HENSHAW. By the taxation of which I spoke.

The CHAIRMAN. Within the municipality?

Mr. HENSHAW. Yes; within the town.

Mr. MCGUIRE. Is that by Federal decision that you tax the municipalities for school purposes?

Mr. HENSHAW. Yes; that is a Federal law which put in force the laws of Arkansas over the Indian Territory for the organization of schools in municipalities.

Mr. ROBINSON. How many of the population or how many of the school children would be left out in the enumerations?

Mr. HENSHAW. It would probably be about 100,000.

Mr. LLOYD. I may not have fully understood you. Let us see if I do. Your people would prefer, first, to be made a part of a single State with Oklahoma.

Mr. HENSHAW. Yes, sir.

Mr. LLOYD. At once?

Mr. HENSHAW. Well, that is what I said. Our people, I am sure—

the business and conservative element without any political aspirations—I am sure believe that.

Mr. LLOYD. If you can not get that you want separate statehood for yourselves, beginning on the 4th of March, 1906?

Mr. HENSHAW. Yes, sir.

Mr. LLOYD. And if you could not get that you think the next best thing would be a Territorial government?

Mr. HENSHAW. Yes, sir.

Mr. LLOYD. And if you could not get that you would take a Delegate in Congress as the last thing?

Mr. HENSHAW. Yes; and if we can not get that, Lord, anything!

Mr. THAYER. Along the banks of the Washita River—is it populated along there?

Mr. HENSHAW. Yes, sir; it is very densely populated from one end of the Washita to the other.

Mr. THAYER. What do they raise there; is it a grain country?

Mr. HENSHAW. It is agricultural. They raise all crops of the Southern States, and all crops that can be raised in the Northern States. It is the happy mean between the two.

Mr. THAYER. Or is it wild?

Mr. HENSHAW. No, sir; it is all in cultivation. All the Washita bottom is in cultivation. Of course there will be places where there are heavy woods not cleared up yet; and then we have a black land, particularly down in our country, especially in the part I live in; it is between the Red River and the Washita River, and one of our farmers raised 85 bushels of oats to the acre, and another one raised 100 bushels of oats per acre and other crops in similar proportion.

Mr. THAYER. Do you have frequent rains there in the summer?

Mr. HENSHAW. Yes; we have a sufficient moisture there to make good crops; when we have a drought there it is general over the country. It is similar in rainfall to eastern Kansas, while Oklahoma is similar to western Kansas, which makes a great portion of their western part semiarid.

Mr. THAYER. Are you more flourishing in that part of the Territory than they are to the northeast or in southwest here [indicating on map]? Is that the best part of the Territory?

Mr. HENSHAW. You understand we think that we have the best part of the Territory.

Mr. THAYER. That is down here [indicating]?

Mr. HENSHAW. Yes, sir. This is the great cotton country here; in the Chickasaw Nation and the Choctaw Nation, it is a great cotton country; and in the north and central parts, that also is a great country, but the cotton industry becomes of less importance as you go north toward the Kansas line.

Mr. WILSON. It gets colder?

Mr. HENSHAW. Yes. The wheat country and the corn country is in here [indicating on map]. We have the advantage of any Northern State in the world on that proposition. We can raise as much wheat and corn as they can anywhere in the world, and those crops come in so that they are made and out of the way at the time the cotton comes in, and we make all the crops with the same number of teams and hands, etc., that they have in the north.

Mr. THAYER. What I wanted to know was whether the greatest argument against passing a bill for you here is not that you would

take on the thrifty part of this country and leave the rest of it to take care of itself forever and aye. You say that right in here [indicating] is the essence of the whole thing, and you might, sooner or later, simply take that part and leave the rest.

Mr. LLOYD. What population do you claim now?

Mr. HENSHAW. We claim now about 3,000 people. We had 2,000 in 1902.

Mr. LLOYD. Then your assessments that you paid this year were really paid by that population of 2,000, for the schools this last year, where you contributed this \$600,000 for school purposes?

Mr. HENSHAW. That is this year, although the assessment would only apply to the 2,000 people.

Mr. LLOYD. What do you mean by "this year?"

Mr. HENSHAW. We collect our tax there in January.

Mr. LLOYD. Oh, yes; in January.

Mr. HENSHAW. It has been suggested that I make a statement in reference to the resources of our country, but that has been so thoroughly gone over that I will confine myself to some official figures. In 1890 the Indian Territory had 3 national banks, with a total resource of \$210,000. In 1900 she had 30 national banks, with resources amounting to \$4,577,000. At the close of the fiscal year 1903 she had 87 national banks, with a total resource of \$15,182,000. Since the close of the fiscal year 1903 there has been established 11 national banks, making the total number 98, with other applications now on file, and with a total resource of approximately \$20,000,000. We have no law regulating private banks and trust companies, and there are 60 institutions of this kind doing business there, with an approximate resource of \$10,000,000.

Oklahoma with all her boasted greatness can make no better showing than this.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Friday, February 5, 1904.

The committee met at 10.40 o'clock a. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. The hearing this morning is on the subject of Oklahoma and Indian Territories. There is quite a delegation here from Oklahoma. Mr. Jones will indicate the order in which the speakers will address the committee.

Mr. LEWIS. Mr. Chairman, it is the desire of the committee from Oklahoma that we hear first from Hon. C. G. Jones, the chairman of our committee, and in order that the committee may know something about him I will state this:

He was four times mayor of Oklahoma City, a city that is Democratic, but he is a Republican. This is for the consolation of the Democratic members of the committee. Mr. Jones has been three times a member of the Oklahoma legislature from a Democratic district; he owns real estate in fourteen of the twenty-six counties of the Territory of Oklahoma; he is president of several banks; is president of the packing house at Oklahoma City, and during the past four years has built 416 miles of railroad in the Territory. He is a promi-

ment candidate for national committeeman on the Republican side from the Territory of Oklahoma. This for the purpose of giving you information that not all of the people of the Territory who favor one State are Democrats.

STATEMENT OF HON. CHARLES G. JONES, OF OKLAHOMA CITY.

Mr. JONES. Mr. Chairman and gentlemen of the committee, I am very glad that the gentleman gave me a certificate of good character as I did not bring one from home and I was afraid I was going to have to make one for myself—

Mr. LLOYD. If you will notice, he stated nothing about you character. [Laughter.]

Mr. JONES. But the fact of being a good Republican—

Mr. LLOYD. That might go with a part of the committee but not all of it.

Mr. JONES (continuing). And being elected from a Democratic district ought to be a certificate of good character.

I want to relieve your minds, if you have it in mind that I am going to take up a long time in discussing the statehood matter. What the gentleman who has introduced me has said in regard to my position in Oklahoma is true, and I wish to say that whatever I may have there in a financial way I have made largely in Oklahoma in the last fourteen years.

It has been said before the committee, as I understand it, that Oklahoma City, which has about 35,000 inhabitants, is for single statehood because it wants to get the capital, and that they think that we think we could have a better chance of getting the capital of the State with one State than we could if there were two States. I want to say to you, gentlemen of the committee, that that is absolutely untrue. We are asking for one State for the business and commercial interests of the State. If you will give us one State surrounding Oklahoma and the Five Civilized Tribes, and leave the selection of the capital and public buildings and other matters of that kind to us, we will take care of it ourselves.

It has been stated that 95 per cent, or a certain per cent—I think as much as 95 per cent—of the citizens of Oklahoma are for single statehood—

Mr. RODEY. I want to make a suggestion right here, if you please, and that is that you refer to joint statehood and separate statehood, as those terms are more clearly understood, and the terms double statehood and single statehood do not so well express the meaning.

Mr. JONES. Thank you; I will use the words joint statehood and separate statehood.

I wish to state, gentlemen of the committee, that I am well acquainted in Oklahoma City, as the gentleman who introduced me indicated, and I know just two men inside the corporate limits of Oklahoma City that are for separate statehood, and if it were not that they are not here I would mention their names. And I understand that one of them has presented the matter before this committee. We want joint statehood for a number of things, all of which I shall not undertake to discuss before this committee.

I understand that this matter has been very ably presented to you on both sides. I understand the facts and the figures have been pre-

sented to you, and the reports of different governors and of different officers of the Territory have also been presented, all of which will appear in your record, and so I am sure the committee is entirely familiar with them.

The eastern part of Oklahoma or Indian Territory is where the coal lands lie; the western part is where the agricultural lands lie. We want what they have got and they want what we have got. We do not want a State line running between the agricultural part of Oklahoma and the Indian Territory and the mineral or coal lands. You gentlemen know well enough what difficulties we would have with that condition of affairs.

So far as saying that Oklahoma City and Shawnee are for single statehood or joint statehood because they want the capital at one or the other place, that is simply not true. There is a committee here of nearly thirty from different parts of the Territory, and they can speak for themselves if you will give them one or two minutes apiece, and they will let you know about the condition of affairs in every part of the Territory.

My facilities and opportunities for learning the wants of the people of Oklahoma are as extensive, if I do say it myself, as those of any man in Oklahoma or Indian Territory. As has been stated, I have real estate I believe in 14 different counties out of 26. I have built railroads I think through 12 counties out of the 26. I come into contact with the people, with the farmers, with the business men, and also with the politicians, but I want to say to you, Mr. Chairman and gentlemen of the committee, when you get down to the business interests of Oklahoma, the commercial interests of Oklahoma, I say to you as candidly as I have ever made any statement in my life that I believe 75 per cent of the people of Oklahoma Territory, if it were left to a vote to-morrow, would vote for joint statehood. They would do it from a business standpoint.

Now, I may be a little selfish in this matter. I do not want two States down there. I do not want two States and to have to keep up two State governments, to go to work and build public buildings that must follow the establishment of the State, build capitol buildings, and asylums, and penitentiaries, and public buildings which naturally follow the establishment of a State; but we want it, Mr. Chairman, so we can make one great and grand State out of Oklahoma and the Indian Territory.

So far as the political situation in Oklahoma is concerned, I say to you, Mr. Chairman, that out of 26 counties there are 21 Democratic sheriffs, out of 26 counties there are 19 Democratic county treasurers, out of 26 counties there are 17 counties where the majority of the county board is Democratic. We have in every Territorial election, with the exception of one, elected a Republican to represent us in the halls of Congress, so far as he could represent us. We do that like you do in the States in your different Congressional districts.

So far as the last Republican convention was concerned, I was a delegate to that convention, and that convention nominated our present Delegate to Congress. Another gentleman is here to-day who was at that convention and was a member of the committee on resolutions. I want to say to you candidly that if it had been left to that convention whether we should have single statehood or joint statehood that two-thirds of the delegates would have voted for joint statehood. Then,

you might say to me, "Why did you adopt the resolution that you adopted in that convention?" It was adopted just to beat the Democrats, and that is what we did. Of course, that is a good deal like reading about infant baptism. You can read it one way in Genesis and read it another way in the Acts of the Apostles, and that is the way they read that resolution about statehood. I talked joint statehood in that campaign until I was hoarse, and I think I convinced the people in my section that that was what it meant. If we had not done it we would not have gotten 100 votes and Bird McGuire would not have been here to-day.

Leave the political situation to us. No man has the authority, no man has the right, to predict what the immigration is going to be into Oklahoma when we are admitted as one State. If we are admitted as one State in the next year or the next two years—if it is possible we can become a State in that time—the population that we now have, of a million and a quarter, in my opinion, will double or treble. The lands in our Territory are now worth \$10 to \$50 an acre. Our land is worth and is selling for more than lands are in Texas, it is worth more and is selling for more than land in Arkansas, it is worth more and selling for more than most of the land in the Southern States. Consequently, the Democrats down there are not going to sell their land and move into Oklahoma and pay double the amount for other lands there; but take the lands in Ohio and Indiana and Illinois and Nebraska and other States in that direction from us, and there you will find it is selling for from \$75 to \$150 an acre, and a lot of people in those States are going to sell their lands and come into Oklahoma, where they can get as good, if not better, homes for much less money. Consequently, I say to you my conviction in regard to this matter as a Republican is such that I hope to see the day, and I believe I will see it, if this committee will report a bill favorable to joint statehood for Oklahoma and Indian Territory, when we will send two United States Senators and two Representatives to Congress, and they will both be Republicans. [Applause and laughter.]

My friend here [Mr. Doyle], who has no doubt presented this matter very ably, because he has the ability to do that, has been one of the staunch advocates of joint statehood, and no doubt he has tried to make you believe that if these Territories are admitted as a State they will send two Democrats to Congress as Senators. Now, let us take care of the political situation down there.

Mr. Chairman and gentlemen of this committee, I remember in Oklahoma City whole blocks, with 32 lots in each block and a house on every one of them, and not a Republican vote in the block. I remember, too, that Oklahoma went just as much Democratic as they wanted it to go; whatever they wanted it to go it went—they fixed it that way. But I want to say to you that that condition does not exist to-day. They have moved out and other fellows have moved in, and we are going to continue that way. And if you will give us joint statehood I say to you that I believe we will have one of the greatest States of the West—one of the greatest States west of the Mississippi River. I think most of you are from the East, and so I will say nothing about the States east of the Mississippi; I do not want to tread on anybody's toes—

The CHAIRMAN. We have some Democrats on the committee. [Laughter.]

Mr. JONES. I realize that. I am like the juryman was way down in Illinois, near Egypt—and I suspect that there are some Illinois gentlemen here—when the judge was giving instructions to the jury in reference to certain matters. The judge said: “Gentlemen of the jury, I want you to distinctly understand that I want you to investigate very thoroughly this question of hog stealing down on the Dark Bend.” An old juryman said: “Your Honor, I wish you would touch that question of hog stealing lightly, because,” he says, “you are hurting feelings on this very jury.” [Laughter.]

So, Mr. Chairman, I do not wish to be that way; I do not wish to hurt the feelings of any gentlemen here [laughter], but I want in a brief way and in a blunt way to explain the condition of things down there as I see it from a business standpoint and, incidentally, from a political standpoint.

I never in my life—and I have been in the hotbed of Populism a great deal—I never saw a thorough, well-bred Populist, because we have never had one. Populism was born long enough ago to have grown to maturity in Kansas. Populism came about because they thought they had to pay too high taxes and they were getting in debt, and they could not lay it onto their neighbors and so, because they could not lay it on anybody else they said “Let us lay it on the Government.” And those that were in control of Government affairs were held to be to blame. Consequently I remember that Kansas, from 83,000 Republican, in two years went Populistic. Now we do not want that state of affairs down there, and for the sake of a million and a quarter of good people, and everybody’s interest, for God’s sake do not make it Populistic. Give it to us Republican if you can, and if you can not give it Republican, give it Democratic.

Now, if you give us two States down there it will cut off the coal interests from the agricultural interests, and you will split us up into two little States—you will give us the expense of two State governments, and I want to say to you that you will tax us out of existence, and instead of having property in 14 counties, as I have now, I will only want property in one, and mighty little of that. What we want is one State, a union of the Territories. We want it for a number of reasons. I say to you, Mr. Chairman and gentlemen, that we want joint statehood. I see the faces of some gentlemen here, especially my friend to the left, who have been down in Oklahoma. I want to say to you that all the business interests, all the commercial interests, of Oklahoma are as well looked after in every detail, in every line of business, as they are looked after in any State of the Union. We have as good a school system; we have as good law and we enforce it. They do say, you know, that Oklahoma and Indian Territory is a hotbed of bad men.

Now, then, it is true that we are sending a good many of them to the penitentiary, and we are fertilizing with a good many of them. (Laughter.) And I want to say to you that if you will give us one State and let us have one grand and great State, so we can pay the taxes to keep up the right form of government down there, we will fertilize with the balance of them, or what we don’t fertilize with we will send to the penitentiary and make them law-abiding citizens.

That is what we are doing down there and are going to do. It is true that more men have been sent to the penitentiary from our Territory for perjury than from any other of the States of the Union.

That is a good record, is it not? We do not let them do those things, and if they do we punish them.

I am a Universalist in religion. I believe whenever a man violates the laws of nature he is punished for it; and it is the same way in Oklahoma, whenever anybody violates the laws of our Territory we punish him.

Take the Indian Territory—and I will close now in a moment—and they tell you that along the border lines the courts are filled with criminals. If you will give Indian Territory courts and constables as you have given to Oklahoma, so that they can control the minor offenses against the law, there will no longer be this cause for complaint in this respect—

Mr. WILSON. In other words, give them a chance.

Mr. JONES. That is what we want—a chance. As the old lady said, give us a dog's chance, and I will say to you that we will do the balance of it.

Mr. LLOYD. You spoke a while ago of being familiar with the sentiment in the Territory. Without referring to any witness, it has been intimated that the sentiment in favor of single statehood is confined to three or four counties around Oklahoma City. What do you think about the sentiment of the masses of the people at Guthrie, Enid, Kingfisher, Elreno, Lawton, and places of that kind?

Mr. JONES. I will commence at Greer County, the county farthest west. There is a gentleman here from that part of the Territory, and I will appeal to him and ask him if he believes that he can take a seine and go through that county and gather in a dozen men who are for double statehood?

Mr. CHENOWITH. You could not get one.

Mr. LLOYD. What is the principal town in Greer County?

Mr. JONES. The county seat is Mangum. One of the principal towns is Leger, and there is Olustee and a number of others. We built a railroad down through Greer County in the last two years. Maybe that had some influence in changing their sentiment.

Now, I desire to state to you, gentlemen, that I do not want to be accused of doing the same thing that others have been accused of, and that is of trying to secure a particular kind of statehood for town reasons. I would not charge before this committee that they seek separate statehood so that Guthrie or Enid could have a chance at the capitol and other buildings. If I were on the outside I would tell you that that is the only reason they have, in my judgment, for wanting separate statehood. I have been in the various county seats of Oklahoma, and I have had the misfortune of being in the courts. I was never vaccinated for a lawyer and I am not a lawyer; I am a farmer, although, on the side, I have built railroads.

But, as I have said, I have been in the courts and around the county seats, and I have talked to jurymen. In that country, you know, the judge will permit you to take the jury out to view the land. Of course you have instructions not to talk to the jury about anything connected with the case. So you have to talk with them about something else, and I always talk to them about statehood, because that is so far away from anything to do with the case that a man can not possibly be in contempt of court. I make this statement with no fear of successful contradiction: That 90 per cent of the farmers who till the soil and by their labor produce wealth from the land of our Territory—90 per cent

of the men who by their labor and their energy are making a prosperous community out there—are for the union of the two Territories, regardless of counties, outside of Logan County and possibly Kingfisher County.

Mr. LLOYD. Logan County has Guthrie in it?

Mr. JONES. Yes; that is the capital.

Here is Mr. Davis, from Lawton, and here are gentlemen from other parts of the Territory and from the Indian Territory who will tell you briefly just how the things are in every part of the Territory.

Referring again, Mr. Chairman and gentlemen, to the statement that the only reason we are for the union of the two Territories is because we want the capital, I want to say that if such a thing could be done I think the people of Oklahoma City would sign an ironclad contract that if you will give us one State we will never make any application for the capital. We want one State for business, for commercial reasons.

The substantial business men of the Territory want one State. They are men who are doing business in substantial three and four story brick buildings, business buildings that would be a credit to any community. They are the men that are asking for this, the men that represent the capital, not the men who come here because they think that there may be a seat in the United States Senate which is cold and which is waiting for them to warm. I repeat that we want this for business and commercial reasons. And then let us take care of the question of whom we will send to warm that seat in the Senate—and it won't be a fellow who is for separate statehood, either. At least, that is my idea; of course I have no authority to say that. We have every requirement necessary to take care of our own business down there if you will permit us to do it.

So far as all these minor matters are concerned, such as locating the courts and all that, I hope you gentlemen will do as your judgment dictates is the best policy, and we shall be contented; but above all things I wish to appeal to you gentlemen of this committee to keep in mind that we are a million and a quarter of as good American people as ever lived; we are from Illinois and Indiana and Ohio, and Pennsylvania and New York—from almost every State in the Union. Why should we be kept out of the Union? We are blood of your blood and flesh of your flesh; we are from your country, from your States; we are the sons and daughters of the old people lying possibly in their graves in those States, and we come appealing to you gentlemen to give us one state, and give it to us just as quick as you think it is possible to do it.

Now, if there are any questions any gentlemen wish to ask me, I will be glad to try to answer them to the best of my ability.

Mr. ROBINSON. Briefly, I would like to have your judgment of the McGuire bill, if you are familiar with it.

Mr. JONES. With all due respect to our Representative, I say to you, gentlemen of the committee, that we would much prefer the Quay bill. If we could have two amendments to that bill we would prefer that to the McGuire bill. We think it is in keeping with the demands and wants and needs of the people down there.

A MEMBER. What about the Robinson bill?

Mr. JONES. The Robinson bill is, of course, much the same as the Quay bill, but we feel that the Quay bill could easily be amended, or

that the two bills (the Quay bill and the Robinson bill) could be taken and a bill prepared from them to fit all the conditions of affairs in Oklahoma, and we feel that that is what we would like to have.

Mr. RODEY. There are two characteristics of the Quay bill—and I think some of them are in the Robinson bill—which are, first, as to that Senator matter, and, second, as to the donations for schools.

Mr. JONES. As to the Senator, of course I would like to have it put in there that one of them should be a Scotch-Irishman [laughter], but I do not suppose you would do that; and Dennis Flynn would like you to leave out the Scotch business and leave it Irish; and here is my friend Doyle who would not object to that either. I think he would like to read that one shall be of Irish descent. That matter is with you, gentlemen, and you know whether it is constitutional for you to say what kind of a Senator we shall have. We feel that we ought to have a say about that ourselves—as to what nationality he shall be. We want the Senator to be one who will look to the interests of Oklahoma and to the interests of this great country of ours in the United States Senate. We have nothing to say whether he shall be an Indian or of Indian blood; that is with you. If you want it so, if you will give us joint statehood with that in there, then for God's sake give it to us that way; but do as you please about that.

Mr. LLOYD. There is one other question that we want to ask about that is embraced in the McGuire bill, and that provides for the admission of Indian Territory by piecemeal.

Mr. JONES. We Oklahoma fellows are not for piecemealing anything. We like to do everything wholesale and bodily; that is what we want. We want to know what we are going to get. We feel this way, that if you can so arrange it to pass this bill—I am not predicting, or dictating, or guessing; I am not a prophet or a son of a prophet—but I just want to suggest that if you pass this statehood bill for a union of the two States this session of Congress, that by the time we have our constitutional convention and all the other arrangements made, 1906 will be here, and then all the questions with the Indian tribes will have been settled. That would be my idea about it, and then we would know what we are getting.

We are awfully afraid to go on with this piecemeal business for fear that some of you gentlemen will not be here when that piecemeal is added, and then whoever is here will forget what you wanted to do, because it might be possible that there would be a change of affairs in the Senate and House of Representatives and the Administration. I am like the old fellow who wanted a man to imagine he was a colored man, and the man said "What is the use of imagining it, because you ain't and never will be?" So I feel like that. I don't think that it is likely or that it ever will be, but of course it is possible.

Now, in regard to this school matter, it is in the record as to what school facilities and school needs we have down there. The Quay bill provides for an appropriation of \$10,000,000 to offset our school lands for the benefit of the Indians and the Five Civilized Tribes. As I remember, in 1818 when Illinois was admitted as a State, and from that time to this, there has never been a State admitted into this Union unless the school children were provided with a school fund. I do not know, I have no license, and these separate statehood fellows haven't any license to say, that the United States is not going to make some provision for the school children in the Indian Territory, and with an

appropriation of \$10,000,000, leaving it in the Treasury at 5 per cent interest, that will care for the school question down there all right, which is important and ought to be done.

I forgot to tell you, Mr. Chairman and gentlemen, another thing that I intended to say, and that is, that I am chairman of the single statehood of Oklahoma and Indian Territory executive committee, composed of ten members from Indian Territory and ten from Oklahoma. I want to say to you that I have written over 3,000 letters in regard to this question, and I have received but one letter from one man who said that he was not in sympathy with us in our joint statehood movement. They all write that they are with us for single statehood and anything they can do in their communities they are willing and ready to do.

Mr. HUMPHRY. You mean joint statehood?

Mr. JONES. Yes, sir; joint statehood.

Now, gentlemen, in behalf of all these people I want to thank you for allowing our committee the privilege of coming before you and in a brief way and in a blunt way stating to you what we want and the reasons we want it.

The next gentleman to speak will be Mr. Beard, a banker and real estate man. He is vice-president of the First National Bank of Shawnee.

The CHAIRMAN. We have been very much interested in hearing you, Mr. Jones, and in view of the fact that such a large number of gentlemen from Oklahoma are appearing before us we are glad to have impressed upon us the strong sentiment in favor of truth in Oklahoma, which you have impressed upon us.

STATEMENT OF MR. H. G. BEARD.

Mr. Chairman and gentlemen of the committee, I desire to state that I was elected one of four delegates at a joint State convention which was held at Shawnee last June by the two Territories. This convention was the largest ever held in Oklahoma. We had over 3,000 people present, and we had no city hall in the city large enough to hold all the delegates. Therefore we sent to Kansas City and hired a tent and held the convention in a park. I want to say to you that that was the most enthusiastic convention that has ever been held in Oklahoma or Indian Territory by any party or organization.

The CHAIRMAN. Where was that held?

Mr. BEARD. At Shawnee last June, in 1903. I am one of the four delegates selected to come here to Washington to present this matter to you gentlemen.

I know a great many of the facts and statistics have already been presented to you by a number of gentlemen who have appeared before the committee, and it is not necessary for me to go over those matters. I simply want to say that a large majority of the people in Oklahoma and Indian Territory are in favor of joint statehood. I am acquainted with people all over the Indian Territory and Oklahoma, and I myself own property in a great many of the towns of Indian Territory as well as Oklahoma. I am like Mr. Jones in one respect: When I went to Oklahoma, I did not have anything, and whatever I have accumulated I have accumulated in the last twelve years.

I want to say to you gentlemen that the business interests of the two

Territories demand that we be put under one joint State government. I see no reason why it should be delayed beyond this Congress. Of course after a statehood bill is passed it will be necessary for us to hold a State convention, and after the State convention has been held we will then have to hold an election to adopt a constitution, and then officers have to be elected. After we have ourselves adopted the constitution it has got to be adopted by Congress. All this takes time, and by the time we have done that the limitations in regard to these tribal governments will have expired, and there is no reason that we can see why this Congress should not pass a statehood bill.

There is no reason why a million and a quarter people should not have representation in this Congress. We have been living down there for the last fourteen years, or a great many of us have been there that long. Our delegate we have had in Congress has had no vote in this body, and the people of Indian Territory have had no representation whatever. The Indian Territory has at this time almost 285,000 children of school age. About 100,000 of those have been provided with schools. They are the children who live in the organized cities. There are about 185,000 of those school children that have no school facilities whatever. It has been said that there is a greater percentage of illiteracy in Indian Territory than in any other part of the United States. Perhaps that is true. But is this Congress going on and increase that percentage of illiteracy? There is no reason why those people should not have school facilities and should not have them immediately.

But I want to say this, that our people are pretty generally favorable to the Quay bill. The Robinson bill is also a good bill. Either of those bills, with a very few amendments, will be acceptable to our people. We have not paid very much attention to the McGuire bill, because we did not want the State lines to run as provided in that bill. And, another thing, there are some things in that bill in regard to the school lands which the majority of the people do not approve of. And it seems to me that another thing to kill this separate statehood idea is the fact of the zigzag line that runs between Oklahoma Territory and the Indian Territory. With Oklahoma and the Indian Territory combined we have got all of the wealth in mineral and agricultural lands that almost any of the other Central States have, and by having those Territories combined under one government we believe we can regulate railroad rates with reference to coal and such other products as that which we have to transfer from one part of the Territory to another, and for which we are now paying enormous rates of freight.

I will not take up any more of your time, and will quit right here.

Mr. THAYER. You say—and I presume you are well informed, because you have been there twelve or fourteen years—

A BYSTANDER. Don't make it over fourteen years, because if you do you will make him a "sooner."

Mr. THAYER (continuing). And so I suppose you know whereof you speak—that a majority of the people of Oklahoma and Indian Territory are in favor of this single statehood for the two Territories. Now, the representative from Oklahoma, whom I will assume to be equally well informed and intelligent, says that a majority of the people want a single State. What do you suppose a person living in the East, and knowing nothing about it except what information he gets from the statements he hears here, is to conclude?

Mr. BEARD. Well, I want to say this: That you will find almost all the people in Indian Territory and Oklahoma who hold office are in favor of separate or no statehood; and outside of that the people who do not hold office, they are almost unanimous in favor of joint statehood. If you will go into the offices that are filled by appointment by the Government, almost all of the Territorial offices, and also the judiciary, you will find that the officeholders are almost unanimous in favor of separate statehood or no statehood. Of course this is a condition that most of you can readily understand. Those gentlemen are holding their offices and drawing their salaries, and rather than have a change, under which they might not be able to hold their offices, they would rather that the conditions would remain as they are.

Mr. THAYER. Has there been any attempt there to get any popular expression of the will of the people by a vote?

Mr. BEARD. No, sir; there has not been.

Mr. THAYER. You keep coming here year after year trying to get under cover, and it occurs to me that it would be well for you people there to decide by some popular vote whether you want double or single statehood, and not have one well-informed man come here and tell the committee that everybody out there is in favor of joint statehood and then another equally well-informed man, perhaps, come here and tell the committee that the sentiment of the people is nothing of the kind.

Mr. BEARD. It is pretty well conceded in the United States that almost all of the people have wanted statehood in all the Territories that have been admitted so far, and there has never been a Territory admitted to the Union that had as large population as either Indian Territory or Oklahoma has at this time. There is no doubt about the people wanting statehood, except those people who are holding the offices. I venture to say you can go to almost any person holding office by appointment and he will either be for the conditions remaining as they are or for separate statehood, thinking his chances will be better under those conditions than if we had single statehood. I have been all over both of the Territories, and my business has taken me to almost half of the towns of any size in the two Territories, and within the past two years I have talked to people all over them, and invariably the business element of all these communities has expressed itself in favor of single statehood.

The CHAIRMAN. Are there any other questions, gentlemen of the committee?

Mr. JONES. I next wish to introduce Mr. Clarence Douglas, from Muscogee.

Mr. DOUGLAS. Mr. Chairman and gentlemen—

The CHAIRMAN. Please give your name, residence, and occupation.

STATEMENT OF MR. CLARENCE DOUGLAS.

Mr. DOUGLAS. I am a newspaper man of Muscogee, Ind. T.; publisher and editor of the Muscogee Phoenix.

Mr. LLOYD. How long have you lived in the Territory?

Mr. DOUGLAS. About fourteen years, although not all of that time in Muscogee.

I believe it will not be necessary at this stage of the proceedings to attempt to thrash out with you, from a statistical standpoint or the

standpoint of the resources of the two Territories, the fact that they have those things necessary to go to make up a great State. There has no doubt been a great deal more said about the resources of Oklahoma than of the resources of Indian Territory. In my judgment, perhaps more could be said in regard to Indian Territory. In the Chickasaw Nation, in the southwestern part of the Territory, are the asphalt beds and cement beds and the magnificent agricultural country. In the Choctaw Nation they have the granite and the coal and a very large body of virgin pine timber land. In the Cherokee Nation there is a spur of the flint hills running down from the Ozark Mountains, carrying zinc and lead and other minerals which are found in southwestern Missouri. The Creek and Seminole nations comprise lands which are largely agricultural, and in that part of the Territory we also find gas and oil. The resources of Indian Territory are not excelled by Oklahoma or any State or Territory in the Southwest.

The question has been often asked, how does a man get his information in regard to the sentiment of the people down there? I get mine very largely in two ways. One is from going to conventions and traveling around, the other is from my exchange table. There is not a paper printed in the Territory that does not come to my exchange table, and I read all the papers carefully, and keep in touch with the sentiment of the country and the people. There are two papers in the Territory not for joint statehood—only two. Except one paper at Tahlequah and one at Atoka, in the Choctaw Nation, the press of the Territory is practically a unit in favor of joint statehood.

In conventions held at Oklahoma City and Shawnee we packed a house as large as we could get, and packed tents, the largest we could get, with joint statehood delegates. They attempted to hold a double statehood convention, and only 15 or 20 responded; that was as many as they could muster.

A BYSTANDER. Twenty-two was the most they could get.

Mr. DOUGLAS. I think that evidences the fact that the sentiment in that country is for joint statehood.

I want to make this statement in regard to the amalgamation or absorption process: We of the Indian Territory have passed on this in convention—that we are for you and with you on joint statehood on terms of absolute equality, man for man from the Indian Territory, man for man in the constitutional convention, building for building, and Congressman for Congressman. We desire to go in, no longer as political orphans as we have been, but to go in with that heritage as American citizens to which we believe we are entitled.

I believe that summarizes the sentiment of the people of my Territory.

Mr. THAYER. How many papers are there in the Territory? You speak of there being two against joint statehood.

Mr. DOUGLAS. They vary, because they are put in often and fail. Probably at this time there are between 90 and 100 daily, weekly, and monthly papers in the Territory. There are 13 dailies.

Mr. THAYER. Mr. Hearst has no paper there, has he?

Mr. DOUGLAS. No, sir. I think, however, he has had his eye on one at South McAlester.

Mr. JONES. I next wish to introduce Mr. D. C. Lewis, of Oklahoma City.

**STATEMENT OF MR. D. C. LEWIS, ATTORNEY AT LAW,
OKLAHOMA CITY.**

Mr. Chairman and gentlemen of the committee, I desire first to answer the question that was propounded by one member of your committee, as to why we do not take steps to get some expression from our people as to what kind of statehood we want, whether we want one State or two. That can be answered this way: That the question of admission of States into the Union is not a question of right, but it is a question that depends on the will or wish of Congress. And another answer to that is that it is a business proposition and not one of the expression or wish of our people; it is more of a business proposition. And, further, to answer this question, I might follow out or give you a little Oklahoma history that would more fully answer the inquiry.

Last night after I retired I took up the question—the history of the various statehood conventions that have been held in Oklahoma—in order that you might have a history of our movements and what we have done in the past.

Oklahoma Territory was opened up to settlement on the 22d of April, 1899. The Territory as then opened was made up of five counties—Payne, Logan, Kingfisher, Canadian, Oklahoma, and Cleveland. During that first year there was held a statehood convention, and there were many people present. There were many present then who are advocates of the two-State idea at the present time who then advocated the creation of a State out of those five counties, and who wanted to see us follow the course which was pursued by California and by Tennessee and attempted by Idaho, although in the latter case it failed. That course was to elect United States Senators and come down here and knock for admission. But the judgment of those who felt that Oklahoma and the Indian Territory ought to be included ultimately in one State prevailed, and they simply passed a few complimentary resolutions with reference to the townspeople where they met and adjourned and went home.

The following year, in 1890, there was a statehood convention held in Oklahoma City in which people of all political parties participated. A fight came up there in that convention as to whether we would resolve in favor of the creation of two States or of one State. The argument lasted one afternoon and one night. When the vote was taken the people voted for the union of Oklahoma and Indian Territory in one State.

Every year from the opening of Oklahoma Territory to settlement, from 1889 until this last summer, there has been a statehood convention held either in Oklahoma or in the Indian Territory. In 1900 the first inter-Territorial convention was held at South McAlester, at which nearly all of the counties were represented.

A MEMBER. From both Territories?

Mr. LEWIS. From both Territories.

The CHAIRMAN. Of course there are no counties in Indian Territory.

Mr. LEWIS. No, sir; most of the counties in Oklahoma were represented, and representatives were there from the Five Civilized Tribes.

At that convention resolutions were passed favoring the union of the Territories. The sentiment of South McAlester was so strongly in favor of two States that we found it difficult to find accommoda-

tions, we found it difficult to get lodging places or places to eat. They did not want us. They looked upon us somewhat as a hoard of grasshoppers coming down upon them to destroy their interests and their future wealth as well as their prospects. The following year there was a convention held at Muscogee, a very large and enthusiastic convention.

Mr. JONES. That was in 1901.

Mr. LEWIS. In 1901. At that convention ex-Governor Barnes, who was appointed governor of Oklahoma by President McKinley, was there and participated. Hon. Frank Greer, editor of the State Capital, the leading Republican paper in the Territory of Oklahoma, was also there, and he was the chairman of the committee on resolutions. Your humble servant was also there, and Republicans and Democrats from every portion of Oklahoma and every portion of the Indian Territory were there participating in that convention. After that, in the same year, there was another convention held at Claremore, Ind. T., quite largely participated in, and this last year there was a convention at Oklahoma City—

A MEMBER. I beg your pardon, but was that an interterritorial convention?

Mr. LEWIS. Yes; that was an interterritorial convention. Last year, 1903, there was an interterritorial convention held at Oklahoma City, in which there was an outpouring of people. They heard and feared that the Flynn bill then pending before Congress, which had features in it very similar to the McGuire bill, would pass. People came from every portion of Indian Territory and every portion of Oklahoma to that convention, and when I state to you, gentlemen, that more than 3,000 people were present at that convention I tell you that which is true.

This last summer there was a convention called for the purpose of advocating the idea of holding a constitutional convention, but better judgment prevailed, and they passed resolutions again in favor of the creation of one State. That was also an interterritorial convention.

Thus you have a brief outline of this movement in Oklahoma and Indian Territory. I want to say here that while there are at the present time two statehood committees in the Territory of Oklahoma, yet up to the present time, from the time the Territory of Oklahoma was opened to settlement, there never has been a convention held in Oklahoma, whether called for the purpose of giving expression to the one-statehood idea or for two States, that has ever passed a resolution for the creation of two States. The nearest to that that was ever done was a resolution passed by a convention held at Guthrie, where they resolved in favor of the creation of a State for Oklahoma with such boundaries as Congress in its wisdom might deem proper to give. That is the nearest to any resolution at any convention ever held in Oklahoma in favor of double statehood.

So much for the history of this movement; that ought to shed some light upon this question.

Mr. LLOYD. In this connection you said that when you went to a certain place—South McAlester, I think it was—at one time that the sentiment was so very strong against it that you could hardly find lodging or accommodations?

Mr. LEWIS. Yes, sir.

Mr. LLOYD. Do you know what that sentiment is to-day?

Mr. LEWIS. There are two gentlemen here from South McAlester, Mr. Robbins, the editor of the Republican newspaper there, and Judge T. C. Humphry, a lawyer, asking for the union of Oklahoma and the Indian Territory.

The town held a mass meeting a few nights before they came here and chose them on this committee to come here, and at that meeting the question came up for discussion, and it was the sentiment of the people in South McAlester that it was the proper thing to do to create one State out of these two Territories. These gentlemen, as I have said, are present, and will be glad to answer that question as to what the sentiment there is. They were there and participated in that meeting.

Mr. ROBINSON. I desire to submit a matter to Mr. Lewis. We had a gentleman here, Hon. Sidney Clark. He appeared before this committee, and went over the matter of the business and commercial exigencies of the Territory as bearing upon the question of joint or single statehood, and he generally roamed the field of facts in reference to the two Territories. Was he at Ardmore, Ind. T., at a convention held for the purpose of discussing these various purposes in 1892, do you know?

Mr. LEWIS. I am prepared to answer that.

Mr. ROBINSON. If you will answer it briefly I will follow it with another question.

Mr. LEWIS. Hon. Sidney Clark went to Ardmore, Ind. T., and delivered an address to the people on December 20, 1892, and I was present and listened to that address and kept his speech, and at the time I delivered an address before the Trans-Mississippi Commercial Congress held at Wichita, Kans., June 2, 1889 [the speaker evidently meant 1899], Mr. Clark was there in that convention and I followed him with my address and he made the remarks you have before you here, and I quoted from them.

The CHAIRMAN. You mean 1899, do you not?

Mr. LEWIS. No, sir; it was 1892 that he made that address.

Mr. ROBINSON. Did he speak as follows—and the reporter need not take this, as I have this here in print and will give it to him—

The CHAIRMAN. Mr. Lewis, do you not mean 1902?

Mr. LEWIS. No; that was in the early days. It was after the opening of Oklahoma to settlement. Our country was opened in 1889, and he was there in 1892.

Mr. LLOYD. And when was it you quoted from him?

Mr. LEWIS. I quoted from him in 1899.

Mr. ROBINSON. And quoted as follows, and is this a correct statement of what he said at Ardmore—

Mr. LEWIS. That was not a convention; it was simply a meeting.

Mr. ROBINSON. Mr. Clark is reported to have said this:

Nor is there any good reason why the two Territories should be separated in statehood. Every geographical and material consideration forbids the separation.

Population, wealth, and natural resources, formed into one grand total, will be more powerful in influence, more potent for good, more effective in government than a divided jurisdiction. My judgment is that if the Territory of Oklahoma, as at present organized, could become a State to-day half a generation would pass away before the tribal oligarchies of the five tribes would be made to yield the autocratic power they now possess. "In union there is strength."

I know it has been said that there should be two States formed out of this domain. It has also been proposed that an Indian State be created out of the five tribes. As I have said elsewhere, so I say here, that this proposition is preposterous and con-

trary to the genius of our free institutions. This is not a Government of distinct races or of States founded upon class and caste. Equality of citizenship is the pride and glory of our republican system. The Indian, like the emigrant from the Old World, has only to take the oath of allegiance to the Government of the United States to become one of its citizens and be protected by its flag.

The reasons why we should unitedly demand of Congress immediate statehood far outweigh all possible objections.

They appeal not only to the pride and self-respect of all of our people, but to every consideration affecting the material, moral, educational, and religious welfare of this great section of the country.

To this great work, to the blending together of the two Territories and in the forming of one grand imperial commonwealth, all good citizens should be willing to exert their most earnest efforts.

Mr. LEWIS. Those were the words of Mr. Clark. And I want to say to you further that at the first statehood convention ever held in the Territory of Oklahoma, held at Oklahoma City, Mr. Clark was the champion at that time of the one-State movement.

The CHAIRMAN. That was in 1890?

Mr. LEWIS. That was the second year after the opening of Oklahoma to settlement. And at that meeting, in 1890, Mr. Clark, the champion of the cause of one State, raised his arms and stated to that convention that he would prefer that his right arm should wither and fall helpless by his side than to see two States made out of Oklahoma and Indian Territory, and the delegates present cheered him to the echo. Now, upon that question as to where Mr. Clark stood, I might give you some interesting information in reference to the kaleidoscopic changes that have taken place among the people of Oklahoma upon that question. I would not like to say, and it would be unfair to say, in reference to our present delegate, that prior to his election he was the advocate of one State, and I will not make that statement—I will leave it to him to state. But we know whereof we speak. I aided in his nomination and aided in his election. It would not be proper to give to this committee for your information any private conversations that we ever had upon that question, and therefore I will not say anything about them.

Mr. RODEY. How did you aid in his nomination or election, if you are from Indian Territory?

Mr. LEWIS. I live at Oklahoma City, the geographical center of the universe; the moral and intellectual center, also.

Mr. THAYER. I think you could agree on something, if you are in such an advanced stage of civilization. I do not see so many signs of it.

Mr. LEWIS. You have heard the story with reference to the frogs. One frog will often make an immense amount of noise. As Mr. Jones has said, there are two people in Oklahoma City in favor of the two States. One of them is the Hon. Sidney Clark and the other is a neighbor of his—just two. And I tell you the truth when I make that statement, regardless of what other people may say on the question. When Mr. Clark called a convention to elect delegates to his convention at Guthrie, about which I have spoken, there was Mr. Clark, a Populist, and a curious Republican to see what was done, and Mr. Clark elected the delegates to that convention.

Now, it has been said here that the conditions in the Indian Territory—and I understand that Mr. Clark has made this statement—that the conditions in the Indian Territory are such that annexation or union with the Territory of Oklahoma would be very undesirable, on account of the criminal conditions that exist over there and the lack

of educational qualifications to fit them for statehood. You have some of the gentlemen present here, and you have looked in their faces and know whether they seem to possess intelligence enough to perform those duties, but I want to say something further to you in answer to that. They cite you, as evidence of criminal conditions in the Territory, the fact of the great expense which the United States is put to, about \$300,000 a year, while the court expenses, so far as the United States courts are concerned, in Oklahoma amount to about \$125,000 a year, or, in other words, that the expenses are about \$175,000 greater in the Indian Territory than in Oklahoma. Why is that so? In the Indian Territory the probate business is done in the United States courts and is taxed up as United States expenses. If a person applies for his majority it is United States business. Every question that gets into court over there in the Indian Territory is classed as United States business, while in the Territory of Oklahoma we have our United States courts, where United States business is transacted, and we have district courts, probate courts for probate business, and justice courts.

Mr. LLOYD. It is not my purpose to interrupt you, but I want to call attention to the fact that we only have twelve more minutes remaining.

Mr. LEWIS. I will try to leave a couple of minutes for the other speakers.

We have our probate courts, we have our justice courts, and it is not fair to compare the court expenses of the United States' side in the Indian Territory and of the United States' side in the Territory of Oklahoma; because we have all these other courts to take care of the business that comes before them, and it becomes a county and a Territorial charge.

It has also been stated that there is not enough taxable property in the Indian Territory with which to sustain a State government. The Committee on Territories at the last Congress reported a bill for the creation of the Territory of Jefferson. I understand that the report of that committee found somewhere between sixty and seventy-three million dollars' worth of taxable property in Indian Territory at that time. You have the Indian allotments; you have various cities; you have the railroads, and you have personal property; and after 1906 all except 40 acres, as the homestead of each Indian, will become taxable. But we are in a similar condition in Oklahoma. You take, for instance, the Kiowa and Comanche country in Oklahoma Territory. In Kiowa, Comanche, and Caddo counties the people live on homestead lands—lands that are undeeded and not taxable.

Mr. JONES. I do not want to interrupt you, but I understand that that matter has been gone over and is a matter of record, and the gentleman has only one minute remaining of the time allotted to him.

Mr. LEWIS. I will wind up, then. Mr. Chairman.

Mr. LLOYD. You can put anything in the record in addition that you desire.

Mr. LEWIS. I have some single-statehood literature.

Mr. LLOYD. You can hand it to the reporter.

Mr. LEWIS. This gives the size of the various States. I will put this in.

SINGLE-STATEHOOD RESOLUTIONS OF THE OKLAHOMA CITY COMMERCIAL CLUB.

To the Oklahoma City Commercial Club:

Your committee on State and National legislation beg leave to submit the following resolution:

Be it resolved, That we regard the question of statehood as of overwhelming importance to the people of Oklahoma and Indian Territory, not only to those now living but all unborn generations. Whether statehood shall come this year or the next or the next we regard as of infinitesimal importance when compared with the question whether we shall have one or two States. We favor the creation of only one State out of both Territories for the following reasons:

First. When combined as one State, its area, as compared with the other Western States, would be small. The area in square miles of the States and Territories west of the Mississippi are as follows:

Oklahoma, 39,000; Indian Territory, 31,400; the aggregate area, 70,400.

Minnesota	83,365	New Mexico	122,580
Arkansas	53,850	Arizona	113,020
Missouri	69,415	Colorado	103,925
Iowa	56,025	Utah	84,970
North Dakota, about	75,000	Idaho	84,800
South Dakota, about	75,000	Montana	146,080
Nebraska	77,510	Washington	69,180
Kansas	82,080	Oregon	96,030
Texas	265,780	California	61,562

It will thus be seen that of the 18 States named, 14 have a larger area than that of the 2 Territories combined. Missouri and Washington about the same, and Arkansas and Iowa a few square miles less, so that the 2 Territories combined have an area of 25,171 square miles less than the average of the Western States. Oklahoma alone has an area of 56,571 square miles less than the average; the Indian Territory has an area 64,171 square miles less than the average. If combined, the 2 Territories will only make a fair-sized State. If divided, they will both be pygmies.

Second. To impose upon this small area the burden of supporting two separate and distinct State governments would render taxation oppressive. As one State the cost of maintaining the State government and institutions would be very little more than the cost of maintaining each of the separate State governments.

Third. In our judgment it is the desire of not less than 90 per cent of the taxpayers that we should have single statehood.

Fourth. The geographical situation is such as to make nature herself an eloquent spokesman in favor of single statehood. This entire area was originally embraced within the boundaries of the Indian Territory. Oklahoma has been carved piecemeal out of the Indian Territory. Upon the map she now has the appearance of sitting in the lap of the Indian Territory. The two are wedged together; they have the same railroad systems; they have a homogeneous population. The mere geography of the country argues for single statehood.

Fifth. The resources of the two Territories cry aloud for union. Oklahoma is almost wholly agricultural; the great wealth of the Indian Territory is in her mines and forests. With the product of the farm, the forest, and the mine allied in a common cause of building up one State, immediate success and immense achievements are sure to follow.

Sixth. It has always been the contemplation of Congress that this entire area should be one State. Section 1 of the organic act, being the act of May 2, 1890, after describing by crooked and devious lines the boundaries of Oklahoma, contains the following provision:

"Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning said lands shall signify to the President of the United States, in legal manner, its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect."

Seventh. We favor single statehood because we believe that with the natural resources of the two Territories combined we can erect a commonwealth which will be a pride to the Union, a source of gratification and of prosperity to ourselves, and a rich heritage to our posterity.

Be it further resolved, That it is our desire that Congress, in legislating upon this subject, should be fair toward the people of the Indian Territory. We think they

are entitled to a voice in the location of all public institutions, in the formation and adoption of our organic law, and in the initial steps leading up to the union.

We do most earnestly, persistently, and respectfully petition Congress to heed the wishes of the people of the two Territories on this question; to legislate not for the present but for the vast and unlimited future; to ignore party lines.

We do most strenuously protest against being made the toys of politicians or the tool of any political party. We say it is not a question of politics, but a question of business, of taxation, of the future. We are absolutely indifferent to the possible political complexion of the single State, but, regardless of political considerations, we wish that legislation which will best subserve the cause of the people of these two Territories.

Be it further resolved, That the secretary of this club have 500 copies of these resolutions printed, and that from that number he shall furnish a copy to each member of the Senate and of the House of Representatives.

Respectfully submitted.

C. B. AMES, *Chairman*,
R. E. CAMPBELL,
FRANK WELLS,

Committee on State and National Legislation.

The foregoing resolutions were unanimously adopted at a meeting of the club on February 4, 1902, attended by about 200 of the leading men of Oklahoma City.

CLIFTON GEORGE, *Secretary.*

MR. THAYER. I understood you to say there were only two parties in Oklahoma City in favor of separate statehood, one Mr. Clark and the other his neighbor. Do you know what ex-Congressman Flynn's position was?

MR. LEWIS. He did not live there at the time.

MR. THAYER. No matter whether he lived there or not, do you know what his position is or was?

MR. LEWIS. I have not talked with him recently.

MR. THAYER. He seemed to be a fairly intelligent man.

MR. LEWIS. Mr. Flynn's bill provided for a single statehood for Oklahoma with a piecemeal process, the same as the McGuire bill. That was his position when he was a member of Congress. Whether he has changed his views or not will be for Mr. Flynn to state to the committee.

MR. THAYER. He was diametrically opposed to joining Oklahoma with Indian Territory last year.

MR. LEWIS. Yes.

MR. THAYER. Then there are three opposed to it somewhere?

MR. LEWIS. I did not confine my remarks to the whole Territory; I said that there were only that many in Oklahoma City.

MR. ROBINSON. You can hand that pamphlet to the stenographer.

MR. LEWIS. I just want to read from two reports here, and then I will be done; just about two minutes.

This is the report of the governor of Oklahoma to the Secretary of the Interior for 1896—the report of Governor Renfrow—who was a Democratic governor appointed by Mr. Cleveland. I would like to read you what he said:

This question has been so much and so ably discussed, both by the press and in the halls of Congress, that it is unnecessary for me to enter into a discussion of the question, but I beg to express my firm conviction that the best interests of the whole people will be subserved by the early admission of Oklahoma and Indian Territories into the Union as one State. United they would make one strong and prosperous Commonwealth; divided, two small States with double the expense of State government.

On page 41 of Governor Barnes's report there is a paragraph I would like to read. Governor Barnes was President McKinley's appointee. [Reading.]

In my judgment the formation of two separate States would be burdensome and annoying to the people of both, while a union of the two would make a strong, vigorous, and prosperous State.

There is one Democratic governor and one Republican governor; you have heard from both of them. Does that look like the sentiment is one way there or not?

Just a word or two more and I am through. We are much opposed to the McGuire bill on account of the piecemeal process. It will engender strife that the people will not get over for the next forty years. We prefer to have one State. And with that statement I will close my argument and leave the question with you.

Mr. Lewis filed the following as an addition to his statement for the purpose of showing that there were as many or more blanket Indians in Oklahoma than in Indian Territory; and also the resolutions passed and memorial adopted at the joint statehood convention held at Muscogee, November 14, 1901, for the purpose of showing the desires of the people of the two Territories and their fitness for statehood:

Number of Indians in Oklahoma.

Under school superintendent:	
Absentee Shawnee	687
Citizen Potawatomi	1, 686
Mexican Kickapoo	247
Cheyenne and Arapaho Agency:	
Arapaho	905
Cheyenne	1, 903
Kiowa Agency:	
Apache	164
Comanche	1, 407
Kiowa	1, 134
Wichita, including Caddo, Delaware, Towakoni, and Keechi	596
Under War Department:	
Apache, at Fort Sill	298
Not under an agent:	
Potawatomi and Absentee Shawnee in Pottawatomie County	100
Osage Agency:	
Kansa (Kaw)	222
Osage	1, 833
Under Pawnee school superintendent:	
Pawnee	638
Ponca, etc., Agency:	
Oto and Missouri	370
Ponca	557
Tonkawa	54
Sac and Fox Agency:	
Iowa	91
Sac and Fox	479
Total	<hr/>

Number of Indians in Indian Territory.

Quapaw Agency:	
Eastern Shawnee	100
Miami	110
Modoc	47
Ottawa	167
Peoria	185

Quapaw Agency—Continued.

Quapaw	271
Seneca	351
Wyandot	354
Union Agency:	
Cherokee, including freedmen	35, 000
Chickasaw, including freedmen	11, 500
Choctaw, including freedmen	20, 250
Creek, including freedmen	15, 000
Seminole	2, 750
Total	

[Exhibit to argument of D. C. Lewis, Oklahoma City.]

Joint statehood convention, held at Muscogee, Ind. T., November 14, 1901.

The convention was called to order at 2.15 by Chairman Castle. Divine blessing was invoked by Rev. M. L. Buter, of Muscogee.

E. C. West, of Muscogee welcomed the people to the city. When he said the sentiment of the people is "for one great and glorious State for the two Territories," there was loud applause. Again, when he said "We don't want the best of the arrangement of statehood, nor do we expect Oklahoma to want the advantage, but what we want is an equal copartnership in one common heritage of future glory," there was loud applause.

"We must not settle our affairs by quarreling, but by amicable adjustment, knowing that the benefit to one is to the advantage of all," was a sentiment that was applauded. He assured the delegates of the sincerity of Muscogee's welcome to the delegates.

Col. Roy Hoffman, of Chandler, responded to the address of welcome.

W. T. Hutchings, of Muscogee, was placed in nomination for temporary chairman of the convention. The election was without dissent. Mr. Hutchings expressed his views on single statehood, confessing recent conversion to the idea, saying that six months ago he did not know what was best, but after a careful examination into the facts surrounding the situation, and a scrutiny of the problems confronting the people, he was firmly convinced that statehood for the Indian Territory could only be obtained by a union with Oklahoma, and that it could only be secured by pushing the matter now, and sending representatives to Washington to keep the matter before Congress.

"When, a little less than a year ago, a single-statehood convention was held at South McAlester, I did not favor it, but a careful examination of the situation convinces me that there is no other way, and single statehood is to us now a cloud by day and a pillar of fire by night to lead us out of the wilderness to the promised land."

Mr. Hutchings said that those opposing single statehood had cried out, "Let's take care of the Indian!" "When the white man is benefited in the Indian Territory the Indian has always been benefited," said Mr. Hutchings. "In 1898 a law was passed by Congress which says that every Indian citizen in the Territory must live on his allotment, and must not hold an inch more under penalty of the law. If an Indian citizen dies now, after selecting his allotment, where does his land go? Not to his heirs or assigns, not to his family, but back to the tribe. This is not a condition that the Indian wants, but he wants to own his land with a patent to it and when he dies it shall go to his family for their benefit."

Concluding his remarks, showing the benefit of statehood along educational lines, etc., Mr. Hutchings declared the convention ready for business. W. C. Herring, city marshal of Muscogee, was elected sergeant-at-arms. Harry Gilstrap, of Chandler, was made secretary. F. H. Greer had been agreed on for secretary, but could not serve.

Judge Bradford, of Ardmore, moved that a committee of three be appointed to arrange an order of business. The motion prevailed, with an amendment by Governor Barnes, of Oklahoma, that the committee be composed of six members from each Territory.

On motion of J. W. Hocker, of Purcell, a committee of six, three members from each Territory, on credentials was appointed.

J. Roy Williams, of Lawton, was elected assistant secretary.

Bion S. Hutchins, of Pauls Valley, moved that a committee of six be appointed on permanent organization. The motion carried.

Governor C. M. Barnes, of Oklahoma, moved that a committee of thirty, fifteen from each Territory, be appointed on resolutions. The motion was adopted.

J. B. Turner, of Vinita, asked what the committee on resolutions was expected to do, and urged that it be instructed to prepare a memorial to Congress, setting forth the needs of the two Territories, as well as preparing suitable resolutions. "We want a 'bill of rights' to go before Congress with," said Mr. Turner, and the sentiment of the convention was with him.

The committee on resolutions as selected by the delegates from each Territory was appointed as follows:

Oklahoma: R. B. Forrest, Louis N. Williams, Robert J. Ray, M. E. Sharp, J. B. Ferguson, R. C. Eckles, Pat Nagle, Jere Johnson, H. B. Gilstrap, F. H. Greer, T. H. Doyle, C. B. Ames, W. H. Redwine, Freeman E. Miller, Chas. F. Barrett.

Indian Territory: F. H. Kellogg, E. E. Daniels, A. T. West, J. J. McAlester, Choctaw Nation; D. D. Sayers, J. W. Hocker, U. G. Wynn, Chickasaw Nation; J. B. Turner, Wm. Johnson, A. E. Ivey, A. S. Haygood, Cherokee Nation; J. F. Eads, D. M. Wisdom, A. F. Parkinson, A. G. W. Sango, Creek and Seminole Nations.

The committee on credentials was as follows: C. H. Filson, W. M. Cross, D. A. Jacobs, Oklahoma; Bion S. Hutchins, Wm. Noble, L. W. Howe, Indian Territory.

Committee on order of business: J. P. Woolsey, D. D. Leach, J. R. Hale, Oklahoma; S. B. Bradford, T. N. Foster, Philip Samuels, Indian Territory.

Ex-Governor Cassius M. Barnes, of Oklahoma, was called on for a speech when the committees retired to make their reports. He said that the facts demanding the attention of Congress for statehood for the two Territories had been thrashed over so much and were so familiar to the people that he felt that it would be unnecessary, and he thought now the time to act and not talk. He said that resolutions and memorials are worthless unless there is something behind them. He suggested that money should be raised to send representatives to Washington to lay the matter before Congress and get the Congressional ear, and suggested that ideas on the best means of accomplishing this were more in order than a thrashing over of old straw about the necessity of statehood.

While the convention was taking a recess several letters were read. One, from Senator Charles H. Dietrich, of Nebraska, expressed the belief that there should be single statehood and that Congress should heed the call for legislation from the Territories. He expressed the belief, in the letter read, that if single statehood could not be had now that single Territorial government should be given the two Territories, and they should have a form of local self-government. A letter was read from Congressman Charles Curtis, of Kansas, author of the "Curtis law," now in effect in the Territory, wishing success for the single-statehood meeting to-day.

A rather noncommittal letter was read from Hon. Dennis T. Flynn, Delegate in Congress from Oklahoma. A letter indorsing statehood and saying that he believed the Territories deserved statehood was read.

The committee on order of business made its report as follows:

1. Hearing report of committee on credentials.
2. Hearing report of committee on permanent organization.
3. Hearing report of committee on resolutions.

4. Selection of an executive committee of fifteen from each Territory to carry on the work for single statehood.

This committee suggested that a committee of six, three from each Territory, be selected by the executive committee to take a memorial to Washington and press it before Congress, setting forth the condition in the two Territories, filing facts and other data, and securing the attention of Congress at once to take immediate action. The report was received.

The report of the committee on credentials was read. The report showed 210 accredited delegates from each Territory. Fifteen counties in Oklahoma were represented by delegates, and fifty municipalities in the Indian Territory. The report was received.

The committee on permanent organization reported. It recommended E. N. Ratcliff, of Vinita, for permanent chairman, and Harry Gilstrap, of Oklahoma, for permanent secretary; Roy E. Williams and Harry E. Brown as assistant secretaries. The report was received.

Permanent Chairman Ratcliff was escorted to the chair by a committee and thanked the convention for the honor. He is an Indian citizen by adoption, but with a fair complexion that marks him more a Celt than an aborigine of America. He said that he was a business man and not a speaker, and that his native home was Texas; therefore he could not be expected to favor a little two-by-four State for the Indian Territory, and he is heart and soul for single statehood.

Judge John R. Thomas, of Muscogee, was called on and addressed the convention briefly, stating that he had favored statehood for the Territory independent of Oklahoma, but that was impossible, and he now favored single statehood, as that was better than the present form of government and as good as the people could get. These conditions now existing, he said, do not please or meet the approval of white, red, or black men in the Territory, and they all want a change to local self-government. He said that eastern and northern Republicans would never be willing to make two States with a probability of four Democratic Senators, and that alone would force the two Territories to come in as one State or remain out indefinitely, and he expressed the opinion that the only way for either to get statehood is for them to join hands and knock at the Congressional door together. He urged the convention to raise money and send a memorial to Congress in the hands of men who know how to present these matters to the lawmakers and to get their attention.

D. C. Lewis, of Oklahoma City, spoke for single statehood from the standpoint of a Republican, and said he would rather have a single State with woman's suffrage and prohibition than a government as it now exists.

Freeman Miller spoke for single statehood from the Democratic standpoint, and said that local self-government were better with Republicans in power than the present carpetbag system of government.

At 5.30 adjournment was taken till 6.30. It was later than that when the committee reported the following members of the executive committee:

Oklahoma: R. B. Forrest, W. J. Hess, J. B. Ferguson, P. S. Nagle, Jere Johnson, T. B. Knapp, L. G. Niblack, Ernest Boland, A. L. Welsh, B. B. Blakeney, J. M. Mathews, W. H. Redwine, L. P. Ross, E. C. Eckols, I. Billups.

Indian Territory: Harry Campbell, W. W. Witten, C. E. Foley, C. E. Castle, Creek Nation; Ed McKenna, W. H. Ansley, T. C. Humphrey, William Noble, Choctaw Nation; L. W. Howe, W. L. Knott, S. B. Bradford, E. C. White, Chickasaw Nation; A. L. Kates, J. T. Smith, W. G. Smith, E. N. Ratcliff, Cherokee Nation.

The executive committee selected the following delegates to go to Washington to present the memorial to Congress:

Oklahoma: Governor C. M. Barnes, C. F. Barrett, T. H. Doyle.

Indian Territory: S. B. Bradford, W. H. P. Trudgeon, C. E. Foley.

The convention passed a vote of thanks to the people of Muscogee for their hospitality and then adjourned.

MEMORIAL TO CONGRESS.

Whereas the people of Oklahoma Territory and the Indian Territory have assembled at the city of Muscogee this 14th day of November, 1901, without reference to political affiliations; and

Whereas we believe that the two Territories are ripe for immediate statehood and entitled to all the rights and privileges afforded to a sovereign people under the principles which control republican forms of government: Now, therefore, we present the following memorial to Congress:

It has become evident that the union of Oklahoma and Indian Territories into one State is inevitable. They have the wealth, the energy, and civilization entitling them to statehood at once. The Territories have a population of more than 800,000 and an assessed value of real and personal property of more than \$100,000,000, with an actual value of more than \$300,000,000—greater wealth and population than were possessed by a large majority of the States when admitted into the United States; more wealth and population than are now possessed by many of the States. There are in the two Territories 211,000 school children.

In the Indian Territory, excepting a few incorporated towns, the people are without public schools for the education of their children. It is the duty of Congress to give these people such government as will enable them to protect their children from ignorance and vice.

The people of the Indian Territory are without adequate roads, and the schools are inadequate; they have no asylums for the unfortunate, for the deaf, dumb, blind, and insane. They can not have these because of no law of self-government. They are without authority to make laws for the protection of cities and towns from the ravages of fire and communities from pestilence and disease. The rural districts of the Indian Territory are without protection to life and property. Great bodies of mineral lie dormant and unproductive, and all industries languish for want of laws under which they can be properly developed. In agriculture and in mineral, in timber and all the natural attributes of wealth, they would form a State equal in point of resources to any in the Federal Union. The people of Oklahoma are anxious for

self-government; they have every requisite for it. The people of the Indian Territory exist under intolerable conditions; they cry for relief; they feel that Congress should heed their voices. It was but a just tribute to the intelligence and patriotism of the Indians that Congress, in 1901, by special enactment, declared all Indians in the Indian Territory citizens of the United States, with all the rights, privileges, and blessings of such, thus acknowledging them capable of self-government.

All the citizens of Oklahoma and the Indian Territory are thoroughly capable of self-government. United into one State, the two Territories would make a magnificent Commonwealth. As an evidence of the fact that the two Territories are becoming homogeneous, the Territory of Oklahoma has opened her institutions of higher education to the people of the Indian Territory. The vast change of sentiment in the Indian Territory on the question of union of Oklahoma during the last year makes the people of the two Territories practically a unit for single statehood. The two Territories, when admitted to statehood, should be given the privilege incident thereto, together and at the same time, that each may enjoy alike the new progress that is certain to follow, and that harmony and cooperation on the part of the people of the two Territories may be accelerated and assured of. The permanent good of the people is vastly more important than the temporary advantage of any section, and we oppose any policy which would shape the course of statehood legislation of local advantage. As Congress has provided large school reservations for the Territory of Oklahoma, and for her public buildings, we ask that Congress provide by some means an appropriate amount of public lands for school purposes for the people of the Indian Territory. Both Territories, by their representatives in convention assembled, urge upon Congress the immediate passage of an enabling act providing for the formation of one State by the people of the two Territories.

We have ample property for taxation, the will and the desire to support the expenses of a State government.

Is that boon sought by all intelligent, patriotic American freemen, that of self-government, to be denied us longer?

RESOLUTIONS ADOPTED AT MUSCOGEE CONVENTION NOVEMBER 14, 1901.

Resolved, That Congress is hereby requested to pass an enabling act immediately, providing that the Indian Territory and Oklahoma be given the right to hold a joint constitutional convention to form a State constitution for approval and submission to Congress for the admission of a new State into the Union, to be composed of the country now occupied by the people of Oklahoma and the Indian Territory.

Resolved, That efforts be made that Congress take appropriate steps at the coming session to remove the chaotic and oppressive conditions that prevail in the Indian Territory, and that all future legislation in regard to the Territory to be so shaped as to guarantee its people, now numbering approximately a half million souls, a stable, permanent, and constitutional government, free as possible from outside federal dominations and irresponsible control.

Resolved, That single Statehood composed of Oklahoma and the Indian Territory obtained with proper restrictions and safeguards is, in the sense of this convention, the surest and earliest remedy for our many grievances, and that it will bring to us at its consummation large educational facilities, equal and just taxation, and equal privileges to all classes of our citizens without regard to race, and will be at the outset a State marvelous in resources, confident of immediate development and destined to take a high rank in the sisterhood.

Resolved, That whereas it is a wise settled policy of this nation that no more States of small area shall be brought into the Union, and whereas there exists no difficulty in order to preserve the equality of the States and the balance of power between the section, why such small States should be created and perpetuated: Therefore

We petition Congress for the crown of a sovereign State, composed of Oklahoma Territory and the Indian Territory, commensurate with the premises of this great Republic.

Resolved, That we are unalterably opposed to the admission to statehood of Oklahoma with any part of the Indian Territory tacked on, and the taking into said State the Indian Territory by piecemeal, but we demand the admission of Oklahoma and Indian Territory as a whole, according to their present boundaries.

Resolved, That we are unalterably opposed to single statehood between Oklahoma and Indian Territory except upon absolute equality in point of representation based upon population.

Resolved, That the lands in the Indian Territory be allotted to the Indians of the several tribes immediately, and a fee simple title issue to said lands and the allottees be allowed to dispose of their lands other than their homesteads without restraint.

EXTRACTS FROM REPORT OF GOVERNOR OF OKLAHOMA FOR 1900.

The Republican party conventions have repeatedly resolved in favor of statehood for Oklahoma, with such conditions and additions as Congress may deem best. The allied parties in opposition demand immediate statehood with Oklahoma and the Indian Territory as a single State. Both the Democratic and Republican national conventions promise statehood to Oklahoma in their respective platforms. It is therefore reasonably certain that in the near future Congress will pass an enabling act, and that Oklahoma will soon be admitted as a State.

The prosperous conditions prevailing in Oklahoma, her population, area, and wealth, as shown by the four annual reports which I have had the honor to submit to you, when compared with like conditions prevailing in a large number of States at the time of their admission into the Union, amply justify our claims for statehood.

We have a larger population to-day than either of the States of Delaware, Idaho, Montana, Nevada, New Hampshire, North Dakota, Utah, Vermont, or Wyoming. We polled a larger vote in 1896 than in either of the States of Delaware, Florida, Idaho, Montana, Nevada, North Dakota, or Rhode Island. We have, as now organized, a larger area than any of the following-named States, viz: Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, or West Virginia.

The actual wealth of Oklahoma is not less than \$135,000,000; the assessed valuation of taxable wealth for the year 1900 is more than \$49,000,000.

The following table shows the amount of actual and assessed wealth of several of the States at the date of their admission, statistics as to the other States not being obtainable here:

State.	Actual wealth.	Assessed wealth.
Wisconsin.....	\$42,000,000	\$31,200,000
Arkansas.....	39,000,000	23,400,000
Florida.....	23,000,000	13,800,800
Iowa.....	24,000,000	13,200,000
Oregon.....	19,000,000	11,400,000
Minnesota.....	52,000,000	32,087,730
California.....	22,000,000	13,296,000
Kansas.....	31,000,000	22,500,000
Oklahoma.....	125,000,000	49,000,000

The census of 1890 shows the population of Oklahoma to have been 61,834. A conservative estimate of present population is very close to 400,000.

The following table shows the population of 22 States at the time of their admission and at the preceding and following censuses:

State.	Date of admission.	Representative ratio on previous census.	Population by previous census.	Estimated population when admitted.	Population by following census.
Vermont.....	1791	33,000	80,213	85,425	154,446
Kentucky.....	1792	33,000	70,109	73,677	220,955
Tennessee.....	1796	33,000	53,213	67,000	105,602
Ohio.....	1802	33,000	45,365	46,365	230,760
Louisiana.....	1812	35,000	70,017	76,556	152,923
Indiana.....	1816	35,000	60,074	63,879	147,178
Mississippi.....	1817	35,000	40,352	55,512	75,448
Illinois.....	1818	35,000	35,220	38,620	55,162
Alabama.....	1819	35,000	67,901	127,901	127,901
Missouri.....	1821	40,000	66,586	67,557	140,444
Arkansas.....	1836	47,700	30,338	52,240	97,574
Michigan.....	1837	47,700	31,699	65,000	212,267
Florida.....	1845	70,680	54,477	64,000	87,445
Iowa.....	1846	70,680	43,112	78,819	192,214
Wisconsin.....	1848	70,680	155,270	180,000	305,391
California.....	1850	93,423	92,597	92,597	379,994
Minnesota.....	1858	93,423	68,812	120,000	172,023
Oregon.....	1859	93,423	52,170	60,000	62,405
Kansas.....	1861	127,381	107,206	107,206	364,399
Nevada.....	1864	127,381	6,857	40,000	42,491
Nebraska.....	1867	127,381	28,841	100,000	122,993
Colorado.....	1876	131,425	39,864	100,000	194,646
Average for 22 States.....			59,103	77,380	

These figures show that Oklahoma has five times the average population, and the enumeration of school children in the Territory for 1899 was greater than the population of 20 of the States at the time of their admission into the Union.

The following table of figures shows the vote cast at Presidential elections and the number of years after their admission of 12 prominent States:

State.	Years after admission.	Votes cast.
Tennessee.....	28	20,725
Indiana.....	8	15,725
Illinois.....	10	8,344
Missouri.....	15	5,192
Mississippi.....	15	5,007
Arkansas.....	4	11,209
Louisiana.....	28	18,914
Florida.....	3	4,963
Texas.....	3	15,177
Iowa.....	3	24,303
Oregon.....	14	14,649
Nebraska.....	2	15,168
Average.....	10	13,133

Oklahoma in 1896 cast 53,000 votes.

The citizenship of Oklahoma is very largely composed of intelligent and educated people, American born and raised in the various States about us, who know the obligations and are willing to assume the full responsibilities of statehood.

Respectfully submitted.

C. M. BARNES, *Governor.*

The SECRETARY OF THE INTERIOR, *Washington, D. C.*

COUNCIL JOINT MEMORIAL NO. 2.

We, the members of the council and the house of representatives of the sixth legislative assembly of the Territory of Oklahoma, do most respectfully and earnestly pray, petition, and memorialize you and your honorable bodies to grant to this Territory and its people at the earliest possible moment the high privileges of a sovereign State in the American Union.

We represent a constituency of nearly half a million people, increasing with unexampled rapidity, who inhabit nearly 40,000 square miles of fertile soil, and who own \$150,000,000 of wealth produced in a single decade from the wild prairie and the wilderness. In all its possible lines they stand at the very front of modern civilization. They have built and are supporting more than two thousand common schools, six great institutions of learning, and more churches according to population and wealth than elsewhere in the world. They are a law-abiding and a law-enforcing people. In educational, moral, and religious life; in material resources; in population and wealth; in energy, enterprise, and accomplishment; in all the high ideals of honorable living, in patriotism and the staunch elements of America's best citizenship, they are as unsurpassed as they have proved themselves unrivaled in their capacities for self-government and in their culture and refinement.

We submit to the judgment of a candid world that such a people ought not to be longer held in political subjection, but are and of right ought to be entitled to immediate admission into the American Union as a sovereign State. We would further call your respectful attention to the Indian Territory, lying upon our eastern borders. Its natural resources are supplemental to those of Oklahoma. The abnormal conditions there existing as to title and tenure of lands, of citizenship, and of social conditions are being rapidly composed to the American idea, and the law by slow and painful experience is learning to assert its power and to subserve public and individual rights. But 350,000 white and black American citizens are there existing without any political privileges, without local self-government, mere tenants at will and peasants of the soil to 70,000 persons of Indian extraction. They can build neither roads nor bridges, neither schools nor higher institutions of learning, neither asylums for the unfortunate nor refuges for the poor. The individual is all, the community is nothing. They can not protect their cities against fire, nor themselves against public epidemic or contagion. Such conditions are so contrary to the very genius and

vitality of the American standards that their continuance is not only unjust to the people immediately suffering them, but menacing to their political neighbors and to the nation itself. We believe that immediate relief should be had by them, and if in your wisdom Oklahoma alone is not entitled to statehood, we urge the immediate admission into the Federal Union of both such Territories as one single State.

We are not unmindful of the treaty obligations of the United States to the Five Civilized Tribes, and would not seek their violation. Let them be sacredly observed. But we most solemnly assert that the various boards and agencies of the Federal Government can proceed after the political privileges of citizenship and the inestimable right of local self-government are secured to the American citizens resident there, quite as well as if the present conditions of tenantry and political obliteration shall continue indefinitely.

From the foregoing considerations we therefore most solemnly pray, petition, and memorialize you and your respective bodies to grant to the people of Oklahoma and the Indian Territory one government, with immediate statehood, under such conditions as in your wisdom will best subserve the present and future welfare and prosperity of the State you shall thus create and admit into the Federal Union.

Approved this 8th day of March, 1901:

EXTRACT FROM GOVERNOR'S REPORT, 1901.

The people of Oklahoma are all looking forward to the time when our Territory will be admitted as a State in the Union. When our population, wealth, and area are considered, the question at once arises, Why is Oklahoma not admitted as a State? We look back over the legislation affecting our Territory from the time it was organized, and we find running through all of this legislation the proviso that Congress may add additional territory of the Five Civilized Tribes and other tribes in Oklahoma when the Indians of those tribes so request of the President that Indian Territory may become attached to the United States, and we infer from this legislation that it has been the intention and thought of Congress since Oklahoma was first organized out of the old Indian Territory that the entire original Indian Territory should eventually become one State. If this is true, then the people of Oklahoma are directly interested in the conditions existing in the Indian Territory, and it becomes not only our right but our duty, if we are to be withheld from statehood until that Territory reaches a condition to be admitted with us, to use every effort to advance the social and political development of that Territory, to the end that we may be admitted to statehood together.

CHAOTIC INDIAN TERRITORY.

Affairs in the Indian Territory are somewhat chaotic. It is a question of legislation and not of administration which presents itself. The administration, under the present laws and conditions must necessarily move slowly. There are two questions to consider and difficult problems to solve for the executive department of the Government to be charged with the responsibility of solving them at long range, and it is practically impossible for these questions ever to be satisfactorily solved until representatives of these people, who are responsible to the people and community directly, are elected to Congress with the responsibility of working out these difficult problems. The Indian Territory situation is without precedent in this country. Whether the legislation so far has been the best possible for the Territory or not time only will tell.

* * * * *

As before stated, what the Indian Territory most needs is wise legislation, which will lay the foundation of an American community, with proper provisions for schools, churches, convenient highways, and the exercise of political rights and individual responsibility. They now have courts, but they operate under a different code of laws from Oklahoma, and rights and precedents are growing up which in the future will lead to confusion. Up to the present time, since the organization of Oklahoma, there has been practically no intercommunication or sympathetic cooperation between the two Territories. If they are to become one State, as the geography and natural conditions all seem to indicate, then the present conditions should not continue longer, but provisions to bring them under like laws should be made by Congress, at once

giving to the people themselves the opportunity to work out these social and political problems, and when that is done I have no fears but what they will be solved in harmony with the most practical American ideas.

Mr. JONES. I next wish to introduce Mr. J. H. Maxey, jr.
The CHAIRMAN. What is your business, Mr. Maxey?

STATEMENT OF MR. J. H. MAXEY, JR., OF SHAWNEE, OKLA.

Mr. MAXEY. I am a lawyer and reside in Shawnee.

Mr. Chairman and gentlemen of the committee, I think Mr. Lewis was a little unfair. He made the remark that he would leave me two minutes. I think he only left me a minute and a half. He cut me out of a half a minute, and so I am only going to take up my time.

I take it that it is conceded by all members of the committee, and by all who know anything about this question, that Oklahoma, on account of her wealth and her population and the standard of the intelligence of her people, is entitled to be admitted to the Union as a State, and that the Indian Territory, beyond a reasonable doubt, is entitled to some change from their present system of carpet-bag rule, hampered as she is by the tardy and eccentric rulings of the Interior Department.

I will not go into any discussion as to the material reasons why these Territories should be entitled to form a State of the Union, either united or divided. And I also take it that the only question at issue before this committee at this time is whether or not it will be better for the nation and better for the people who reside in Indian Territory and in Oklahoma to be united as one State or to be admitted as two States.

There has been some question, I understand, some criticisms presented by speakers heretofore, in regard to the Indian Territory, in which they have charged that the people of that Territory were not susceptible or that they were not fit in some way, at this time, to enter upon the responsibilities of a State government. I will not attempt, as I said before, to discuss that proposition at any length; but I want to reiterate a few statements that have been made in order that the committee may not forget them in their deliberations on this question; and one particularly about the intelligence of the people who reside in Indian Territory.

We admit that the percentage of illiteracy in that Territory is a little larger than the percentage of illiteracy in Oklahoma, Arkansas, Kansas, and Texas, which are the adjoining States and Territories. That condition, however, is very easily explained, and I presume that you are all familiar with it. You will recollect that prior to the passage of the Curtis Act, which I believe was in 1898, the people in Indian Territory were absolutely provided with no free school facilities whatever. The Indian Territory has been settled a long time. People have resided there since the civil war—a great many white people. The Cherokee Nation has been thickly settled for twenty-five years; the Cherokee Nation has been a thickly-settled community for twenty-five years; the Choctaw Nation has had a great many white people residing in it for a long time.

The outcome of this, of course, was that boys and girls who resided in this Territory would grow into manhood and womanhood without any educational facilities, and they have had no educational facilities except when parents were able to send them to schools at a distance, or perhaps a little subscription school in the neighborhood.

It would then surprise you, I should think, to see that the percentage of illiteracy is not larger than it is in the Indian Territory. Since the passage of the Curtis Act in 1898 nearly all of the important towns in Indian Territory have taken advantage of that act and have incorporated solely, or mainly, I may say, for the purpose of the benefit of the school system that was provided for by that act. They now have public schools in all of those towns, and the children who reside there are accorded the benefits of the public school education.

I have studied conditions there a great deal myself and I have prepared a great amount of statistics here in the last Congress, together with Mr. Powell, and have presented them on the Moon bill that was then pending. It was a bill to create an organized Territory out of the Indian Territory. I think it will be safe to say at the present time that, notwithstanding the school system in the organized towns, there are $33\frac{1}{3}$ per cent of the children of the Indian Territory who have no school facilities whatever. So then, gentlemen, are you surprised to learn that the percentage of illiteracy in Indian Territory is larger than in the States and Territories adjoining?

A BYSTANDER. By actual count there are 80 per cent there that have no school facilities.

Mr. MAXEY. Yes, sir.

Now, then, as to the business, the professional and the farming element of the Indian Territory, I think that they are on a par to-day with business and professional men of the States generally west of the Mississippi River. I would make this statement, and I think that any man that is familiar with the conditions in Indian Territory would bear me out in it, that the bar to-day of the Indian Territory is not excelled by a State west of the Mississippi River. I could name to you, Mr. Chairman, for an hour, men who are at the bar, either within my own personal knowledge, or whom I know by reputation, who would do credit to the bar of the city of New York or do credit to the bar of any State in the Union. So I do not think, in fact it appeals to me as being absolutely absurd—the proposition that the people of Indian Territory are in any way not capable of organizing and forming or participating in the organization and formation of a State government.

I think that this is conceded, and I will not discuss it further. The matter has been brought up and has been discussed by Mr. Lewis, and I will only take a moment on the records of the criminal courts in Indian Territory, which has been cited by parties advocating separate statehood as a reason why they are not susceptible of self-government. That is understood by the committee. You understand that there is not one case in ten in Oklahoma Territory that is prosecuted by the United States Government. Our cases are prosecuted the same as cases in Indiana or Missouri. The Territory prosecutes their cases and pays all expenses. We pay our district attorney, sheriffs, and our witness fees—everything in connection with the courts except the salary of the judges and the small compensation paid by the United States to the clerk of the court. Most of their compensation is derived from fees.

Therefore it is misleading and wholly unfair for a man to say that the record in the Indian Territory shows that the United States pays \$300,000 in round numbers for the court expenditures in Indian Territory and only pays \$135,000 in Oklahoma. In every respect the courts in Indian Territory take judicial notice of every crime and adju-

dicating it to a final conclusion, while in Oklahoma they do not take cognizance of one case out of ten. In my district and the district in which I practice law there is not one criminal case in twenty-five that is prosecuted by the United States Government. Therefore you can not compare the expenditures of the United States in these Territories as to the relative amount of criminality existing there, for the United States pays all the expense in the Indian Territory, but in Oklahoma they only pay a small part.

The other statistical matter as to the question of the people in the Territory, as to what kind of statehood they want, has been gone over. Of course you understand, gentlemen of the committee, that the people of the Territory have never had a chance to express their desire as to the form or kind of statehood that they desire.

All I can say to you would be from my personal experience, my personal acquaintance with men throughout the Territory. I have lived and done business, I think, in about eight counties in Oklahoma and in four towns in Indian Territory. I have been engaged in the banking business there and at this time I own bank stock in seven counties in Oklahoma: I own bank stock in one town in Indian Territory; I own real property in three counties of Oklahoma. I have come in contact with business men, with the professional men, and I have come in contact with men from all parts of the Territory, and particularly in the last two or three years, because this question has appealed to me as being of most vital importance to the people who make up the Commonwealth there, and I have taken occasion to ask them their views and to get as near as I could the sentiment of the people.

In my county there are about 6,100 voters. I think at our last election we polled 6,000-odd votes. I would say as a conservative estimate that out of 6,000 voters in my county there are not a hundred to-day in favor of separate statehood. In fact, Mr. Chairman, I will go the gentleman from Oklahoma County one better and tell him that I only know of one within my personal knowledge who is in favor of separate statehood, and that is Mr. C. M. Cade, who is a Republican in politics and is a good friend of mine. There was another man who once talked of separate statehood whom I knew, but he has had a change of heart and has become converted recently and taken the other position. I am familiar with the conditions in Oklahoma County and I think the people there are almost unanimously in favor of single statehood.

In Logan County, the county in which the Territorial capital is located, I think they are for double statehood. Guthrie, of course, is the headquarters for the Federal appointees of the Territory; they all live there and have their offices there and have their friends there. The population of Logan County is largely made up of colored population, and it is strongly Republican. Without casting any reflections on our Republican friends, they vote the Republican ticket and are controlled by the Republican machine. In the last election they hollered "double statehood" in that county. I was there, and I know it is a matter of statistics, for 50 per cent of the voters are colored. I was there at the time they were talking double statehood, and they were indorsing the Flynn bill. They were led to believe that the provisions in the Flynn bill that the schools should be open to all the children in the Territory meant mixed schools in the Territory; they believed that; they talked it on the streets and in their meetings; they

were told that by the Republican politicians. And they carried that county by a large majority. That is the stronghold of the office-holders of that county, and they are for double statehood.

Now, let us look at Kingfisher. I used to reside there and am well acquainted there. I used to have property there. I believe in that county the sentiment is about evenly divided. They claim they are strong for double statehood. It is a strong Republican county. They voted for Mr. McGuire, and they should have voted for him, but the fact that they voted for him can not be regarded as a criterion as to the question of statehood, single or double, although it is a criterion as to the political situation there.

Mr. THAYER. You speak of the colored population there. Are they Indians or negroes, or what?

Mr. MAXEY. Negroes; old-fashioned negroes.

Briefly, I would say in conclusion that I believe single statehood would mean a more rapid development of our mutual resources; that it would mean better and larger State buildings, better eleemosynary institutions, and better State credit; that it would mean more rapid development of our commercial interests, larger banking institutions, and a better government. I believe that double statehood would mean that Congress desired to place a check upon our development and growth. Organize two States out of Indian Territory and Oklahoma and you organize in Oklahoma a rotten borough, formed after the mold of Delaware, Rhode Island, and Nevada, whose judiciary will be dominated by politicians, whose Senators will be elected by special interests, and our Commonwealth will be for all time to come controlled by a coterie of politicians, which is the situation in all of the small States. We do not want to organize any more Nevadas in the West. We want a large State that we and the nation will be proud of for all time to come.

I am sorry I have not time to go into this matter fuller, but I know that I would bore you if I continued, and I will conclude my remarks by saying that I hope you will consider this proposition from a material standpoint. We believe that it is a question that should be separated forever from the domain of partisan politics. We believe that it is a business question, and should be settled on business principles; and if you look at it that way we believe you will conclude that it is better for the nation; that it is better for the people of both Territories to organize one large State than it is to organize two little rotten boroughs.

The CHAIRMAN. We have been very much interested in your statement. Now, gentlemen of the committee, there is a large delegation from Oklahoma here. I presume it would be impossible for the committee to hear each man composing this delegation, but the Chair would suggest, if there be no objection, in fairness to this delegation, that the roll of the delegation be called and that each man shall rise in his place when his name is called and state his name in full and his residence and occupation and his opinion on the question of joint or separate statehood. I suggest that Mr. Jones call the roll of the gentlemen comprising the delegation who are present.

Mr. JONES. Mr. Robbins?

**STATEMENT OF MR. H. P. ROBBINS, EDITOR DAILY NEWS, SOUTH
M'ALESTER, IND. T.**

Mr. Chairman, I am the editor of the Daily News of South McAlester, which is the old headquarters of the separate-statehood movement. There were maps made of the town the same as maps were made of Duluth, with the sky coming down at equidistance on all sides, and giving seventeen reasons, each of which seemed to be sufficient, why South McAlester should be made the capital of the State.

I come here to-day, sent by men of all political beliefs and all professions, to say that we want the Robinson bill, with the fifteenth section of the Quay bill added, making alienable lands taxable. We want it so that the Indian can have not only schools for his own children after the tribal school funds disappear, but so he can have some inducement to white renters of intelligence to come in there and improve his own lands, not only that which he has sold, but the land which he has to rent, if he wishes it developed.

I believe if you pass the Robinson bill, with the fifteenth section of the Quay bill added, we can go back to South McAlester, the most populous part of the Territory, which, according to the last census, embraces 50,000 people within a radius of 24 miles, or 110,000 people within a radius of 42 miles, and get practically a unanimous indorsement of such a measure.

In my capacity as editor I have attended all the conventions, not only on the subject of statehood, but various other conventions held in our Territory in the last three years. I have been to the bankers' association, and I can say to you, gentlemen, that the bankers were almost unanimous for joint statehood. I have been to the lawyers' association, and I can say to you, gentlemen, that there were only three votes in the lawyers' association of Indian Territory against the resolution declaring for joint statehood.

I have attended the doctors', the dentists', and the editors' associations of Indian Territory, and they are practically unanimous for joint statehood. I have been at the convention of the retail hardware and implement dealers of the Indian Territory and they voted for union with Oklahoma. Most of our lodges have a single jurisdiction, and it is the same way with the churches. The Presbyterians have a single synod. The two great Methodist churches each embrace both Territories in a single conference. One of them is called the Indian Mission Conference, and we can read history in the name. It reminds you that we are not asking to be tacked on to Oklahoma, but are praying that you restore the original boundaries of Indian Territory, giving us back what we had before Oklahoma was opened for settlement. And, by the way, it was on petition of the people of Indian Territory that Oklahoma was opened to settlement. Hence rightly-directed sentiment is with us instead of for the creation of a pygmy Indian State, out of half of that splendid domain.

It is true that some of our people are a little afraid of the political tricks of Oklahomans, those tricks that Mr. Jones has told you about. We have heard how they tell their constituents one thing and then come here and tell the members of this committee another thing. We know how their statehood platforms have been Janus faced, and consequently the more timid of our folk are a trifle "leery" of Oklahoma politicians, for our people are honest people.

I suspect from your amusement that it has been claimed here that Indian Territory is the hotbed of crime. Why, gentlemen, if you passed a law in Massachusetts, turning what is there regarded as a harmless divertimento into a felony, as you have done in Indian Territory, the old Bay State's biggest county wouldn't hold her penitentiary.

Mr. THAYER. What do you refer to as a felony?

Mr. ROBBINS. I refer to the fact that if a man should bring half a pint of liquor into Indian Territory for his own use, or even should he introduce medicated liquors, those panaceas so extensively praised in our metropolitan papers by distinguished ex-Congressmen with expectations, he can be arrested and sent to prison under the law. Violations of the liquor law are responsible for a large part of the convictions in our courts. I do not know that I blame those people so much for violating that particular law, though its practical results are good. It was a law that they had no part in making. They have no way of securing its repeal. They are free-born American citizens, and they know that that law was passed for the protection of the Indians. They are not Indians, and they feel that they are not doing wrong if they bring in whisky or other drinks for their own use. It is a form of casuistry which is natural. The violation of the liquor law, as I have said, explains the great number of criminal cases.

I have lived in a great many towns in the United States; I have lived in one of the best towns in Mr. Lloyd's district; but I want to say that my lot was never pitched in a community where there is as general observance of law, where there is as much protection for life and liberty, and where purity is regarded higher than in the community of South McAlester, the center of what would be naturally regarded as a rough district, filled with a mining population that shipped out 2,000,000 tons of coal last year.

In conclusion, I want to say that our people want statehood, preferably the Robinson bill with the fifteenth section of the Quay bill added, so that country districts can have public schools and the children be given a chance to procure an education. The appalling illiteracy mentioned (with exaggeration here) is confined to the poor tenants of the Indians in the country districts of the Territory. If you visit the villages and cities you will find that the people, in spite of the fact that the country has been handicapped by a lack of schools, are as alert and moral as the people anywhere in the United States. You can not go into the streets of our city and throw a rock without hitting a graduate of Harvard or Yale or Ann Arbor or the University of Chicago or some other college.

A VOICE. What are your politics?

Mr. ROBBINS. My political affiliations are Republican.

Mr. RODEX. How does that Territory happen to be so Democratic if they can not have whisky?

Mr. ROBBINS. Nobody knows what the politics of the Territory is. There is a man in our community who is 40 years of age and has amassed a quarter of a million dollars, but next spring he will vote for alderman and that will be the first ballot he has ever cast. Nobody knows the politics of Indian Territory. We have some big surprises to offer our Democratic friends there.

Mr. Jones called the name of Mr. Williams.

STATEMENT OF MR. R. T. WILLIAMS, OF GREER COUNTY, OKLA.

Mr. Chairman and gentlemen of the committee, I moved to Oklahoma about five years ago and the people have been kind enough to let me live there ever since. I have lived in a number of different towns. I am with the Southern Lyceum Bureau, and when I was notified yesterday that I might be expected to say something here I endeavored to persuade my friend Chenowith from my town to do the talking, for I have heard that a cause is often further advanced by silent advocates than by some of its most strenuous friends. You have heard about the man who gave \$50 to have his wife's parrot taught to talk, and then after the parrot had learned to talk he said, "And now how much will you take to teach the confounded thing to shut up?"

So, gentlemen, I can only speak for Greer County, and that county is almost as large as some of the States in the Union, and I will say this: That about the 27th of January some dodgers were thrown around announcing that a mass meeting was to be held at the city hall. Our people knew nothing of the nature of the mass meeting, and we went there and the meeting elected a committee of five. That committee was to select two to represent them with this delegation from Oklahoma. It is one of the grandest Territories over which Uncle Sam has ever been the fortunate guardian, and I want to say that she is so broad in mind, generous of heart, and so charitable, that when she knocks for admission to this great American Union she does not come in the spirit of selfishness, but in the spirit of Him who told us and taught us to love our neighbor as ourselves.

And, gentlemen, I want to say that it is strictly for the business and commercial interests of our great country that we apply to this Fifty-eighth Congress of the United States of America for admission as one great State, including Indian Territory and Oklahoma. The Indian Territory needs Oklahoma and we need the Indian Territory. Look at our broad, fertile lands which produce wheat, corn, oats, cotton, and all kinds of grain. The Indian Territory needs that grain. Look at the rich, timbered lands of the Indian Territory. We need their lumber to build our granaries and our homes. We need the coal of the Indian Territory to fire the furnaces of our factories, which are springing up almost as spontaneously as new republics. Gentlemen, the Indian Territory needs us and we need the Indian Territory, and I want to say to you that it is not for any political reason that we come before you; but the Democrats and Republicans of my county stand shoulder to shoulder, heart to heart, and hand to hand upon this great issue and say to you give us statehood and give us joint statehood or we perish. [Applause.]

Thank you, gentlemen.

Mr. LLOYD. What is the sentiment of Greer County?

Mr. WILLIAMS. Joint statehood. I want to say that in this mass meeting of our citizens there was an equal number almost of the Republicans and Democrats, and our committee was instructed for single statehood unalterably.

Mr. Jones called the name of Mr. Humphry.

STATEMENT OF MR. T. C. HUMPHRY, OF SOUTH McALESTER.

My name is T. C. Humphry; I am from South McAlester; I am a lawyer, a Methodist in religion, and a Republican in politics. [Applause.]

Mr. Chairman and gentlemen of the committee, in coming before you, favoring the union of Oklahoma and Indian Territory, I am not unmindful of the many speeches and the able arguments that have been made before you. I shall only take, as the gentleman has allowed me, a minute or two to express the sentiments of one of the residents of Indian Territory.

We have been hearing from Oklahoma, and Indian Territory wants to be heard from.

The opposition by the Oklahomaites that oppose the union of Indian Territory and Oklahoma is on the ground that Indian Territory would not defray its part of the expenses of running a government if one were to be created. I will say that, as far as the raising of taxation is concerned, that is something that depends upon Congressional or legislative acts. That is the power to be granted by the Government hereafter. But at the present time we have 2,500 miles of railroad running through the Indian Territory, part of this future great State; we have 57 coal mines in our Indian Territory, and I want to raise my friend Robbins a million, because statistics show that during the year ending June 30, 1903, the output of coal from the Indian Territory amounted to 3,343,986 tons of coal.

Mr. ROBBINS. The gentleman will pardon me, I was simply referring to the coal shipped from South McAlester. There were 2,000,000 tons shipped from that place alone. No doubt you are correct as to the figures for the whole Territory. We have over 300 towns in the Indian Territory inhabited by intelligent and deserving people.

Mr. HUMPHRY. We have 80 national banks in the Indian Territory, and I will not detain you by reciting our wealth and our resources. You have already heard a good deal about them. But there is one thing I want to call your attention to, and that is that when a call to arms was made the Indian Territory and the Oklahoma Territory were there. When President McKinley called for soldiers these two Territories responded, and when that illustrious hero and patriot, who is now in the White House, took his famous Rough Riders to Santiago the Indian Territory was there. In the charge at Las Guasimas the Indian Territory was put in the front, and the first man that fired a gun was from the Indian Territory.

The blood of Indian Territory was blended with the blood of New York at San Juan Hill in defense of the flag and the country, and wherever duty has called, whether it has been in Cuba or the Philippine Islands, Indian Territory has not been found wanting. At the battle of San Jacinto, where Logan gave up his life; through the mountains of Luzon, where Colonel Hare and Colonel Howe marched in search of Gilmore and the American prisoners, the Indian Territory was there, and no matter where duty has called, the Indian Territory has been there; and so I say, gentlemen, the people of Indian Territory are good enough for anything. [Applause.]

Mr. JONES. I will now call upon Judge McAtee.

STATEMENT OF HON. JOHN LIND M'ATEE.

Mr. Chairman and gentlemen, the impression that is strongest in my mind is that the delegates from Oklahoma and Indian Territory owe a vote of thanks to this committee for the courtesy of this committee in listening to us and according to us the time it has given us. I have lived and been identified with the Territory for about twenty years; it is twenty-one years now. My home at present is in Oklahoma City. I presided on the bench for eight years, however, in the north-western district of the Territory.

The CHAIRMAN. Comprising what counties, Judge?

Mr. McATEE. Including Garfield, Grant, Woods, Woodward (part of the time), Day, Dewey—about a fourth or fifth part of the Territory.

I believe that the people of that country have thought all along that eventually Congress would give us joint statehood. The question has not been agitated very much where I have been; it was not a very general topic of conversation among the people, but my belief is that it has never entered into the minds of the people to doubt that eventually Congress would give to the people of that country single statehood, including the Indian Territory and Oklahoma as one State. As I have said, it never has been a matter of very much discussion, except when bills have been introduced here and when you have had hearings at Washington. That is, I do not think the idea of single statehood was talked of very much until the bill was introduced carving out Oklahoma alone for a State.

I dislike very much taking the time of the committee. I think the committee is probably tired and wants to get back to their work in the House. You are probably oppressed—

The CHAIRMAN. We are far from oppressed, Judge, and we are very much interested in your statement.

Mr. McATEE. I dislike to take the time of the committee, because the matter has been so fully and so strongly presented, and I scarcely think that I can add any force to the statements which have already been made.

A fact has been referred to since I have come in of which I was ignorant. I accepted it as a fact, as it was stated as a fact. I think the inference was thrown out that the moral character and the intelligence of the people of Indian Territory must be below that of Oklahoma, for reasons that the court expenses are so much greater at Muscogee and in the Indian Territory than they are in Oklahoma. Was that the inference? If it is I think the committee ought to hear a statement of facts on that subject.

The CHAIRMAN. Someone assumed that there had been such an inference.

Mr. LLOYD. I do not think we are in any trouble about that.

The CHAIRMAN. I do not think the committee is troubled over that question, however.

Mr. McATEE. All I meant to state was this: In 1891, 1892, 1893, 1894, 1895, and 1896 a great many people were arrested in Oklahoma for the trifling offense of cutting red cedar timber, which was contrary to law. The people cut that timber for the purpose of sustaining life in a distressing period of suffering, in a period of almost famine. The marshal's office and some of the United States commissioners

of the Territory availed themselves of a Federal statute imposing a penalty upon that offense, making it a criminal offense, and so from 1891, when the expenses of the administration of justice in Oklahoma, amounting to something under \$100,000—I think it was about \$80,000; it is a long time since I have thought of this—up to 1896 the marshal's office and some United States commissioners who were riding the Territory raised the total amount of expenses for the administration of justice through the marshal of the Territory up to \$374,000.

Mr. RODEY. Was not that so general throughout all the Territories that the Department of Justice had to caution commissioners against bringing up these cases to get fees?

Mr. McATEE. I do not know about the other Territories.

The total expenditure for the administration of justice, including compensation for marshals and clerks of the United States courts throughout the United States, amounted to \$1,200,000, while the United States commissioners and marshals of Oklahoma, by this process of arresting people for cutting red-cedar timber and earning mileage on those cases, were pumping out of the Federal Treasury \$374,000 per annum. They were spending about one-third or one-fourth part of the total amount of the appropriation which Congress made for the administration of justice throughout the Union, not only the United States proper, but including Alaska.

I say this advisedly, because I know about the facts. The attention of Mr. Harmon was called to it. Mr. Harmon was then Attorney-General. He caused this condition of affairs to be immediately remedied, and inside of six months after he began the investigation the expenses were reduced from \$374,000 to about \$60,000. I think they have never exceeded the latter sum since then.

During the early period of the administration of justice in Oklahoma we had, of course, a vast number of criminals to deal with, who had been dumped out of the adjoining States, or perhaps had dumped themselves into Oklahoma. I may say that in the early period during which I presided on the bench in the district I have referred to, the population of that district did not probably exceed 50,000 or 60,000.

I presided during eight years in 30 first-class murder cases. I call them first-class murder cases because they were genuine killings—killings for a purpose and deliberate; and I presided at trials for other felonies in proportion. All Eastern men will recognize that that was an awful condition of affairs. I presume the other judges in the Territory presided over a proportionate number of murder cases and other criminal trials. I will say that judges there in that period must have presided over from 140 to 160 murder trials. And yet that did not cause the enormous draft on the Federal Treasury that was caused by the worthlessness of the marshal's office. The marshal of Oklahoma had 130 deputies going around over the Territory drawing mileage and costing this large sum of money that I have mentioned, engaged in chasing these timber cutters, almost all their work being running these men who were cutting timber, which was simply a technical violation of the Federal statute. Those marshals were doing well and they were the most cheerful set of people in the Territory.

Another law under which a great many arrests have been made is the liquor law. That has been referred to.

All that went to fatten the marshals' fees.

About the States themselves, when the Louisiana purchase was seg-

regated and the outlines of the States made, Kansas and Nebraska and the Indian Territory were made of about equal area, with some regard being paid to the natural boundaries in the way of mountains and rivers. It happened that in 1889, when the Congress carved out the Territory of Oklahoma, all the eastern portion of the Territory occupied by the Osages, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and the Seminoles were held by the Indians by qualified or base fee. It was known that it would take a long time to eliminate the Indian interests, because they held it by such a firm title. From 1836 the police part of the Territory was held by what was practically a fee-simple title.

In order to let the white people in at all, to have the benefit of the lands, the Congress carved out that portion which was not occupied. It was Indian lands—that is, in which the Cherokees and Choctaws and Creeks and others had a slight interest, the interest of crossing or the interest of passing over the lands. The Government bought that and turned it into Oklahoma. But the circumstances then were merely incidental. They did not refer at all to the making of States, but wholly to the convenience of the time, and therefore the present limits of Oklahoma have nothing to do with the making of a new integer in this Union at all. Those limits are a mere accident arising from the fact that the western portion of the Territory was available for settlement for the white race and the Government could take that.

The Dawes Commission was appointed and they have done their work as speedily as anybody thought they could possibly do it at the time the Commission was appointed, and now that eastern portion of the Territory is available for statehood. Why should a trifling State be carved out of one-half of a Territory?

Why would you cut off western Kansas and make a State of it; why would you cut off western Nebraska and make a State of it? Why not adopt that system which has been so ably stated here by all these gentlemen, which will make one strong State—a self-respecting State, not an impoverished State? We are all Americans out there; we come from all the States of the Union. We are all working together and there is no difference except that some are Democrats and some are Republicans, and, as my brother here has said, some are Methodists and some are something else. The people of the Territory want single statehood. I think everybody wants single statehood except, possibly, some politicians and some who are in office—and maybe some who are out of office who want to get in—and some that think they can control the western portion of the State and go to the Senate. There are some like that who may want the thing fixed along these temporary lines which the United States fixed a few years ago for the sake of appropriating all available lands to the people under the homestead law. They may want two States divided in that way to last forever. In my judgment it is only a matter of personal convenience to some of those gentlemen who think that they will be able to control it for their own use.

Mr. HUMPHRY. Mr. Chairman, there is one thing that I want to express, and that is that I believe every man, woman, and child in Choctaw Nation is against this piecemeal business; I do not believe they will stand it. We do not want any of it to go unless we all go on the ground floor.

The CHAIRMAN. Judge McAtee, I do not know whether the reporter got your name and residence, etc.

Mr. McATEE. I was nominated by President Cleveland to the judgeship. I was a Cleveland Democrat. I did not follow all the curves which occurred in the Democratic party afterwards, and I think I remained about the same; but I find more people of my belief in the Republican party, and I could not flock by myself, and so I affiliated with the set of people whom I regarded as having the views which I entertained.

STATEMENT OF MR. A. GRANT EVANS, OF MUSCOGEE, IND. T.

Mr. EVANS. Mr. Chairman and gentlemen of the committee, I am president of the Presbyterian college at Muscogee. I went to the Indian Territory in 1884 and for five years was a missionary among the full-blood Cherokee. For the past six years I have been president of the Henry Kendall College at Muscogee.

My interest in this movement is very largely the educational one. A little over a year ago it was difficult to arouse much enthusiasm on the statehood movement. There had been some conventions held. Some were received coolly, as one was received which we had in South McAlester. The publication of the Beveridge or Nelson bill, which was the first proposition which came to the people of the Indian Territory for statehood on equal terms, caused a wave of enthusiasm there.

We had meetings, not merely conventions of the Territories, but meetings of town councils and chambers of commerce throughout the Territory, at which meetings the people of the different towns were practically unanimous in speaking and in favoring the passage of that bill, because it would give us immediate relief, especially in the matter of schools for all classes of people. It is in the interests of these schools, and in the interest also of taking off the restriction from the sale of the property beyond the homestead of the Indians, which will enable a large number of people to live in the rural districts, and which will break down the distinction which is working unfortunately for the Indians in those places, which is making the Indian a rather hated member of the community. It is in relation to these facts that I am particularly interested in this legislation, and in favor of the admission of the two Territories as a State.⁴

It is in the interest of the bringing of the Indian full bloods into common brotherhood and citizenship that we are anxious something should be done at once, something on the line of the Quay bill, which would be an immediate relief from this condition as to the alienation of the land outside of the homestead and the school position, which I believe the people of Indian Territory really need. A great many of them have wanted a separate State if they could get it, but they are satisfied to give that up in view of the immediate benefit that will come to them from a common statehood, that will give them common schools in which the hundreds of thousands of white children for whom no schools are now provided may find elementary education. Otherwise, every year that is being spent in a delay over that is spent in the creation of an illiterate and largely a criminal class. It is our hope that something in the line of the Quay bill will be given us, and that we will be allowed to develop the Indian schools instead of buying them out. The treaties provide that the Indian schools funds must

be divided up and given to the individual Indians. Instead of that we hope Congress may take some steps to preserve those schools under the Interior Department during the year or two before any State system can be put into operation.

That seems to us the important feature of the present situation.

The CHAIRMAN. At what time will the Indian schools cease by law?

Mr. EVANS. It is hard to say. I was speaking to one of the members of the Commission yesterday and he says he does not see how the allotment of the money could begin; that the moment the Congress makes an appropriation to settle the money claims the school funds must be called in. The moment Congress makes the appropriation it withdraws the school fund, with the exception of the Seminoles, who have reserved half a million dollars to maintain two boarding schools. That is the only exception. I have gone into the matter with the Commissioners and they say it has not been the purpose of the Government to maintain tribal schools, and as soon as the money is appropriated to pay the the money claims of the Indians the school funds will cease to exist for present purposes.

STATEMENT OF MR. ROY STAFFORD.

Mr. STAFFORD. Mr. Chairman and gentlemen, I am a publisher of the Democratic daily newspaper at Oklahoma City.

I want to say a word or two in regard to the sentiment in Oklahoma of the question of joint or separate statehood. As a matter of fact, there has not been a single declaration of the people of the Territory for separate statehood. Every statehood convention ever held there has simply asked for joint statehood, or, as Mr. Lewis has said, for statehood with such boundaries as Congress will give. The only time there has been a declaration for separate statehood was at a Republican committee meeting last June. At Guthrie, when the platform on which Mr. McGuire was elected was adopted, the declaration for statehood could be construed in two ways. On the east side it was interpreted as a joint statehood declaration, and on the west side it was interpreted as a separate statehood declaration.

The Democratic party demanded joint statehood. Therefore the people on the east side thought in voting for McGuire they were voting for one State, while the people on the west side were told that Mr. McGuire had been nominated on a platform calling for separate statehood. As a matter of fact, except for that course which was pursued, he would not have been here by 10,000 votes.

STATEMENT OF MR. J. A. CHENOWITH, OF LEGER, GREER COUNTY, OKLA.

Mr. Chairman and gentlemen of the committee, I do not wish to take up your time. I would be very glad to reiterate a great deal that has been said here, but I deem it unnecessary to do so.

I am in the hardware and implement business and have 14 stores in Oklahoma, one of which is a wholesale store. We claim to be American citizens, and we come to you asking you to help us out in this matter and give us statehood. We need your help very badly. Let me give you a little illustration. Last winter I paid \$12 a ton for all coal that I burned in my stores to warm our customers when they

came in. This year it is not quite so bad—we have not had to pay quite so much for coal; but without what we claim down there and what we contend for—joint statehood, or something to build on as a foundation—it is impossible to regulate any of those matters. When we get joint statehood—and I hope we will—I want to help to regulate and adjust my friend, Brother Jones, in the railroad matter a little. One reason why coal is of such great importance to us is because we have not any other fuel except coal. So that means a great deal to us.

Let me give you another illustration of how we have to pay high railroad rates for freight. A little while ago a man came into one of our stores and said, "I want you to order a piece for my plow." I ordered it and it came to Leger, Okla., \$1.70 freight—\$1 for a piece weighing about $4\frac{1}{2}$ pounds; 70 cents for transferring it from one railroad to the other.

These things can not be adjusted at present, but if we get statehood we hope to be able to adjust them by a railroad commission, just as Texas and other States are adjusting their freight rates.

I want to thank you for this hearing, Mr. Chairman and gentlemen. You have been very patient, and we all appreciate it very much. I thank you, one and all, for your attention.

Mr. JONES. Would you state about what per cent of the people of Greer County would be for single or joint statehood?

Mr. CHENOWITH. Positively and honestly—and if I were on oath I would make the same statement—if there is a gentleman in Greer County, Okla., a county which is 57 miles in extent from east to west and 114 miles from north to south, who is in favor of two States I do not know him. The people there stand as a unit, Republicans and Democrats. I have a letter in my pocket from one of the strongest Republicans in our county to Mr. Brownlow, of Tennessee, asking for his assistance. That letter is from one of the strongest Republicans out there. He says, "For God's sake give us some help and help us now; we need your assistance." He called me up on the telephone just before I left for Washington, and he said, "When you get to Washington you must stay there until you can bring back some word of encouragement about joint statehood, or you may stay there until the ants carry you out through the keyhole in the door." [Laughter.]

STATEMENT OF HON. J. H. GRANT, FORMER GOVERNOR OF THE PROVINCE OF LEYTE, P. I.

Mr. GRANT. Mr. Chairman and gentlemen, by a supreme exertion of will power I think I am able to conform to the rule and simply state that I am J. H. Grant, lawyer; am in hearty accord with the sentiments expressed here this morning, and that the people throughout both Territories, so far as I have observed, are almost unanimous in favoring joint statehood. [Applause.]

Mr. JONES. I will next introduce Mr. Palmer, from the Osage Indian Reservation.

STATEMENT OF MR. J. F. PALMER.

Mr. Chairman and gentlemen: I am an Osage Indian, a farmer, and a lawyer.

Mr. ROBINSON. Also please give what position you held as chairman of some meeting.

Mr. PALMER. Some time ago there was a single-statehood convention held at Oklahoma City, of which I was chairman. That was a little over a year ago.

I have attended two meetings of this committee and have listened to the statements made, and was very much pleased to hear what I did hear, and I would not burden you now with anything, except that I wish to say something which has not been brought out here. I refer to the fact that the Osage Nation—and I am an Osage Indian—is the only part of Oklahoma Territory that has not yet been allotted—the only place where the Indians hold their land in common—and that a delegation is now in your city, composed of 18 members, sent here by the Osages to enter into a final settlement with the Government in reference to their lands and their money.

It appears like these other gentlemen represent other sections of Oklahoma Territory. They have informed you as to the desire of the people living in their respective sections. This delegation that is here in the city of Washington now has requested me to say to this committee, if an opportunity was afforded, that as to the different measures pending here in Congress or being discussed before this committee—that is, the Quay bill, the Robinson bill, or the McGuire bill—that the Osage people are opposed to the McGuire bill to the extent that if there is any likelihood of its passing they would ask this committee to recommend that the Osage Nation be attached to the Indian Territory, and if Indian Territory is to become a separate State they wish to belong to that State.

This delegation, consisting of 18 members, represents every faction and every class of people living in the Osage Nation. There are some 12,000 or 14,000 people there, about 1,900 of whom are Indians.

Now, as to the other bills—the Quay bill or the Robinson bill—the Osages prefer the Robinson bill, if it could be amended by putting in it one feature of the Quay bill, and that is the amount of money for educational purposes. If Mr. Robinson's bill should contain a \$10,000,000 clause instead of a \$5,000,000 clause it would certainly be the most acceptable to the Osage people.

I say that for the season that the reference in the Quay bill to the Indians—that is, having one of those Senators an Indian by descent—causes unnecessary and unjust criticism of the Indians. The Indians themselves are asking for no such favor as that. We hope to see a United States Senator, or more than one Senator, from that section of the country, but we do not want it incorporated in any bill. We want the people there generally to elect that Senator, if we have a Senator.

I do not know anything further to say to you except that I have been in the Territory of Oklahoma for twenty-eight years, and I have a wide acquaintance in both of those Territories, and I am firmly convinced that the great majority of the people of both those Territories favor single or joint statehood.

I would say, knowing that the Hon. Bird S. McGuire has a bill here in which he is particularly interested; that Mr. McGuire was a boy in the Osage Nation; that he was one of the champion postmakers there, and that our Indian boys hunted with him and fished with him, wrestled with him and fought with him. I wish to say in reference to Mr. McGuire that we believe him to be one of the best equipped, swiftest, all-round Congressmen among the members of the Fifty-eighth Congress, and I do not wish to say anything against any measure that he

is particularly interested in, and I would not do so were it not for the fact that in this 100-yard dash he has entered upon he has started off on the wrong leg and has lost his stride. [Laughter and applause.]

I thank you, gentlemen.

Mr. JONES. We will now hear from Davis, of Lawton, which is in the Kiowa and Comanche country.

STATEMENT OF HON. LEWIS DAVIS, OF LAWTON.

Mr. Chairman and gentlemen, I shall detain you but a few minutes. Perhaps I had better begin by saying that my name is Lewis Davis; that I came to Oklahoma at the opening of the Cherokee Outlet; that I was what is generally known as a carpetbagger sent there from the outside over the protest of the people on the inside. [Laughter.] I thought it was eminently right and proper at that time, and I have not altogether gotten over that idea, but in the course of human events I had to vacate. While I was in office, like many other gentlemen, I rather believed in two States; but after I was out, notwithstanding the fact that I am a Baptist, and a "hard-shell," I had a change of heart; I fell from grace a little, but now I am full fledged for single statehood.

I lived in the northern portion of Oklahoma for a number of years, and was registrar at the United States land office. I believe that land office had more business before it than any other land office ever did before or, perhaps, any other will ever have again, as it was the last one of importance in the eastern portion of the country where litigation was heavy, and for four and a half years I sat and heard contest cases, and met with all kinds and classes of people. The records at the general land offices will show that I was in evidence down there for quite a while, and of course I became acquainted with a great many people.

After the opening of the new country and after I had the misfortune to be turned out—and, strange as it may seem, they found a good man to continue the business, if not a better, who took my place—I went to the new country, to the Kiowa and Comanche country, and settled at Lawton. I have been engaged constantly in the practice of law before the land office, and litigation has been heavy, and I think I have had about as much of it to do as anybody else.

Besides that business I have looked a little after Mr. Jones's railroad town sites and other railroad town sites situated on railroads that have gone through that country. I have been constantly at the land office and have had considerable business before the Departments for people of that country, and from the opening of that country in August, 1901, to this present day if I have ever heard one single man express himself in favor of two States for these two Territories I can not remember it. I have been in contact with the people there, and while, as Judge McAtee said, it has not been so universally discussed, it has been talked about here and there, and the concensus of opinion generally is that one State is what Congress will eventually give us; the general opinion has been that it will be one State and one State only is desirable. The other proposition has been more in the nature of a jest than anything else; I do not know of anyone that has ever taken it seriously.

Gentlemen, I thank you.

Mr. JONES. Mr. Chairman, I think there is but one other gentleman that we will ask you to hear, and that is Mr. L. F. Lee.

STATEMENT OF MR. L. F. LEE.

Mr. Chairman, I am neither judge, newspaper man, or banker. I am not even a capitalist. I am a Republican from Oklahoma City. My name is L. F. Lee. I have been in the contracting business there for fourteen years. My business has taken me to all parts of the Territory, and I have necessarily come into contact with all classes of people, from the laborer to the mechanic, from the mechanic to the expert, from the expert to the engineer, from the engineer to the architect, and from the architect to the business man and the capitalist, and all classes of people.

In my observation throughout the Territory, I am like Mr. Davis. There is no one who takes this proposition of two States seriously. On the contrary, everyone I come into contact with is unanimous in saying that his preference is for a single State. I do not think they take the other proposition—the proposition of making two separate States out of the two Territories—seriously.

Mr. LLOYD. Do you think that is true in Logan County?

Mr. LEE. We do not operate very extensively in Logan County; it is south and east and west. Take it north of Logan County; take it in the Strip, that is, the old Cherokee Strip, and you will find that everybody there is favorable to joint statehood. Now, the only particular reason we have for wanting statehood down in that section of the country—the only particular reason the business men have for wanting statehood is for commercial reasons. To give you one idea, we are paying as much for lumber in Oklahoma as they are paying for the same lumber that passes through Oklahoma to Chicago, Kansas City, Omaha, and St. Joe. We are paying from 3 cents to 5 cents a hundred more on this lumber than they are paying in these places named. For this reason, and many others along the same line, it is to our interest that we are looking to this Congress for single statehood, because it is necessary to the development of the country, and so long as we are under these conditions we have not the fullest development of our resources. I thank you.

Mr. JONES. Mr. Chairman and gentlemen of the committee, I will now introduce Mr. Stubblefield, who is the last speaker.

The CHAIRMAN. Are there not others here?

Mr. JONES. There are some others here, but we will not take up your time further.

The CHAIRMAN. I do not think the committee desire to cut anybody off, and if there are other gentlemen who wish to be heard we will be glad to hear them.

STATEMENT OF MR. JOHN STUBBLEFIELD.

Mr. STUBBLEFIELD. Mr. Chairman and patient members of the committee, my name is John Stubblefield.

Mr. ROBINSON. Please state your residence and business.

Mr. STUBBLEFIELD. My business is real estate; I have resided in Oklahoma City for three years. I went from the great State of Iowa out there, and in the last year and a half this matter of statehood has

been discussed quite freely. I meet up with a great many men in my business, of all classes, those who have property to sell and also those who are buying. We are discussing this question now, for it is the burning question there at the present time. It is the consensus of opinion among business men in our city that we should have joint statehood, the union of the two Territories into one State, the union of States, as we call it down there. From a commercial standpoint and from the standpoint of the best interests of that whole country, we think that joint statehood will be best. I desire to register my corroboration of what has been said.

I do not wish to wear out your patience further. I might go on with a long harangue and thrash over the same material that has been thrashed over time and time again, but I know that would weary you; but this much I do wish to say, and that is that we are looking to you people, that are our people—we are looking to the Congress of the United States to admit over a million people. We are clamoring for admission, and we want the union of the Territories into one State, and we need it. That is the purpose that brought us here. I do not wish to weary you further.

STATEMENT OF DAVID A. HARVEY, THE FIRST DELEGATE TO CONGRESS FROM OKLAHOMA.

Mr. HARVEY. My name is David A. Harvey; I reside at Wyandotte, in the northeast corner of the Indian Territory, in what is known as the Quapaw Agency. The remnants of several little tribes occupy that country together with a large white population engaged in farming and mining, the zinc fields from Joplin, Mo., extending into that region. The so-called "Indians" can scarcely be distinguished from white people, either by speech, dress, or general intelligence.

The people are greatly concerned in the matter of schools and public roads and can see no way to improve their conditions in these respects except by the organization of a State or Territorial government. They desire some law by which they can impose taxes for these purposes and for the construction of bridges.

My own opinion is that the bill introduced by Mr. Robinson, of Indiana, more nearly meets the requirements of the Indian Territory than any other.

Mr. JONES. I would like to ask your indulgence, Mr. Chairman, to hear a word from Uncle Sam Powell. Everybody knows him, and I am sure you will be willing to hear him for a moment.

Mr. POWELL. I have been before the committee about a month and I do not believe I have anything to say. I think I will file a brief statement if I am permitted to do so.

Mr. ROBINSON. If that is satisfactory to you, very well; but if it is not we would like to hear you at some opportune time. Unless you have prepared your statement and can file it, we would be very glad to have you make a statement.

Mr. POWELL. I think what you want to get at most is what could be brought out by questions.

Mr. ROBINSON. What do you say about that; do you desire to make a statement now?

Mr. POWELL. I think I am about as tired as you gentlemen probably are.

Mr. LLOYD. Would you just as lief put it in writing?

Mr. POWELL. I do not care. I think everything has been gone over very thoroughly except a few facts, perhaps.

The CHAIRMAN. Are there members of the committee who desire to submit questions to Mr. Powell?

Mr. ROBINSON. I have some questions that I would like to ask him, but if we could have fifteen or twenty minutes some other day, if that is satisfactory to everybody, perhaps that would be better than to take up further time at this session of the committee.

The CHAIRMAN. Very well; we will let him go on some future day, or if the members of the committee prefer it, questions can be submitted to him in writing and he can answer them in writing, and that can be made a part of the record.

Mr. ROBINSON. Suppose Mr. Powell can be here at the next meeting?

Mr. POWELL. Very well, sir.

Mr. JONES. In behalf of the committee from Oklahoma I wish to thank you, gentlemen, for the patience you have had in listening to us in presenting our side of the matter. I assure you we appreciate it very much, and also we extend an invitation to one and all of you when you come to Oklahoma, or Indian Territory, to call on us, and we will do our best to try and entertain you while you are there. We thank you all very much.

The CHAIRMAN. On behalf of the committee I will say that we have been very much interested and enlightened by the statements made by the gentlemen composing this delegation. The chair is satisfied that no stronger aggregation of ability could be gotten together from any State or Territory in the Union than has been presented before this committee to-day.

(Thereupon, at 1.15 o'clock, the committee adjourned.)

WASHINGTON, D. C., *February 15, 1904.*

The committee met this day at 10.40 o'clock a. m., the Hon. Llewellyn Powers in the chair.

Mr. POWERS. Mr. McGuire, I believe it was understood that this was your inning this morning.

Mr. MCGUIRE. Yes. We have with us this morning, Mr. Chairman, a citizen of Oklahoma who has lived there since the opening of what was known as original Oklahoma—that is, since the first counties were opened. He is in business there and interested in a number of counties in a business way, and he is a gentleman who is very conversant with the situation in general there and knows, I think, as nearly at this time about the desires of the people of Oklahoma as any other person in the Territory. With the consent of the gentlemen and the chairman of the committee, I will be glad to have him permitted to say a few words to the committee.

Mr. POWERS. Is it the pleasure of the committee to hear him?

Mr. MCGUIRE. I refer to Mr. McNeil.

Mr. POWERS. I presume we would be glad to hear him.

STATEMENT OF MR. J. W. M'NEIL, OF GUTHRIE, OKLA., BANKER.

Mr. McNEIL. I might say in this connection that I feel a little embarrassment in undertaking to make a talk here. My business has been such for a number of years that I found that I could hire a man to talk for me cheaper than I could talk myself. But when it came to a matter of business I always thought I could put up more arguments than any lawyer whom I could hire.

I regard statehood as a business proposition, and our people feel that way. I feel that it would be an insult to the intelligence of this committee to make any remarks whatever on the fact that Oklahoma itself was prepared for statehood. The facts and figures in that respect have certainly become everyday words with everyone of you, and you must know that in point of population, intelligence, and property Oklahoma is amply prepared and able to conduct a State.

So far as I can gather from reading the newspapers, it would seem that the situation here is that it is more a question with the committee of what that State ought to be than anything else.

Now, I take this position at once, that it is wrong for the committee to cross any bridges before we get to them. The Indian Territory is not ready for statehood. It has not the taxable property requisite. It is true that it has the intelligence and it has the population. For more than fifty years the people of that country have had a form of government—they have had a form of jurisprudence—and they have pretended to conduct a government. True, it was only a tribal government, but it acquired considerable force and permanence, and for fifty years they have never developed enough to establish a common school system. They have never developed sufficiently to establish a system of public highways. They never have done any of those things that make people great and prosperous. It is naturally a very resourceful country.

I feel that the sentiment in Oklahoma is this: We want statehood. We have earned it. In fourteen years we have established a reputation that entitles us to it. We are entitled to it on every principle of right and representation. We are not represented now by the representation that we are entitled to, according to our population. The people of the Indian Territory with a county government established over them at this time we would be in the same fix that Oklahoma was.

I want to say that a mistake was made in the original organization of Oklahoma by extending county government. It proved to be a load that our people are to-day burdened with. There is not a county in Oklahoma Territory but has been compelled to run in debt from \$50,000 to \$100,000 in order to pay the county running expenses, before the property was deeded and became subject to assessment to meet the expenses of courts and county government.

If the Indian Territory is to have State lines thrown around it, one of the provisions of the act should be that actual county government should not be put in force until such time as the property becomes subject to taxation. In the Indian Territory now there is a system of courts that amply protects life and property. Litigation can be carried on, but it is not burdening her people with the expense of maintaining a county government.

In the new country, for instance, under a provision of law, the first

year's salary was paid by the Government out of the proceeds of the sales of lots. This year in the county of Comanche, which, by the way, is a county which has more area than the combined area of the State of Delaware and the State of Rhode Island (and we have three other counties at least of greater area than the combined area of Rhode Island and Delaware), the city of Lawton is appraised this year at \$1,800,000, while the county is appraised at less than \$3,000,000, thus making the city pay over three-fifths of the expenses of maintaining the county government there. The same thing occurred in Logan County, where I live.

Mr. LLOYD. What is the trouble there?

Mr. McNEIL. The trouble is that the lands are not deeded.

Mr. McGUIRE. Explain that to him, Mr. McNeil.

Mr. McNEIL. The Kiowa and Comanche country was opened some two years ago, and the lands are not subject to taxation until the homesteader proves up. He has five years in which to do that. In three more years it will come about, although some may take advantage of the commutation law and come in sooner.

Mr. LLOYD. The tax now paid in a county is largely personal tax?

Mr. McNEIL. Personal tax, and some on railroad property. A few men have commuted their lands, and they are subject to assessment; but the bulk of the lands are not.

Mr. LLOYD. What is the population of Lawton compared with the population of the county?

Mr. McNEIL. It is about one-sixth, or maybe one-fifth.

Now, in noticing some of the provisions of this House bill No. 10010, introduced by Mr. Robinson, of Indiana—

Mr. LLOYD. What is that—the McGuire bill?

Mr. McNEIL. No; the Robinson bill. I see in it a number of things that certainly need attention and correction as well. In the first place, there is no provision whatever for highways.

In opening Oklahoma the Congress of the United States very wisely provided that all section lines should be highways. I estimate that that was a saving to the Territory of Oklahoma of probably \$7,000,000. Twenty-five dollars a quarter section would be a very low estimate of what a farmer would get for locating a public road along one side of his farm, and putting it at that price and computing the number of section lines in the Indian Territory, the cost of \$25 a quarter section would amount to over \$6,500,000.

Mr. LLOYD. Then you think it should be remedied by requiring that every section line should be a road?

Mr. McNEILL. Yes; when you allow a man the right to put in a claim for damages he will invariably do it. That is the human nature part of it.

Mr. ROBINSON. What provision does the Quay bill make for that?

Mr. McNEIL. I have not been able to read the Quay bill yet.

Mr. ROBINSON. It probably makes no provision on that subject. Do you know, Mr. McGuire?

Mr. McGUIRE. I do not know. I have not read that section of the bill.

Mr. GEORGE A. HINSHAW. It does not.

Mr. McNEIL. Another criticism occurs to me in reading the Robin-

son bill this morning over hastily. That is a provision in regard to the proceeds of the sale of sections 13, which reads as follows:

SEC. 8. That sections thirteen in every township in the Cherokee Outlet reserved by the President of the United States by proclamation issued August nineteenth, eighteen hundred and ninety-three, opening to settlement the land known as the Cherokee Outlet, and sections thirteen heretofore reserved by act of Congress in every township in Greer County, and sections thirteen heretofore reserved in each township in the Kiowa, Comanche, and Wichita Indian reservations, and all indemnity lands heretofore selected and reserved in lieu thereof, are hereby reserved and granted to said State for the benefit of the University of Oklahoma at Norman, the Agricultural and Mechanical College at Stillwater, the Edmond Normal School at Edmond, the Northwestern Normal School at Alva, the Southwestern Normal School at Weatherford, the Preparatory School at Tonkawa, the Agricultural and Normal University at Langston, and county high schools in each county wherein said lands are situated and reserved; that said sections thirteen so reserved, when sold, shall be disposed of in the manner provided by section seven of this act relating to the sale of lands reserved for common schools: *Provided*, That the said lands so reserved or the funds derived from the sale of said lands shall be apportioned, one-third to the county wherein said lands are situated for the support of high schools in said county, the other two-thirds to be apportioned to the above-named educational institutions in such manner and amount as the legislature of the State may prescribe. Said educational institutions shall remain under the exclusive control of the State, and no part of the proceeds arising from the disposal of the lands herein granted for educational purposes shall ever be used for the support of any religious or sectarian school, college, or university: *And provided further*, That the lands so reserved or the funds derived from the sale thereof shall be safely kept, invested, and held by said State, and the income thereof, rentals, and interest only shall be used for the benefit of the aforesaid educational institutions and high schools.

In other words, this substantially provides that one third of the proceeds of that shall go to the county high schools. I do not think it was the intention of Congress, when they reserved section 13 for the purpose of educational institutions, that any part of it should go to the support of county high schools, but that they intended it should go to the Territorial institutions, and have so definitely stated.

Mr. ROBINSON. What page is that of the bill?

Mr. McNEIL. Page 15. It says that the land be granted for the use of the educational institutions named and the high schools.

Mr. ROBINSON. On what line are those mentioned?

Mr. McNEIL. Along in lines 21, 22, 23, and 24 of page 14.

Mr. LLOYD. And you think that should be left out?

Mr. McNEIL. I think so.

Mr. ROBINSON. Did you say page 13?

Mr. McNEIL. No; page 14.

Mr. ROBINSON. To what purpose would you devote those proceeds?

Mr. McNEIL. To the schools originally named in the bill reserving these lands.

Mr. ROBINSON. That is limited, however, to section 13 of certain counties—Greer, Kiowa, Comanche, and Wichita—Indian reservations?

Mr. McNEIL. No; it is limited to everthing except what is known as original Oklahoma; the Sauk and Fox, the Iowa, and the Potawatomi lands. Everything else has section 13 in it.

Mr. ROBINSON. I see in that same section is a provision for Territorial schools and mechanical colleges.

Mr. McNEIL. Yes. The particular schools are named in the bill. Of course it has been construed that it applied to other normal schools as they shall be established.

Mr. ROBINSON. You think no portion of that fund should be given to the county high schools?

Mr. McNEIL. No; it would be unfair, and a diversion from the purposes of that reservation.

Mr. ROBINSON. Would you object to the agricultural and mechanical college at Stillwater, and those specific bequests?

Mr. McNEIL. No. The purpose of the original reserve was to aid Territorial institutions, and not county high schools at all. These lands should be applied to building up the Territorial institutions instead of county and local institutions.

Again, on page 16, I have another criticism of that part where it says:

Provided further, That the proceeds from the sale and rental of said lands heretofore reserved shall be apportioned one-half to the county wherein said lands are situated, to be used for county buildings, and the remainder to be used for the erection of State public buildings, to be apportioned and appropriated in such amount as the legislature of the State may prescribe.

Mr. ROBINSON. On what line?

Mr. McNEIL. From line 9 to and including line 15. When section 33 was originally reserved it was specifically stated that it was for public and penal buildings, and I see no equity whatever in applying the funds to building county buildings.

Mr. ROBINSON. You do not distinguish, then, the condition in Indian Territory, where they have had no general system of laws for the construction of highways and schools, and other Territories that were admitted after they had secured a Territorial form of government and the usual highway laws and laws respecting schools and eleemosynary institutions.

Mr. McNEIL. My theory of that is this: That Congress should provide for the selection of sections 16 and 36 in the Indian Territory. Where the land has been allotted a commission should be appointed to appraise the value of sections 16 and 36 and pay to the allottees the appraised value, just as they did in locating town sites. Every town site was originally claimed by an allottee. An allottee got a certain per cent of that value. This provision of appropriating \$5,000,000 is not fair and equitable. Oklahoma, on the present basis, has over \$20,000,000 worth of public lands taken out of her domain. In my opinion there is no legal reason why the Congress of the United States should not purchase sections 16 and 36; whether they will cost five or ten millions or more or less is not the question. It does put that country on a par with Oklahoma in the support of public schools from the sale of public lands.

Mr. ROBINSON. But the intention of Congress was to have Indian Territory and Oklahoma together as one State ultimately. Then the rights of Oklahoma should not be given undue advantage over those of Indian Territory. That should not be disputed or criticised, should it?

Mr. McNEIL. This should be the rule: There should be such equity in the contribution of lands for Indian Territory as there was for Oklahoma. The large reservations for public-school purposes in Oklahoma work a hardship on the people who own the land in fee, because they pay the tax for the Territorial and county governments, while the school lands are not subject to taxation. In all equity the Indian Territory should contribute as much in land, so far as sections 16 and 36 are concerned, as Oklahoma. That has been the universal rule in the admission of every State for years. They should

contribute those two sections, and I have been advised by those who, I think, ought to know, that Congress has the absolute power to compel a sale of 16 and 36, and give the allottee the benefit of the proceeds of the sale. Whether that amounted to \$5,000,000, as this bill provides, to be turned into the public fund, or less, or more, would be the result of an investigation.

Mr. ROBINSON. Are you prepared to deny that the munificent grants by Congress to Oklahoma, far in excess in value of any grant that has been given to the Territories formed into that Territorial form of government theretofore, were not made upon the theory that these lands thus given to Oklahoma in large number were not ultimately to be partly for the benefit of Indian Territory, as this bill contemplates now?

Mr. McNEIL. No, sir; I do not concede that at all. Oklahoma has not so much more in the aggregate appropriated to her than has been given other Territories, but her people have developed so much more value. That is were the \$20,000,000 comes in. Take Idaho and those other Northwestern States, and the lands there would not be worth 10 cents on a dollar compared with the land in Oklahoma to-day.

Mr. ROBINSON. That was due to the Lord's action in placing the Indian Territory and Oklahoma in a fertile valley.

Mr. McNEIL. Yes; and putting the right kind of people into Oklahoma.

Mr. POWERS. Mr. McNeil, returning a moment to that question of a reservation along the section line, I find upon looking at the various supplementary treaties that have been made with the Indians—I have two of them here—that there is a provision for public roads or highways, 2 rods wide in one and 3 rods in another. This agreement or treaty is with the Creeks. There is only a difference in the question of width, the provision being “that 1½ rods on each side of the section line may be established along all section lines without payment therefor, and all allottees and others shall take title to such land,” etc. That is the law now in the Indian Territory.

Mr. McNEIL. Do you think it would be necessary for the enabling act itself to make any mention of that?

Mr. POWERS. It might be well, but that is reserved in the treaty with the Indians. I find three treaties here.

Mr. McNEIL. A two-rod highway in that country would not do for the people at all.

Mr. POWERS. If there was no reservation in the treaty, do you think it would be right for us to place it in this bill—that is, taking their land without compensation?

Mr. McNEIL. I have no doubt about it. The interest of the general public in the public highways would justify it.

Mr. SPALDING. We could put in a provision here for taking the land and allowing them for it, and offsetting the benefits of it.

Mr. POWERS. That is the case with three of the tribes.

Mr. McNEIL. You should certainly widen out the public highways beyond two or three rods.

Mr. LILLEY. The benefit would be in excess of the damage, would it not?

Mr. POWERS. In my State they lay out lots of roads, and half the time they get no damages, because they say the benefits of having a highway along that line are in excess of the cost.

Mr. ROBINSON. Are you in accord, Mr. McNeil, with this provision, which seems to be about the same in the two bills mentioned, reserving the right to the United States Government now held by them for the Indian lands and property as preserved by the treaty? Considering the Indian Territory now and its land, largely held by Indians, would you take from Congress and give to a new State the authority to control that subject-matter of legislation over Indian lands now reserved to the United States Congress?

Mr. McNEIL. I should certainly think Congress was the only proper authority handling that until all treaty regulations were finally settled.

Mr. ROBINSON. Either with a view to statehood, or no statehood?

Mr. McNEIL. Yes, sir.

Mr. ROBINSON. So that the highway matter does not become a subject for a new State constitutional convention or their legislature, but is reserved to Congress, as it now exists in Congress?

Mr. McNEIL. I assume the State could not properly pass an act unless it had power, given to it in the enabling act, to do it.

Mr. ROBINSON. But you would not give the exclusive jurisdiction over the subject-matter of roads to the constitutional convention or to the State legislature?

Mr. McNEIL. I think so.

Mr. ROBINSON. Then your objection to this would not be tenable?

Mr. McNEIL. It would be so easy, when the bill is here, to make provision now, and not afterwards.

Mr. ROBINSON. But that would take the authority from Congress to make these provisions.

Mr. McNEIL. The people want highways, and they would rather have Congress make provision establishing sectional lines than delegate it to the States.

Mr. POWERS. I understand, Mr. Robinson, he wants Congress to do it by the enabling act.

Mr. ROBINSON. I am calling attention to the fact that the bill should provide that the power should still be reserved to Congress, and I am asking whether it is not wise to allow Congress to legislate further on that in view of the treaty obligations and the conditions of the Indian lands there.

Mr. McNEIL. It seems to me there should be no difficulty in that. The simple way would be to settle it all at once. If it is the wisdom of Congress that the future State of Oklahoma should include what is now known as the Five Civilized Tribes, on that point I wish to reiterate the statement that our people feel that they are willing to trust Congress, but that they ought not to be handicapped by having to wait until such time as the people of the Five Civilized Tribes are ready for government. They feel that they have developed the country, the school system, and society—they have developed everything that goes to make a State happy and prosperous, while the people of the tribes have not done so.

Mr. REID. You speak of the people of the tribes. Only a small percentage of the people down there belong to the tribes; the others are tenants and lessees.

Mr. REID. There are those there engaged in something outside of agricultural pursuits?

Mr. McNEIL. The population, I think, according to the census,

would only show something like only 80,000 Indians in the Five Tribes, while the grand total of the population is about 400,000.

Mr. REID. That was what I was thinking.

Mr. MCGUIRE. The total population is 392,000.

Mr. McNEIL. These people, however, are holding under some form of a contract with the Indians.

Mr. REID. That is so in regard to those on the farms, but in the towns and cities they are engaged in something else.

Mr. McNEIL. In little towns they are still holding under some form of contract with the Indians.

Mr. REID. Those are very small that have not been surveyed.

Mr. McNEIL. I do not suppose more than twenty towns in the Indian Territory have been finally proven up.

Mr. ROBINSON. Oh, more than that.

Mr. MCGUIRE. There are a great many smaller places which I understand have not been recognized.

Mr. REID. I was thinking they had about all been proven up.

Mr. CHESTER HOWE. Three hundred and eighty have been proven up.

Mr. McNEIL. Yes; but until that happens they hold by virtue of some lease from some Indians. The Indian originally held his allotment and made a contract to sell his plot of ground—he called it a lot—and the fellow went in there and built a house, and when he makes the proof that he did this the title issues from the United States to him for this lot.

Mr. LLOYD. I suppose, Mr. McNeil, in that connection you might answer the question—and perhaps it is the question in which this committee is most concerned—are your people in favor of single or double statehood?

Mr. McNEIL. Our people are in favor of statehood.

Mr. ROBINSON. What do you mean by “our people?”

Mr. McNEIL. The people of Oklahoma. Ninety per cent of them are in favor of statehood, and they do not want to be bound by any handicap, or cross any bridges until they get to them. Whether or not eventually, in the wisdom of Congress, the Five Tribes should be made a part of it, they do not care; but they do want statehood, and they do object to being handicapped with those people from that country which has not been shown to be ready for statehood. They object to that country being put on the same basis with us. We are in favor of statehood, leaving the question of what the ultimate boundaries will be to the wisdom of Congress.

Mr. LLOYD. That question is right up to us now, and we are expected to decide it in the next few days, whether it shall be a single or a double State, and I want your view about it.

Mr. MCGUIRE. Pardon me a question, Mr. Lloyd. What, in your judgment, Mr. McNeil, is the sentiment of your people as to the immediate admission of the Indian Territory?

Mr. McNEIL. They would be opposed to any provision that would put the Indian Territory upon a par with Oklahoma. Unquestionably they hope ultimately to take in Indian Territory, if it is the wisdom of Congress that this is the best thing for Oklahoma.

Mr. LLOYD. In other words, they would be in favor of the piecemeal theory?

Mr. McNEIL. Yes, sir.

Mr. LLOYD. You are the first man who has appeared before the committee who is in favor of that.

Mr. McGUIRE. What percentage of the people do you feel, Mr. McNeil, from your knowledge of the present conditions—the chaotic conditions in the Indian Territory—what percentage of the people favor the immediate union of the two Territories?

Mr. McNEIL. I do not believe it would exceed 10 or 15 per cent in favor of union at this time. I want to say that the only people who take that position are those who are interested selfishly in what they believe to be a promising capital location.

You take the sentiment of the people of Oklahoma outside of the localities where it is molded and framed upon the sentiment of the people of Oklahoma City and Shawnee—where it is based largely upon their ambition to become the capital of the future State—and you will find 90 per cent of them are one way, and they want statehood for Oklahoma. They feel that an outrage would be perpetrated upon them to allow the Indian Territory to come in upon an equal representation with them. You go ahead and provide for the courts and provide for the election of Delegates. They have no regular organization like we have in Oklahoma, by which the governor and others fix the basis of representation. It is entirely arbitrary. And they come in there, a motley mass, and have no thought at all along those lines with us, and yet they are on a par with us; and they have not the population that we have.

Mr. REID. What is the difference in the population?

Mr. McNEIL. At least 150,000.

Mr. McGUIRE. I think Oklahoma has at least 250,000 more than the Indian Territory.

Mr. REID. I thought, from the hearings we had here before, that they were practically about the same.

Mr. McGUIRE. I heard those remarks myself, and I will refer to that point in my remarks when I address the committee.

Mr. McNEIL. When the 1900 census was taken there was only a difference of about 6,000, I believe. Since then the Kiowa and Comanche country has been opened; and since then there has been a great immigration to other parts of Oklahoma; and it is safe to say there is not far from 150,000 people more in Oklahoma than there are in the Indian Territory. We have about 8,000 square miles more than they have, and why they should have an equal representation in the organization of the Territory with us is beyond my knowledge and comprehension of equity.

Mr. ROBINSON. You say that a percentage of 90 in Oklahoma is in favor of what you thought the piecemeal policy. That is, the wish of the majority of these people is to create a State out of Oklahoma, form a constitutional convention, elect the delegates, fix all the places for public buildings and the capital, and mold the constitution, and then allow the other people to come in without any voice at all about those things?

Mr. McNEIL. They can come in or stay out, just as they please.

Mr. LLOYD. I think I understand you now. Perhaps I did not a moment ago. Your idea is that you want statehood for Oklahoma, and that is all you are concerned about?

Mr. McNEIL. That is all we are concerned about at this time. We will cross other bridges when we come to them.

Mr. LLOYD. And you are willing to put a provision in, such as the McGuire bill provides, that in the future if the Indian Territory wants to be a part of Oklahoma Congress may aid it without asking your consent?

Mr. McNEIL. We can take care of them.

Mr. LLOYD. But until then you want statehood alone?

Mr. McNEIL. That is what we want, and what we are entitled to.

Mr. ROBINSON. You do not mean to assume that any American community would consent to come in with you to a constitution in which they had no voice?

Mr. McNEIL. I do not assume that at all. Oklahoma Territory was opened with about 2,000,000 acres of land, and then, by piecemeal, additions were made to it. When she had 400,000 people, the Kiowa and Comanche country was added, making 100,000 people more. Suppose no effort had been made to open Oklahoma until this entire area was opened to settlement, what kind of confusion would we have had there?

An equitable provision would be to let any of those tribes vote on whether they desired to be annexed to Oklahoma or not, and if the majority voted to be annexed, let them be annexed.

There is a great difference in the status of the real estate in the different tribes. The Creeks can now alienate one-fourth of their land, and it will not be long until they can alienate three-fourths. They can be annexed without any jar whatever. They could be just assimilated. But until they get three-quarters of their land subject to taxation they should not be put to the expense of county government. The Government of the United States should protect life and property until that time.

Mr. LLOYD. How long will that be?

Mr. McNEIL. In about three years in the Creek country. The other lands are not so far along. The country would be developed. They would come in under a well-organized and well-regulated government; and instead of having a Chinese wall to be built up, if you intend to make the Indian Territory without any taxation on a par with Oklahoma with all of her taxable property, and make Oklahoma support the public schools and everything of that kind, so far as the location of public institutions are concerned—there probably never was a greater mistake in any State or Territory than the scattering of public institutions—it means highway robbery to the taxpayers, and it results in injurious and unfair and excessive appropriations for carrying on public institutions.

No better rule could be established than to have all public institutions located in one place. In that way the taxpayer would have some show. They ought to be free to support these institutions properly, but probably that condition can not obtain. There is no reason that I can imagine why the question of the location of public institutions should have any bearing on the question of the admission of Oklahoma or Indian Territory as a State.

Mr. ROBINSON. Your theory as to the central location is ideal, but not practical.

Mr. McNEIL. I think it very practical, but possibly not political.

Mr. ROBINSON, Where would you locate them, then; in Oklahoma— at what towns, according to your best judgment?

Mr. McNEIL. I do not think of any particular point, unless it would be central. For instance, at Guthrie, or Oklahoma City, or Shawnee, or Elreno.

Mr. ROBINSON. Guthrie might be more central than the others, perhaps.

Mr. McNEIL. Guthrie would suit me better than anywhere else. [Laughter.] But I feel myself that a great wrong would be perpetrated upon the people of Oklahoma to put the Indian Territory on a par with us without any taxable property. This bill—I refer to the Robinson bill—does not make any provision, so far as I can see, for establishing county government. County government should not be established until at such times as three-quarters of the real estate shall be subject to taxation.

Mr. ROBINSON. You might take that away from the constitutional convention and let the legislature of the State deal with it.

Mr. McGUIRE. Congress has always organized the counties in Oklahoma.

Mr. McNEIL. Yes, in every instance.

Mr. ROBINSON. Under the Territorial form of government, you mean?

Mr. McNEIL. We are now paying debts that were contracted there ten years ago. Every county ran in debt anywhere from \$50,000 to \$100,000.

Mr. McGUIRE. How about the bonded indebtedness?

Mr. McNEIL. There is practically no Territorial bonded indebtedness; but the counties are bonded to pay the expenses of county government until such time as the taxes on property would be sufficient to meet the necessary expenses.

Mr. McGUIRE. You understand there is a bonded indebtedness that we contracted before—

Mr. McNEIL. That was to help the schools out.

Mr. LLOYD. What do you think ought to be done with Indian Territory?

Mr. McNEIL. I think she ought to remain just as she is now until at least three-quarters of the lands there are subject to taxation. Then I think each tribe should be allowed the right to vote whether they wanted to become a part of Oklahoma or not. If these people want a separate State, let them have it. If they want to be put over with us, we would like to have them. Whenever they are fit subjects to come in with Oklahoma we shall welcome them.

Mr. POWERS. Proceed, Mr. McNeil, as rapidly as you can, and point out the defects of the bill, because Mr. McGuire wants to speak when you are through.

Mr. ROBINSON. That clock is twenty minutes fast.

Mr. McNEIL. I think perhaps I have said enough.

McGUIRE. Mr. Chairman, may I ask what is the pleasure of the committee as to the time of adjourning to-day?

Mr. POWERS. We shall adjourn in about half an hour.

Mr. LLOYD. I think we ought to give Mr. McGuire more time than that. We gave the other Delegates full opportunity to speak.

Mr. McGUIRE. With the consent of the committee, I should like to

give some brief attention to some things which have been gone over this morning, and then I would like at another time to complete. It would not probably take me exceeding half or three-quarters of an hour after this.

Mr. POWERS. You have a right to have your inning as the Delegate of the Territory now, and at some other time, too. What we can not do this morning we can do some other morning.

Mr. ROBINSON. I hear Senator Hanna is dead, and, if so, that will adjourn the House.

Mr. POWERS. Why not meet to-morrow morning?

Mr. MCGUIRE. I prefer to come to-morrow morning or this afternoon, so far as I am concerned.

Mr. LLOYD. Mr. Powell is to make a statement. Let him make his statement now, if he will.

Mr. MCGUIRE. That will be entirely satisfactory to me.

STATEMENT OF MR. SAMUEL POWELL, OF WAGONER, IND. T.

Mr. POWELL. I am not used to making speeches, and I am not a banker and can not hire anybody to make them for me, so I will just read a little manuscript which I have here with me.

Mr. Chairman and gentlemen of the committee, I have lived in the Indian Territory since 1885, and I believe I know the people down there, both Indians and whites. The people are, in my judgment, as capable of self-government as any people. These Indians are as good farmers, as good mechanics, as good merchants, as good doctors, lawyers, and professional people as any people. Many of them have as fine farms as you can find anywhere.

"I live at Wagoner, Creek Nation, just at the west border of the Cherokee Nation. I used to farm and raise stock in the Cherokee Nation. I have been all over that nation on horseback. From Wagoner to Tahlequah, 26 miles, I know every Indian on the road between the places. Not one but has a good farm, and many have farmhouses costing from \$2,000 to \$5,000, with fine barns. They have nice orchards, and keep as good horses and cattle as farmers in the States. They believe in education, many of them sending their sons and daughters to colleges in the States. And I will say right here that the illiteracy so much talked of is not among the Indians, but among the whites, for this reason: The Indians have a free school system, kept up by their own tribal money, while the whites outside of the incorporated towns have no school advantages, there being no way of taxing personal property to keep up schools or build schoolhouses. Here are some figures on school population, according to the latest estimates of the Dawes Commission:

"There are 700,000 people in Indian Territory, 284,150 children of school age, about 34,000 Indian citizen children, 250,150 noncitizen children. Of these, about 120,000 have school advantages under the Curtis Act, and 130,150 that live outside of the incorporated towns have not the benefit of that act."

I understand that under the Curtis Act, which was passed June 30, 1898, provision was made that all incorporated towns might levy a tax for school purposes; and now all the good-sized incorporated towns in the Indian Territory have a free-school system under that law. Some of you, perhaps, at Ardmore and Purcell and other places saw fine

school buildings, which were built out of the taxes on the incorporated towns.

Mr. ROBINSON. Would it interrupt you to ask how many incorporated towns you have?

Mr. POWELL. About 400, I think.

Mr. ROBINSON. And the population ranges from 200 up, does it?

Mr. POWELL. Yes; from 200 up to 12,000.

Mr. ROBINSON. How large is Ardmore?

Mr. POWELL. About 12,000.

Mr. ROBINSON. What other large cities are there?

Mr. POWELL. Chickasaw has over 8,000; South McAlester has 7,000; Muscogee, 9,000; Wagoner, 4,500; Onita, 5,000, and Tulsa about 4,500.

“The Indian Territory has as great natural resources as any section of the United States. There are 444,000 acres of coal land in the Choctaw Nation to be segregated and sold by the United States Government. This coal is fine for both fuel and coking. There are many hundreds of thousands of acres more of coal land in the Choctaw Nation. Then, in the Creek Nation there is now being developed the Henrietta coal field of 90,000 acres, besides an immense coal field near Tulsa, in the Creek Nation, as well as large areas in the Cherokee Nation. Also, there is beyond question one of the largest oil fields out there in the United States. Only one section of land in all this oil area is now being worked—that in Cherokee Nation, near Bartlesville.”

That was under the treaty of 1902, I think it was. They had, prior to that, covered that whole country up with a kind of blanket leases for oil purposes, and the Cudahy Oil Company, of Chicago, claimed that they had made improvements on one section of land, and in that section, of 640 acres, there were 45 wells, with an output of 4,000 barrels per day. This oil field extends from the northwest part of Cherokee Nation through the Creek Nation. There is an inexhaustible supply of gas.

I understand that at Muscogee the other day they shot an oil well and it spouted clear up over the derrick, and the oil is now running through the streets. At least, I read that in a paper this morning.

“There are large deposits of lead and zinc in the Cherokee and Choctaw nations, with the finest asphalt beds in the United States in Chickasaw Nation. The agricultural lands can not be surpassed, as many of you have seen.

“There are 95 national banks in the Indian Territory and 94 private banks and trust companies.

“There are 1,500,000 head of cattle, 400,000 head of horses, 65,000 head of mules, 350,000 head of hogs, and 25,000 head of sheep.

“Taking in view all these resources, which are rapidly being developed by the 700,000 population now there and the great influx of population to aid them, I would like to know why we could not support a government or help to support one.”

Mr. ROBINSON. What is the railroad mileage?

Mr. POWELL. About 2,700 miles.

Mr. ROBINSON. Have you got railroads projecting there now?

Mr. POWELL. Yes, sir. My folks at my town subscribed \$75,000 for a railroad the other day, but really I do not know where it is going. It is coming through the town, though.

Mr. ROBINSON. Do you know any reason in connection with the present system of government in the Indian Territory or its present status which should prevent it on its merits from being admitted to statehood?

Mr. POWELL. No, sir; I do not see any reason why it should not be admitted. They talk to you about our having no taxable property. There is a great quantity of it there. When you come to 94 or 95 national banks, 94 private banks, trust companies, and all this cattle, and all these railroads, this taxable property, and coal mines, and all that, I should think you had a good deal of taxable property.

Mr. MCGUIRE. What per cent of your real estate has been deeded?

Mr. POWELL. Oh, a very small per cent of it.

Mr. MCGUIRE. Under present conditions and present laws, in your judgment, how long would it probably be before 50 per cent of your real estate is deeded?

Mr. POWELL. There ought to be 50 per cent of it deeded inside of two years and a half.

Mr. REID. Pretty nearly as soon as this would take effect, anyhow?

Mr. POWELL. Yes, sir.

Mr. ROBINSON. What objection is there against a Territorial government for the Indian Territory to take effect, say, in 1906?

Mr. POWELL. I do not see any objection. We would stretch ourselves to help pay for it.

Mr. ROBINSON. Have you spoken of the intelligence and citizenship of the Indians of that Territory?

Mr. POWELL. No. You can scarcely find an Indian there who can not read and write. They are all educated people. They are better educated than the average.

Mr. ROBINSON. What do you think is the sentiment of the Indians in the Indian Territory on the subject of single statehood for Indian Territory and Oklahoma?

Mr. POWELL. I think you would find it in favor of single statehood with Oklahoma.

Mr. MCGUIRE. Was not a vote taken in the Choctaw and Chickasaw Nation, Mr. Powell, and was not that vote unanimously against it?

Mr. POWELL. That was a kind of manipulated convention.

Mr. MCGUIRE. Was not that the result?

Mr. POWELL. No; most of the people never went to vote.

Mr. MCGUIRE. Is not that the statement made by Mr. Foley?

Mr. POWELL. He meant by the tribal heads. He did not mean by the people. I have at my hotel here petitions from towns down there, and on those petitions are the names of very prominent Indians.

The office-holding people in the Indian Territory among the Indians are just like the office-holding people among the other fellows there. They do not want anything to take place. They want to hold on to this as long as possible, because there may be another chance to get something out of this bill.

Mr. MCGUIRE. Was there any sentiment expressed at that time or any showing made in favor of single statehood by those people?

Mr. POWELL. No; because it was a matter just as among the Indians, and the big fellows took the matter up and very little was said about it, and the ordinary Indian took little or no part in it.

Mr. MCGUIRE. Is it not a fact that the big ones controlled the other party?

Mr. POWELL. No; not on this proposition. Take Tahlequah, for instance, the capital. There the people are, nearly everyone of them, in favor of single statehood.

Mr. MCGUIRE. Have they ever expressed themselves that way?

Mr. POWELL. No; except when you talk to them about it they are that way, and when you meet them at a barbecue or at a picnic you will find them that way.

Mr. MCGUIRE. Is it not a fact that every recorded expression of sentiment is the other way?

Mr. POWELL. Nobody has ever spoken of it officially, excepting the head tribal people, who want to prolong this thing. They want to make something out of it, if they can hold on to some kind of a government. Away back the Indian ran everything in his own hands, and about the year 1898 the Government took it out of his hands, and he did not have such a graft on it, and he tried to hold on, and in some cases he got it extended eight or nine months, in order to get a further graft on it, and that is the reason why they do not want to give up. They think some chance may bob up, and some time may be selected in the future—after 1906—when this tribal government can be renewed. They like to hold onto the little power they have, and there is a chance to get a few dollars occasionally.

Mr. ROBINSON. Is it your view, Mr. Powell, from the commercial standpoint, as well as for the good of the Territory—its administration, its schools, etc., that it should be united with Oklahoma Territory?

Mr. POWELL. I will give you the truth on that. In my judgment a great many of the white people in the Indian Territory had been for a while in favor of two States. As you all know, they had, before this year, different stories. Then all concluded that it would be best for the commercial interests of the country to unite with Oklahoma. Before that they had a kind of Territorial pride and a local pride, and wanted two States. But they have now given up that idea almost universally; and now, for commercial reasons, and for the reason that that they are in a desperate condition, they would like to have single statehood with Oklahoma.

Mr. LLOYD. That change has been made largely in the last six months?

Mr. POWELL. Yes, sir.

Mr. THAYER. It seems to me you are going on with leaps and bounds. You first were a wild and ungoverned country, and now you want to become a State. You must first walk and then run. Don't you think you people ought to have some kind of Territorial government down there?

Mr. POWELL. Yes. I asked last year to have a Territorial government, but nobody would listen to us.

Mr. THAYER. Your people want to be a State right off?

Mr. POWELL. No. Last year we had a bill and got the committee to report it, but could never get it up before the House.

Mr. TRAYER. If you thought there was a sentiment here to unite Indian Territory with the State of Oklahoma, don't you think your people would be very well satisfied to have a Territorial government?

Mr. POWELL. Rather than have no change at all, Mr. Thayer, we would be glad to have a Territorial government.

Mr. THAYER. My question is, Would you not be substantially satisfied?

Mr. POWELL. Well, I tell you the truth; I think we would.

Mr. THAYER. Of course, you would like to be like Massachusetts and New York right off; but it seems to me you ought to be on probation for a while.

Mr. POWELL. Of course, you must remember we were all from the States, and carried with us our knowledge of State government, and so on.

Mr. THAYER. You have a cosmopolitan population there of prospectors, and projectors, and philosophers, and patriots all; but it occurs to me if you had for a time a Territorial government, it would be just such as you would have a right to expect.

Mr. POWELL. If you would guarantee that to me, I would take my seat.

Mr. ROBINSON. It has been stated by Oklahomans generally who appeared before the committee that the people of Indian Territory were in every respect, as citizens and as to industry, about equal to the citizens of Oklahoma Territory. I want to ask how many hundred thousand people you have in Indian Territory who have come from the States?

Mr. POWELL. We must have something over 600,000. A great many of the Indian Territory citizens came from the States.

Mr. ROBINSON. At least 500,000 of your people have come from civilized communities in the States?

Mr. POWELL. Yes, sir.

Mr. POWERS. What is the pleasure of the committee as to adjournment? Without objection, we will now adjourn until 10.30 o'clock to-morrow morning, to hear Mr. McGuire.

Thereupon, at 12 o'clock noon, the committee adjourned.

WASHINGTON, D. C., *February 16, 1904.*

The committee this day met at 10.45 o'clock a. m., the Hon. Llewellyn Powers in the chair.

Mr. POWERS. I believe the order of exercises to-day is to listen to the gentleman from Oklahoma, Mr. McGuire.

Mr. MCGUIRE. If the programme may be varied slightly, Mr. Chairman, there are some gentlemen here from different parts of Oklahoma—two or three of them—who express a desire to show very briefly how their people feel in their country in regard to statehood.

Mr. ROBINSON. What do you think, Mr. McGuire, about suiting the convenience of the committee, in your own interest as well, by speaking yourself first?

Mr. MCGUIRE. I am at the pleasure of the committee. I would like, though, that these people should speak before the hearings close.

Mr. POWERS. Perhaps we can hear them at the next meeting.

Mr. MCGUIRE. I do not believe it would take more than a minute or two.

Mr. LLOYD. Do you just want to ask them about the sentiment of the people?

Mr. MCGUIRE. Yes; that is all.

Mr. LLOYD. They could do that in two or three minutes apiece.

Mr. POWERS. Very well.

STATEMENT OF JUDGE D. L. SLEEPER, OF LAWTON, OKLA.

Judge SLEEPER. Mr. Chairman and members of the committee, I have not yet earned the title of judge, unless it be of good whisky. I live in the southwestern part of Oklahoma, at Lawton. I have been three and a half years in that Territory, and traveled by buggy over nine-tenths of the counties. I am a Republican. I went there in the Government service; resigned, and opened a law office.

Mr. McGuire spoke to me and asked me if I would like to speak to the committee, and I told him I would be glad to add what I consider the expression of the opinion of the people of my section and of the entire Territory, so far as I can judge. We want statehood. We want it badly. I do not believe there is anyone in Oklahoma, outside of a very few that might have a personal interest involved, but who is in favor of statehood in some shape. The majority of opinion, I believe, would favor statehood for Oklahoma, with some provision for the annexation of Indian Territory when it is ready for annexation.

I understand the temper of the committee and your desire to conclude this hearing, and so I shall say nothing further.

Mr. LLOYD. What do you say about the sentiment of the city of Lawton—there has been one other gentleman before the committee from Lawton—as to single statehood or separate statehood?

Judge SLEEPER. The Republicans of Oklahoma, almost to a man, favor the statehood of Oklahoma under the McGuire bill, or something like that, with the understanding that eventually we will have to take in the Indian Territory. But we do not want to take it in until it is ready.

The Democrats want statehood and would rather have Indian Territory included at once, because it would make it Democratic. But they would rather have statehood for Oklahoma alone, if they were assured of carrying the election. If we had statehood for Oklahoma without the Indian Territory attached, it would be a very doubtful State from their point of view, and the Republicans would carry it, because they would have the credit of making it a State. But the last election and every election show how close it is down there, and the addition of the new territory in the Southwest has not changed the complexion of Oklahoma.

Mr. LLOYD. Do you think the expression you assert is the expression of the people or the expression of the politicians?

Judge SLEEPER. I undertook to express what I thought was the opinion of the people generally. Of course the politicians do the most of the talking for the people; but I know this, gentlemen of the committee, that everyone down there believes that Oklahoma needs statehood, and needs the powers that come with it to regulate its affairs. We have a magnificent country and a population well educated, and all that, and ready for statehood, and we are simply deprived of it for political reasons.

Mr. LLOYD. The question I would like to ask you is, What percentage of the masses of your people, irrespective of politics, are for single statehood as compared with the number that may be for separate statehood? The reason I ask that question specifically is that there have been various views expressed before the committee as to that, and the committee are anxious to get the real situation as to the views of the people down there.

Judge SLEEPER. There is no question to my mind, gentlemen, if the question of single statehood or separate statehood were placed before the people there on a vote, that separate statehood could carry it, because we have a larger tax duplicate and a larger school fund than the Indian Territory possesses, and we think we have a better population.

Mr. LLOYD. What portions of the Territory are for single statehood?

Judge SLEEPER. Along the eastern border of the Territory, next to the Indian Territory, where they think they will get some advantage in locating some public institutions by securing the votes of the Indians—you will find them there, along the eastern part of the Territory, around Oklahoma city—you may find them entertaining that sentiment. But behind them all is simply a personal advantage, which they think they are going to obtain by reason of being near the Indian Territory and in closer proximity when they come to vote for a capital or a penitentiary or asylums, or something of that kind. Separate statehood, in my opinion, would be carried by a decided vote if it were submitted to the people and you avoid party lines.

The Democrats say, "Give us Indian Territory and we have got them," meaning they have got the Republicans. There is no question about it. Ninety per cent of the population of Indian Territory is Democratic. Give us separate statehood, and I think Oklahoma would be Republican. We could carry it with a good, strong ticket. The Democrats could not carry it with a weak ticket. We live down there where we do not expect any of these public institutions. We have no hope for it, and that does not influence us in the least.

Mr. ROBINSON. Regardless of political considerations, take the people in your section of the country who live near the Indian Territory and who are conversant with the conditions there. Do the people believe, in general, that the people of Indian Territory are not prepared for statehood at this time?

Judge SLEEPER. I think so. One of the best arguments that I could present to you is the fact that in the last election the normal Democratic majority of 1,000 or 1,200 in Comanche County was cut down for McGuire to about 400, and the only argument was that we were not ready for Indian Territory yet.

Mr. ROBINSON. Mr. McGuire was elected on the Republican platform, very strongly advocating single statehood for Indian Territory; and when you are advocating separate statehood and speak of the sentiment there now, you mention it as that sentiment formed by reason of that platform declaration on which Mr. McGuire was elected, and which was molded and discussed in that partisan campaign, do you not?

Judge SLEEPER. It was a campaign of education upon that line, I would admit.

Mr. SPALDING. But, recognizing the fact that we are not legislating for a day, what would you think best for all time to come—one State or two?

Judge SLEEPER. If I were a Democrat, I would say, "Make one State of the two Territories." Of course then I would be sure of my party success for all time. But being a Republican, I say, "Let us organize this State, and get along until we are ready to take the other Territory in."

Mr. SPALDING. I mean, "What would be the best for the people of the two Territories, irrespective of politics, for all time to come?"

Judge SLEEPER. For my own part I never for a moment entertained the idea of getting two States down there. The idea was how to get one State.

Mr. McGUIRE. What do you regard as the proper thing for the people in general, Oklahoma and Indian Territory, taking Oklahoma now, and waiting until Indian Territory is better prepared?

Judge SLEEPER. I think our people are in favor of separate statehood. We are perfectly willing that Indian Territory be attached, however, because I understand that we have got to take it, and the Democrats want it. So we are all agreed upon this proposition that in the next half dozen years Oklahoma will embrace both these Territories.

Mr. LLOYD. Then, as I understand you, the Republicans of Oklahoma are opposed to single statehood now, because it would give a temporary party advantage to the Democrats?

Judge SLEEPER. They oppose it on the ground that the Indian Territory is not yet ready. You throw upon us a population almost equal to that of Oklahoma, far below us in average intelligence, a far greater proportion of Indians, and people who can not read and write. I have traveled in both Territories, and I know what I am saying.

Mr. LLOYD. What do you say, from a business standpoint, of the advisability of separate statehood?

Judge SLEEPER. I would say, from a business standpoint, give us a separate State.

Mr. LLOYD. Why?

Judge SLEEPER. Because upon the same principle—I do not know just how I would answer that proposition, but—

Mr. LLOYD. Would not your taxes be probably lighter and the burdens of government less if you had them combined?

Judge SLEEPER. I think not. I think the tax duplicate of Oklahoma is far greater than the tax duplicate of Indian Territory, and the population of the two Territories is about equal. The expenses of government would be more than doubled by adding Indian Territory to us, because they have a larger criminal population.

In Comanche County, Okla., I think I can safely state that the majority of the trials so far have been of Indian Territory people who have raided our people from time to time—highway robbery, and so on.

Mr. ROBINSON. Have you not permitted an error to creep into your statement about the Indians in Oklahoma and the Indians in Indian Territory? Is it not a fact that you have more Indians in Oklahoma than they have in the Indian Territory?

Judge SLEEPER. I think not.

Mr. ROBINSON. And is it not a fact that you have more blanket Indians than they have in the Indian Territory?

Judge SLEEPER. I think not; but you can get those figures from the Indian Office. I think they have from two to three times as many Indians in the Indian Territory as we have in Oklahoma.

Mr. LLOYD. Have you any mines of any kind in your Territory of any consequence?

Judge SLEEPER. No.

Mr. LLOYD. Would it not be advantageous if you had the mines of Indian Territory in your State?

Judge SLEEPER. That is one of the compensations that would come to us by reason of single statehood.

Mr. ROBINSON. What bearing would it have upon your conclusions

if it were demonstrated by the reports that you have from 10,000 to 20,000 more Indians in Oklahoma than they have in Indian Territory?

Mr. McGUIRE. We have only from about 10,000 to 11,000 Indians in Oklahoma Territory, all told.

Judge SLEEPER. Of course, if that were true, Mr. Robinson, one of the arguments that I advance would not apply; but I do know this, that in traveling through Indian Territory, and in taking depositions of witnesses when I was in the Government service, with power to administer oaths and take testimony, I remember examining as high as five witnesses in a day who had to sign their names by a mark. That never happened in Oklahoma. The intelligence and education of the people of Oklahoma, taking them as a whole, as a class, outside the Indians, will equal that of any State in the Union.

Mr. ROBINSON. You understand, when I say those Indians in the Indian Territory do not exceed the number of Indians in Oklahoma Territory, I mean those that are of Indian blood—pure blood.

Judge SLEEPER. I supposed they had from four to eight times as many Indians in the Indian Territory as we have in Oklahoma.

Mr. ROBINSON. I am not sure that the records will show that, but I referred to allotment records.

Judge SLEEPER. Indian Territory is filled up by people from Arkansas, and people who do not compare with the intelligence of the people from Texas, Kansas, and Iowa, who occupy Oklahoma at the present time.

Mr. ROBINSON. You mean colored people, do you?

Judge SLEEPER. Yes, sir.

Mr. ROBINSON. Then leave our Arkansas friends out. [Laughter.]

Mr. REID. They were Republicans, so that is all right.

Judge SLEEPER. We want statehood. I believe the majority of our people would say separate statehood. I believe they would.

Mr. LLOYD. But you are concerned, first of all, for statehood?

Judge SLEEPER. Yes. And if we have got to take Indian Territory, we are willing to take it. I am satisfied that nine-tenths of the people of Oklahoma outside of the politicians would vote for it.

Mr. SPALDING. What difference does a State line make with reference to coal mines?

Judge SLEEPER. Separate statehood would leave the coal mines in Indian Territory.

Mr. SPALDING. What difference would that make?

Judge SLEEPER. Some of our people imagine they could control the coal rates. For instance, we are a hundred miles from the coal fields, and are paying \$7.50 a ton for soft coal that we used to pay \$2.50 per ton for in Ohio. If we had statehood we could throw the laws of Oklahoma over them, and bring some of them to terms.

I shipped a carload of household goods from Oklahoma City to Lawton, a distance of 90 miles, and the charge was \$50, and I had to pay \$61.10 to get the car, and there were less than 10 tons of goods. Of course I hope to get the \$11.10 back, which was clearly a graft; but in other words, I shipped from Ohio to Oklahoma City for \$125, a distance of 1,000 miles, the same goods I paid one-half that price to get transported 50 miles after I got to Oklahoma. There are many things like that at present which make us feel the necessity for statehood.

Mr. McGUIRE. Mr. Henry Lasson, of Elreno, Okla., a business

man, is perhaps conversant with the situation in his section. Mr. Lasson, please state how your people feel as to statehood.

Mr. LLOYD. Please state your occupation.

STATEMENT OF MR. HENRY LASSON, OF ELRENO, OKLA.

Mr. LASSON. I am in the milling business and the grain business.

Mr. Chairman and gentlemen, I did not come here to make a speech. I never made one in my life. I am simply a business man and a shipper. I came up to Chicago on some business, and also came to Washington to see Mr. McGuire on some other business, about some school bonds—a bill relative to the school situation down there now pending before Congress; and I saw Mr. Guire, and I have run into this business here just accidentally.

I must say that, so far as Elreno is concerned, or the central part of Oklahoma, we are strictly in favor of statehood. In fact, we are unanimous in favor of statehood. We need it.

I give you my reasons why we need it. We are paying every day for being a Territory. We are paying 50 per cent more for freight rates in Oklahoma than you pay in adjoining States—50 per cent more than Kansas pays, for example. I had a tabulation on this matter some time ago. We pay 50 per cent more on local distance tariffs than in Kansas, or Arkansas, or Texas. As a business man, I am therefore in favor of statehood. I think we ought to have it, and are entitled to it.

I am also in the coal business. We are paying enormous prices, as Mr. Sleeper stated a while ago. That is to some extent manipulated by the coal interests in Indian Territory, and we have not much of a way to reach them. We have virtually to pay the price. I believe it is the mine operators, not the railroads, that are doing most of the harm to us. That is all I have to say in the matter. If you have any questions to ask me I will be glad to answer.

Mr. ROBINSON. They have formed a combine or trust down there to control the price of coal at the mines?

Mr. LASSON. I believe that is it.

Mr. ROBINSON. Have you not resorted to the antitrust law?

Mr. LASSON. It is pretty hard to reach them.

Mr. MCGUIRE. What kind of statehood, Mr. Lasson, do the people of your section want?

Mr. LASSON. We want statehood for Oklahoma, with eventually Indian Territory added to it. We do not think the Indian Territory at this time is ready to come in with us. You have all heard the arguments. I do not think they are ready to come in yet. I have traveled through that country myself a great deal, and to compare us with the Indian Territory in the way of advancement is too large a stretch entirely. It is as different as day is from night.

Mr. ROBINSON. How long a time do you think should elapse before Indian Territory is made a part of Oklahoma?

Mr. LASSON. Four or five years, perhaps six or seven years, would do a great deal of good, Mr. Robinson; I should judge so.

Mr. LLOYD. But you want statehood any way you could get it?

Mr. LASSON. Yes; we want statehood.

Mr. MCGUIRE. Judge Rummons, of Hobart, in the western part of Oklahoma, in what is known as the new country—the Kiowa, Comanche, and Apache country—will speak.

STATEMENT OF JUDGE N. RUMMONS, OF HOBART, OKLA.

Judge RUMMONS. I differ a little from my friend Sleeper. I have not earned the title of judge in the ordinary way it is earned in the East, but everybody who is a lawyer in Oklahoma earns the title of judge. As soon as he is admitted to the bar in Oklahoma he becomes a judge.

I am in Washington on a business errand, and had not expected to appear before this committee on the statehood question, but now that I am here I want to say that our people are anxious for statehood. We do not want to be delayed in being admitted to statehood.

I am a Democrat, and upon the question of separate or single statehood, if the matter came up to a vote for immediate statehood or a single State, I am not sure how a majority of our people would feel on the matter. But I know that the proposition that we are unalterably opposed to separate statehood does not represent the majority of the Democrats of my county—Kiowa County. The Democrats there want statehood, and they are not opposed to separate statehood for the purpose of waiting for single statehood. We would be willing to have statehood with a provision for the annexation of Indian Territory later. The country has been rapidly developed, and is continuing in its development, and we feel that we will be hampered unless we get statehood in the near future. I believe that is all I need say.

Mr. SPALDING. Which do you think would best promote the welfare of the people of the two Territories in the long run—to be admitted as one State or as two States?

Judge RUMMONS. Well, my personal opinion is that it would be better to admit them as two States. That is my theory of the matter.

Mr. SPALDING. You speak about the benefits of statehood. Aside from the matter of pure sentiment, do you not think that is a great deal imaginary?

Judge RUMMONS. Well, I think sentiment has a good deal to do with business. I think that in the future the fact that Oklahoma is a State would assist us in a business way, in attracting additional population and additional immigration that would be desirable. People will go to a country for business reasons, but they are also influenced by sentiment and by the political condition of the country which they may be going to. Probably, as an abstract proposition, I think perhaps we could do just as much business as a Territory as we could do as a State.

Mr. LLOYD. Is there any considerable number of your people who want to be admitted on patriotic reasons—as a political entity?

Judge RUMMONS. Yes; that is the principal reason. Yes; we would like to elect our own officials and have them responsible to us for the administration of the State government.

Mr. McGUIRE. Judge Cunningham, of Lawton, Okla., the county attorney of that county, would like to express himself.

STATEMENT OF JUDGE S. M. CUNNINGHAM, OF LAWTON, OKLA.

Judge CUNNINGHAM. Mr. Chairman and gentlemen, Judge Sleeper and myself come from the same town. Our positions here are simply a verification of the fact that we all do not feel alike, and that we all do not hear alike.

As county attorney of my county, of course I am perhaps more

closely connected with the people there and more intimately associated with them than Judge Sleeper. I expect I am as well acquainted with the conditions as any man in my county. While I am a Democrat, I will not speak from a political standpoint at all. I do not think that the people of the Territory should view this matter from a political standpoint.

As to the sentiment in our country as to the kind of State we want, whether or not to have Oklahoma alone as a State, or Oklahoma and the Osage Nation and those other reservations thrown in, or whether or not to have Oklahoma and Indian Territory together, those questions are the subject of political controversy among the politicians of the Territory. I know Democrats—now, there is one over there [indicating], perhaps, who may base his proposition on the ground that we would have four United States Senators and two Representatives in Congress if the two States were admitted independently. There may be Republicans and Democrats both who look at the matter in that way.

That is a matter of politics among the politicians of Oklahoma and should not come into the consideration of Congress in the passage of this act. You gentlemen assume and have the idea, which I am glad to find prevails among the committee, that it is the people whom you are looking after down there, and not the politicians.

My jurors are made up of both classes, Democrats and Republicans. They are drawn under the system of our juries down there, and perhaps they are half and half as regards political divisions. I have talked with them about the matter. We have discussed the matter in the grand jury. We have discussed it as a petit jury, and outside of the politicians in Oklahoma in the two different parties I do not believe there is 7 per cent of the citizens of Oklahoma that are in favor of statehood for Oklahoma alone.

Now, I am not acquainted in the northern part of the Territory, except with politicians in a part of the towns up there. But I am speaking of my own county and basing my remarks on my knowledge of the citizenship there. Almost 95 per cent of the citizens of Comanche County, outside the politicians, are in favor of statehood with Oklahoma and Indian Territory together.

The proposition made by Judge Sleeper awhile ago, that the sentiment in the last Congressional campaign that elected Mr. McGuire—and with due deference to Mr. McGuire, too—was the sentiment of the people of Oklahoma in favor of Oklahoma statehood alone, is not the matter that elected Mr. McGuire. I was a candidate in that campaign for county attorney in my county. My county cut Mr. Cross, the Democratic nominee, more than any other nominee in the county, and I know what cut him. The people of that county said, "We want statehood, and we are afraid the Congress will be Republican, and we are afraid to elect a Democratic Delegate to a Republican Congress for fear he will not get statehood; and we would rather have a Republican to represent us than a Democrat in a Republican Congress, to go there and work for statehood. I told Mr. Cross's campaign manager before the election that Cross would fall 2,500 behind the Democratic ticket, and he did.

Mr. WILSON. He lost that much?

Judge CUNNINGHAM. Yes; he fell about 2,500 behind his ticket. The average Democratic majority was about 1,000. The people were constrained to vote against Mr. Cross and in favor of Mr. McGuire

on those considerations. The Democrats who left the Democratic ticket were not Democrats who were in favor of Oklahoma statehood alone. But they were in favor of Oklahoma with Indian Territory, or statehood first of all; and they voted for the Republican Delegate to Congress because they thought he could do more to secure statehood in a Republican Congress than a Democratic Delegate could. I know that because I was engaged in that campaign.

Here is another thing that the people down there considered: We do not want a statehood based upon any theory that would bring about permanent friction, or make any division in the State, or draw any line of distinction which would oblige a man to take sides with a certain party. We appreciate the fact that if Oklahoma should be admitted as a State with the privilege for the admission of Indian Territory later on, Oklahoma as a State would have to go ahead and select the location of the different State buildings and different State institutions without the Indian Territory having a voice, and in consequence a soreness would be created by that which could never be wiped out. In every election afterwards it would be a fight between Oklahoma proper and that part that is brought in later on.

I have given you, gentlemen, just what I know in my own county, and I think that is really the way it exists here. With due deference to my friend Judge Sleeper, I think I am in a better position to understand the sentiment of the people in the county than he.

Mr. SPALDING. What do you say, barring sentiment and politics and the interests of to-day, would be the best—one State or two States, in the long run?

Judge CUNNINGHAM. Why, one State. It would lighten our taxes. The coal-field matters could be better adjusted. The freight rates could be better controlled. The railroad companies are doing more to injure Oklahoma Territory to-day than anything else, because they have nothing to control them. They are doing more to injure Oklahoma than all the other combinations put together.

Mr. SPALDING. What is the matter with the legislature of the Territory? They could control them just as well as a State legislature could.

Judge CUNNINGHAM. I do not think there is a railroad in Oklahoma Territory that has even a claim agent. Judge Sleeper is attorney for the Frisco Road, and I think he will tell you that they do not have a claim agent in the Territory because there is no danger of getting a judgment against them. Have you one, Judge?

Judge SLEEPER. Oh, yes; we have one. Mr. Mayer, of Enid.

Judge CUNNINGHAM. For the whole system?

Judge SLEEPER. Yes, for the two Territories.

Judge CUNNINGHAM. They need one in Indian Territory, but not in Oklahoma.

Mr. POWERS. Is there anything further gentlemen? Are there any other speakers?

Mr. MCGUIRE. Mr. Chairman and gentlemen: Owing to the condition of my voice and health, by reason of an attack of grippe or influenza, I do not know whether I shall be able to talk or not this morning.

Mr. POWERS. As you evidently can not get through, and this is all the witnesses you have to bring, I suggest—

Mr. LLOYD. Are you through now, excepting your own statement?

Mr. McGUIRE. Yes, sir.

Mr. POWERS. How would Friday suit you, at 10.30?

Mr. McGUIRE. It would suit me. If you have any further time now I might begin.

Mr. POWERS. Suppose we hear you on Friday?

Mr. LLOYD. Mr. Chairman, in order that we may have no misunderstanding about this time let it be understood that Mr. McGuire shall have the full time—all the time he wants. We have been treading on his toes all along.

Mr. POWERS. Well, without objection, it will be understood that we shall hear Mr. McGuire on Friday, beginning at 10.30 o'clock.

Thereupon, at 11.20 o'clock a. m., the committee adjourned.

WASHINGTON, D. C., *February 19, 1904.*

The committee met at 10.30 o'clock a. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. You may proceed, Mr. McGuire.

STATEMENT OF HON. B. S. M'GUIRE, DELEGATE FROM OKLAHOMA.

Mr. McGUIRE. Mr. Chairman and gentlemen of the committee, I will refer briefly to conditions in Oklahoma and also to conditions in the Indian Territory in connection with the presentation of the statehood matter. I should like to say to the committee that I at least have an opportunity to know and ought to know something of the conditions in both of those Territories.

It has been about twenty-three years since I took up my residence adjacent to the Osage Indian Reservation, which is now a part of Oklahoma, on the Kansas line, near the 96th meridian. For a number of years my business called me into the Indian Territory, as well as Oklahoma, immediately thereafter. My residence was adjacent to that Territory until ten years ago, when I moved to Oklahoma, where I now reside. Shortly after I took up my residence in Oklahoma I engaged in a business which took me to every county of that Territory once or twice, or more, a year.

Mr. REID. By the Territory you mean Oklahoma?

Mr. McGUIRE. Oklahoma. I have practiced law in every county of the Territory: have been with the grand and petit jurors, with the court witnesses, and I think I am familiar with conditions generally in Oklahoma.

In saying this, Mr. Chairman, I do not make any pretension to know more of the conditions in those two Territories than anyone else, but by way of suggesting that I at least have had an opportunity not only to know of the population and the physical features of the country, but to familiarize myself in general with all conditions.

Mr. LLOYD. If it does not interrupt you, Mr. McGuire, I would like to have you state what opportunity you have had to acquaint yourself with conditions in the Indian Territory, as I understand your statement applies to Oklahoma.

Mr. McGUIRE. There has never been, I think since 1881, any year

that I have not been through every nation of the Indian Territory, passing back and forth one way or the other. More particularly am I familiar with conditions in the north half of the Indian Territory. I have some familiarity at the present time with conditions in the south half of the Indian Territory, but being adjacent thereto, traveling back and forth over the different roads which run through that country, as I say, there has never been a year that I have not been back and forth and familiar with the conditions in the towns, talking with the people who reside there.

There is one condition which existed in the early settlement of Oklahoma and which partially exists at this time, a condition which would be felt by every taxpayer in the Indian Territory should there be simultaneous statehood of those two Territories, to which I desire to call the attention of the committee. Every county in Oklahoma at this time has a debt of greater or less proportion. That debt was created in every instance at a time when there was no taxable real estate except in the cities. The same condition temporarily prevailed in Oklahoma in each of the counties at their early settlement which would prevail, universally, in the Indian Territory if they come at that time and have simultaneous statehood with us. That condition is this: All lands in Oklahoma were public lands prior to the time that the settler proved up and obtained his patent in fee, prior to the time that that land was taxable, and in every single instance in every county of the Territory that burden weighed heavily upon the people, and the indebtedness created in every county of Oklahoma was created when we did not have taxable real estate, and that condition prevails in the Indian Territory and will prevail in the Indian Territory if they come as a State with Oklahoma and will prevail for years yet to come.

That is one of the conditions, Mr. Chairman, that we have to meet at the present time. It is unfortunate. The like has never existed in this country before. It perhaps will never exist in any epoch of our history yet to come in the consideration of any Territory; but the Indians have gone there and it has been regarded as Indian country. The Curtis act provides that those Indians shall take all the land except that in the cities, and that that land shall be exempt from taxation, and that is in keeping with what has been the policy of the Government in dealing with every Indian tribe in every State and Territory in the Union.

Mr. LLOYD. In that connection, allow me to ask you this question, Mr. McGuire. For that purpose were the several debts of the various counties contracted?

Mr. MCGUIRE. For the purpose of maintaining county government.

Mr. LLOYD. The ordinary running expenses?

Mr. MCGUIRE. The ordinary running expenses of the county.

Mr. LLOYD. Do they include the building of court-houses and public institutions?

Mr. MCGUIRE. Not necessarily, but partly in some cases. They are for the running of courts and the running of the county government in general. My own county, Pawnee County, prior to the time that we had taxable real estate, ran behind, and we were bonded for that indebtedness. We have an unfortunate condition existing in my county yet that does not exist in every county in Oklahoma.

The Pawnee Indians originally occupied the country which is now within the boundaries of Pawnee County, and they took their allot-

ments. In that country the valley land is the most productive. In many instances they took large sections of country, perhaps an entire township in one body being taken by different Indians in their allotments. That land is yet, in my county, exempt from taxation and will continue in that condition. That works a hardship upon the people, but all public land is now deeded.

Mr. LLOYD. Is there any limit of the time?

Mr. MCGUIRE. No limit to the time—absolutely none. The Pawnee gets his land in fee in twenty-one years from the opening of that country, I believe it is, but there is no provision that he shall ever pay one dollar of tax upon his real estate.

Mr. REID. Is there any provision that he shall not?

Mr. MCGUIRE. There is none that he shall not, but there is no provision that he shall pay a dollar of real-estate tax. Where those Indian allotments are we find this condition still existing. They do not build a schoolhouse. They can not build a schoolhouse. They never have built a schoolhouse. They do not organize school districts. That condition is of daily observation in my county.

Mr. LLOYD. Who occupies the land?

Mr. MCGUIRE. Persons who have gone there and leased from the Indians—just the same condition which prevails in every reservation in the Indian Territory, with each of the Five Civilized Tribes. They can not build a schoolhouse; they can not bond for a schoolhouse; and that condition would exist throughout the Indian Territory if you let those people come simultaneously with the people of Oklahoma.

The CHAIRMAN. Will you insert in your remarks, Mr. McGuire, when you print them, the provisions of the Curtis bill relating to the nontaxation of Indian lands, of which you spoke?

Mr. MCGUIRE. Yes, sir.

The CHAIRMAN. You spoke of that, and it might be of use to the committee and save the committee research if you could insert them in your remarks.

Mr. MCGUIRE. I will be glad to do that.

Mr. SPALDING. Let us see a little about this taxation of real estate. You say the law neither prohibits nor permits the taxation of the real estate?

Mr. MCGUIRE. For twenty-one years, so far as the Pawnee Indians are concerned. It does prohibit the taxation of real estate as long as the Indian has it.

Mr. REID. Until he gets his land in fee?

Mr. MCGUIRE. Until he gets his land in fee.

Mr. SPALDING. That is what I supposed, but I understood you differently.

Mr. MCGUIRE. Now, Mr. Chairman, I spoke of the condition of Indian allotments in my county. This condition prevails in a minimized form in Pawnee County and in Payne County and in some other counties where Indians have taken their allotments in Oklahoma just as it would prevail universally in the Indian Territory if they come in under the provisions of the Quay bill or the Robinson bill. But that is not all. There is another condition in Oklahoma at this time—

Mr. REID. Pardon me for interrupting you again. That is the condition that obtains in your county in Oklahoma?

Mr. MCGUIRE. Yes.

Mr. REID. How many other counties are there in Oklahoma similarly situated in that respect?

Mr. MCGUIRE. The same condition prevails in Payne County, Lincoln County, Pottawatomie County, Kiowa County, Comanche County, _____ County, Blaine County, and possibly one or two others.

Mr. REID. What percentage of the entire number of counties?

Mr. MCGUIRE. The percentage differs in different counties. I presume there is as large a percentage of allotted land in Pawnee County as in any county in Oklahoma, and we have felt the burden from the very inception of organized government in that county by reason of that condition of things.

Mr. LLOYD. Can us give us what percentage of the land in Pawnee County is held by the Indians under allotment?

Mr. MCGUIRE. I can not, Mr. Lloyd; but I was looking at a map the other day which indicated the allotments, and I judge near 10 per cent.

Mr. LLOYD. How much of the county of Pawnee is there that is not organized in school districts?

Mr. MCGUIRE. Wherever you find Indian allotments taken in a body, say a township or two townships.

Mr. LLOYD. Are they usually in a body?

Mr. MCGUIRE. They are generally along the streams, but where the bottoms of the streams broaden or where there is a confluence of streams, usually it comprises more territory, and in those locations you find no schoolhouses. It is not an unusual thing where these parties are located on Indian allotments to find the boys and girls riding their horses 4 or 5 miles over to some adjoining district of less value, where the real estate is perhaps not worth one-half as much as the Indian allotment, but where they have been able to tax real estate and to bond and build schoolhouses. They have schools, and the parties living on Indian allotments have to go 3 or 4 or 5, and in some cases 6 miles to school.

Mr. LLOYD. Is it your opinion that the Indian Territory is entitled to the benefit of the Territorial school fund?

Mr. MCGUIRE. No, sir.

Mr. LLOYD. What do the individuals do who receive that fund, or are entitled to it, in the districts where there are no schools?

Mr. MCGUIRE. I do not know just what the arrangement is.

A MEMBER. They are attached by the superintendents.

Mr. MCGUIRE. I was going to make the suggestion that they are probably attached to organized districts; but, Mr. Lloyd, there is a false impression prevailing in regard to that school fund in Oklahoma, as to the extent to which it contributes to universal education or to the support of common schools. Some one remarked the other day that the Robinson bill provides \$5,000,000 for the building up, organization, and maintenance of common schools in the Indian Territory.

At present I think we have an income from the school lands of Oklahoma of perhaps \$1.30 per capita. We will presume there are 50 pupils in an organized district. There is \$65, we will say, that that one district is getting from the general school fund of Oklahoma. You can see how far that goes to the support of common schools. The interest on the \$5,000,000 would not organize and maintain common schools in the Indian Territory. The interest on \$10,000,000 or on \$20,000,000 would not do it, and you could run it into the billions,

and you would not have common schools maintained in that country. We maintain our common schools by direct tax in Oklahoma, and this school fund, while it is an assistance, would perhaps run the schools not more than one month in the year. So you can see what that would be, so far as common schools are concerned, in the Indian Territory.

It is an unfortunate condition, gentlemen. The like has never been known in the history of this country, and I say there is no way out of it. You have not remedied it if you bring in Oklahoma. You have not built up your common schools. You have not put your real estate in a position to be taxed, and it will not be taxed.

Mr. SPALDING. On this question of allotments—when were these allotments made?

Mr. MCGUIRE. Where?

Mr. SPALDING. In Pawnee County, for instance?

Mr. MCGUIRE. In Pawnee County the country was opened for settlement nine years ago.

Mr. SPALDING. When were the allotments made?

Mr. MCGUIRE. I do not remember; a few years before that. In 1892, some gentleman is kind enough to suggest.

Mr. SPALDING. The Indians can not get title in fee to allotted lands for twenty-one or twenty-five years after they take them in severalty?

Mr. MCGUIRE. Yes, sir.

Mr. SPALDING. And neither can they alienate them during that time?

Mr. MCGUIRE. No, sir.

Mr. SPALDING. And they are not taxable during that time?

Mr. MCGUIRE. They are not taxable not only during that time, but my impression is, Mr. Spalding, and I think research will confirm the position that I am now about to take, that when they obtain their title in fee that is nontaxable property with the Indians.

Mr. SPALDING. So long as he owns it.

Mr. MCGUIRE. So long as he does not dispose of it.

Mr. SPALDING. But when he does dispose of it, it then becomes taxable?

Mr. MCGUIRE. Yes, sir.

Mr. Chairman, I desire to call attention to some things which have been suggested with regard to the disposition of this land. It has been said that certain Indian tribes, including the Creek Nation, can alienate some of this land from some definite period in the future, say five years. The same condition prevails in the Cherokee Nation at a later date, and over in the Chickasaw and Choctaw nations at a still further date. We have about 52,000 Indians in the Indian Territory—persons of Indian blood—according to the census. It has been said here, and rightfully said, by these gentlemen from the Indian Territory, that a large percentage of those people have a very limited amount of Indian blood; and I want to observe further that a large percentage of those people have just as good business tact as perhaps any member of this committee or any person present. They are given that real estate. They take their allotment and it is nontaxable. The land is continuously enhancing in value. It cost them nothing. It can not burn up and can not blow away. Can you suggest any reason why those gentlemen of good business judgment and of little Indian blood are going to dispose of that land even though the Government may say to them "Turn it loose if you desire?"

Mr. SPALDING. Under your laws, when do the Indians become citizens, if ever?

Mr. McGUIRE. The Indians are permitted to vote as soon as they take their allotment in Oklahoma. They always have done it.

Mr. RUSSELL. You spoke of the land being nontaxable. Is there any provision of law by which you could not tax a leasehold interest in it?

Mr. McGUIRE. There is no provision of law by which you could not tax a leasehold interest, I think, Mr. Russell; but there is no provision of law by which you may tax anything but the personal property. That is as far as the Oklahoma legislature has ever gone—simply to tax the personal property.

Mr. WILSON. What is to prevent the legislature from passing the law?

Mr. McGUIRE. There is nothing to prevent the legislature, perhaps, from passing a law to tax the leasehold, but the question is, how much taxes are you going to get, even though you pass such a law?

The CHAIRMAN. Is there any question of the good faith of the Indians involved in this question?

Mr. McGUIRE. I think there is, and I was going to come to that later; but I want to call the attention of the committee to this condition of affairs. Ordinarily the man who goes into the Territory and takes an Indian lease is the man who is unable to buy a farm—unable to purchase a quarter section. As a rule, he is not a man of wealth. He has but little personal property to tax. That condition prevails where you find an Indian lease in Oklahoma. The same condition prevails at the present time and will continue to prevail where you find an Indian lease in the Indian Territory, and that comprises the entire Indian Territory. If a man has money to buy a quarter section of land he usually goes where it can be sold, where it can be had, where he can purchase it. The parties going to Oklahoma and going on Indian leases are persons, as a rule, who have but little property.

I have spoken of the Indian leases. I want to call your attention, gentlemen, to another condition which exists in Oklahoma that I think will confirm the position I have taken with reference to these Indian allotments. There is what are known in Oklahoma as indemnity school lands. These are lieu lands taken in large bodies. Entire townships have been taken in different parts of Oklahoma, and there are two or three different places in that Territory where the land is just as productive as you find it anywhere in that country. One of the burdens now being complained of by the people who have leased that school land where townships have been taken—there has been some discussion of it before the committee and you are more or less familiar with that condition—is that they can not bond them, they can not build a schoolhouse, and they can not organize a school district. I have been petitioned time and again from those localities to give those people, if possible, some relief from that condition of affairs. That is exactly what you are going to find in the Indian Territory if they come, and it applies to every community in the Indian Territory. There is no section of country exempt from that condition of affairs. That would exist if you would bring those people to Oklahoma.

You do not give them relief. I am as anxious perhaps as those gentlemen residing over there for some kind of relief for the people of the Indian Territory; but you can put the burden upon Oklahoma,

and you will not have brought the people of that country relief. You can make them a State with us, but you will not have given them taxable real estate with which to support their government. You have not only increased the burdens of every taxpayer of Oklahoma, but you have increased and multiplied the burdens of every taxpayer in the Indian Territory.

The CHAIRMAN. Could you relieve them by giving them separate statehood?

Mr. McGUIRE. No, sir; you will not relieve them, Mr. Hamilton, by giving them a separate statehood, and, however anxious those gentlemen may be for statehood, it is a fact that at this time that country is in no condition for statehood.

The CHAIRMAN. When could you give them relief, in your view, Mr. McGuire?

Mr. McGUIRE. There is no relief for those people for years to come. There is no relief for the people of the Indian Territory, however anxious they may be about it.

The CHAIRMAN. Have you a specific time in your mind when there could be any relief for them?

Mr. McGUIRE. There would be a slow sale of the land in the Indian Territory under the present arrangements.

The CHAIRMAN. And must that be postponed until after twenty-one years before relief could commence?

Mr. McGUIRE. Not in every condition. There is some land selling now in the Creek Nation, and the only thing to do, so far as I know, the only suggestion I can make to the General Government would be to stimulate the sale of that land in every possible way; to stimulate it in the Creek Nation where they can sell now. It is being retarded, as a matter of fact. The process is very slow. The policy, so far as the Secretary of the Interior informs me, with him is to protect the Indian to the last extremity.

The CHAIRMAN. The chief difficulty you have discussed so far is the school difficulty, as I understand you?

Mr. McGUIRE. Yes, sir; and that is the relief that they have continuously talked about in the Indian Territory.

The CHAIRMAN. And you think the relief suggested in the bill which has been referred to this committee is not adequate?

Mr. McGUIRE. It is not adequate. It does not bring relief.

The CHAIRMAN. Is there any relief along that line?

Mr. McGUIRE. There is no relief, Mr. Chairman, except this one thing. The only thing for the Government to do is to stimulate, so far as it can, the sale of that land.

The CHAIRMAN. And that will take place as well under one form of government as another.

Mr. McGUIRE. Just as well under one form of government as another; but if you impose upon those people at this time the burden of self-government you increase their taxes, you multiply their adversities, you increase their hardships, without giving them the relief desired.

The CHAIRMAN. Are there not some other institutions that they need in the Indian Territory very much?

Mr. McGUIRE. I do not know that I comprehend, Mr. Chairman.

The CHAIRMAN. Prisons, asylums, and institutions of that kind?

Mr. McGUIRE. I think that is true, and if those things were to come

with statehood, you would have to tax the people to support them. The Government should give them some relief, perhaps, along that line, and could give them some relief. I presume the Government could establish for them an asylum for the insane. The Government at this time is spending more money for government in the Indian Territory than it is spending in any eight States of the Union, so I am informed, for the prosecution of Federal cases. If you take that away from the Government of the United States—and it is certainly better able to bear the expense than Oklahoma—you simply add that to the burden of the people of the Indian Territory and the people of Oklahoma.

Mr. SPALDING. Mr. McGuire, stated briefly, I understand your proposition to be this: That, by reason of the exemption of a very large part of the real estate of the Indian Territory from taxation, there is not taxable property enough there to bear the burdens of statehood for the Indian Territory alone without the rate being very excessive and burdensome on the property that is taxed?

Mr. MCGUIRE. That is the position I take, Mr. Spalding.

Mr. SPALDING. And for the same reason, if it is annexed to Oklahoma, they can not bear their proper share of the burden of supporting State government.

Mr. MCGUIRE. That is the idea I am attempting to convey.

Mr. REID. While you are on that point I want to understand it clearly. Can you institute a comparison between the conditions as they obtain in Oklahoma and as they obtain in the Indian Territory as relating to the amount of taxable property in each, and what the rate of taxation would be? It has been stated here that the taxable values of such property as could be taxed would be sufficient. And I also want you to bear in mind the suggestion made by Mr. Russell just now, that the leaseholds which are held throughout the Indian Territory are not exempt from taxation. They constitute the present element of value, if I understand. It has been stated that there is enough taxable property in the Indian Territory to support a State government there. You have suggested that a number of counties in Oklahoma are in the condition that would obtain universally in the Indian Territory. Taking those things into consideration, I want to know what the difference in the rate of taxation would be, and as compared with the general rate in other States also.

Mr. MCGUIRE. If you will pardon me, I did not intend to say there was a number of counties in Oklahoma at this time in the condition in which we would find the people of Indian Territory, should they come; but they have been in that condition. They were in that condition when we incurred the county indebtedness which has been incurred in Oklahoma Territory, and it was while that condition prevailed in the different counties that we did incur the indebtedness experienced by the people in Oklahoma Territory; but we have gone away from that condition.

Mr. REID. How did you get away from it?

Mr. MCGUIRE. Why, the real estate has become taxable in Oklahoma. People have proven up on their claims. Homesteaders have their patents in fee, and in nearly every section of Oklahoma for a number of years we have been getting real estate taxation, and it has lifted the burden from the shoulders of the taxpayer in that country, but it can never come, at least for a dozen years, in the Indian Terri-

tory to the extent that the people can have even the slightest expectation of relief.

Mr. ROBINSON. Let us see about that. Since Christmas the Secretary of the Interior has been providing at the rate of a thousand acres a day transfers of lands from the Indians to grantees, which opens that thousand acres a day to taxation.

Mr. MCGUIRE. Is that from an official report, Mr. Robinson, or does it evolve itself from the imagination of some editor?

Mr. ROBINSON. Do you say the Secretary of the Interior has not been approving deeds at the rate of 10 a day, which involves a thousand acres a day in the Creek Nation?

Mr. MCGUIRE. No, I do not; but I do not concede that he has until I get it officially. If you have some paper that is simply jumping at a conclusion or making any kind of a statement, it is not necessarily the fact. There have been a good many reckless statements made in reference to this matter. There have been a good many reckless statements in reference to the population.

Mr. ROBINSON. Under your laws you tax houses and barns erected by lessees of lands, do you not?

Mr. MCGUIRE. No, sir; under the law we do not.

Mr. ROBINSON. Improvements, then, by lessees are not taxable?

Mr. MCGUIRE. No, sir.

Mr. LLOYD. Could they be made taxable?

Mr. MCGUIRE. They are not taxable in my Territory. The Supreme Court has already passed upon that proposition.

Mr. ROBINSON. They are in the Indian Territory now, are they not?

Mr. MCGUIRE. There is no law, Mr. Robinson, by which those things could be taxed, and the courts have decided in those cases where an Indian takes his allotment and the house is on that allotment, the house is not personal property.

Mr. ROBINSON. Your Indian condition with reference to the Indians being tied up, or not having the right to sell, is much more severe than that of the Indian Territory?

Mr. MCGUIRE. No, sir.

Mr. ROBINSON. Your Indians are tied from giving away their lands for twenty-one years?

Mr. MCGUIRE. In some cases they are.

Mr. ROBINSON. But in the Indian Territory it is not so, is it?

Mr. MCGUIRE. It is largely true in the Indian Territory. The Choctaw and Chickasaw Indians can not alienate their lands for twenty-one years from now, as I understand, under the Curtis Act. Twenty-one years from now they will have at least half of their lands. Mr. Bixbee, will you state just the condition in the Choctaw and Chickasaw nations?

Mr. BIXBY. In the Choctaw and Chickasaw nations 5,000,000 acres out of the 11,000,000 in those two Indian nations will be inalienable for twenty-one years. The remainder of the lands the Indians can alienate one-quarter in one year from date of deed, one-quarter in three years from date of deed, and the remainder in five years.

Mr. ROBINSON. How many acres? Give us the total so alienable.

Mr. BIXBEE. A little over 5,000,000 acres. In other words, one-half of an Indian's allotment in the Choctaw and Chickasaw nations is a homestead and can not be alienated for twenty-one years, or during the lifetime of the allottee. There would be about a million acres surplus,

which will be sold under sealed bids and, of course, taxable as soon as sold. In the Creek Nation the Indian may sell three-quarters of his allotment, or 120 acres, with the consent of the Secretary of the Interior.

Mr. ROBINSON. How much is the total amount of land opened up under that rule?

Mr. BIXBEE. That probably opens up a million and a half acres in the Creek Nation.

Mr. ROBINSON. How is it going now? How has it been going in reference to the approval of the Secretary of the Interior by these conveyances?

Mr. BIXBEE. Up to the time that I left the Territory, which was about a month ago, it had been going very slowly, in my judgment; but that was largely because of the fact that the Secretary did not have the means to engage a sufficient number of appraisers to appraise the land. He requires the land to be appraised before it is sold on a commercial basis.

Mr. ROBINSON. How is it going now?

Mr. BIXBEE. I can not tell you. In the Cherokee Nation the Indian can not sell any of his allotment for five years, under present conditions. Forty acres of his allotment will be inalienable for twenty-one years. In the Seminole Nation he can not sell at all.

Mr. ROBINSON. Just a moment. What does that release, then, in five years in the nation you have just mentioned?

Mr. BIXBEE. It releases practically one-half, perhaps a little more than one-half, of the Cherokee Nation.

Mr. ROBINSON. In round numbers, about how many acres?

Mr. BIXBY. About 2,500,000 acres.

Mr. McGUIRE. Mr. Robinson, I desire to call your attention to this condition. You say how much does that release? The mere fact that the Indian may be given an opportunity to sell one-half his land in five years does not mean that that will go on the market, by any means. There are hundreds of thousands of acres of Indian land in my county that could be sold to-day, but the Indian does not choose to sell.

Mr. ROBINSON. I recognize that, but I would like to hear from Mr. Bixbee about the Seminole Nation land. I think it is useful to have it all.

Mr. BIXBY. The Seminoles can not sell any of their land under present conditions. There is no provision of law for the sale of Seminole lands. The homestead in the Seminole Nation, under the present law, is not alienable at any time. The Indian is to hold it in perpetuity.

Mr. ROBINSON. But what is it to be in 1906 with the Seminoles?

Mr. BIXBY. I presume it will possibly be alienated. They get their deeds, anyway, but I am not sure about that under the provisions of law.

Mr. ROBINSON. Do they not take it in 1906, free from all restrictions in alienation?

Mr. BIXBY. That may be so. I would not want to say positively that they could alienate. I am not certain about just what the law means.

Mr. REID. Mr. McGuire, I will try not to interrupt you again after I inquire about this one feature of it. Do I understand that these restrictions upon alienation reach to the question of taxation, also?

Mr. MCGUIRE. Yes.

Mr. REID. They are based on treaty obligations, if I understand. That is, they are inalienable and are nontaxable by virtue of agreements made with the Indians?

Mr. MCGUIRE. I think they are; not only on treaty obligations, but by statute as well.

Mr. REID. Statutes are made in pursuance, if I understand it, of agreements made with the Indians?

Mr. MCGUIRE. That is right.

Mr. REID. In the course of the development of that country, if it becomes, which it would, the interest of the Indian as well as others to contribute to public institutions and a State government, is there anything which makes an exception in the cases of these treaties, as against any others, why the Government can not, acting in the capacity of a guardian toward a ward, violate those treaties and make them taxable for the good of the Indian himself?

Mr. MCGUIRE. I think the Government would have a perfect right, even without the consent of the Indians, to pass a general law taxing real estate held by an Indian, as long as the Government does not violate a present treaty relation or obligation with the Indian, and it might even then have that authority; but that would scarcely be, in my judgment, a possibility, Mr. Reid. The Government has enacted laws relating to Indian tribes for all time in pursuance of some treaty relation with that Indian tribe. In this particular the Government has stood upon the high moral plane of dealing fairly with those people, showing them every possible consideration, and there is nothing now in connection with any of those Indian tribes which would suggest a different policy to me. As long as the Indians are asking that they hold these lands without taxation, my judgment is that the Government is going to show them that consideration. While it might do otherwise, it might have done many things it has not done.

But we want to dispose of this condition, viewing things in that country as we may naturally expect them to be in the future. We have to look for a natural way out, and we must expect the Government to show the people every possible consideration, or every reasonable and fair consideration, and to treat them in the future largely as they have treated them in the past, and they have not been taxed in the past. In my judgment the Government is not, in the near future at least, going to impose upon those people the burden of taxation so far as their real estate is concerned.

Now, we talk about the time when they may alienate the land in the Creek Nation and the time when they may alienate the land in the Cherokee Nation and in the Choctaw and Chickasaw and Seminole nations. It is not so much a question as to the time when they may alienate or what percentage they may alienate. The question is, What are those people going to do with that land when they have an opportunity to alienate it? It has been contended here that those people, as a rule, are largely of good business judgment, and I do not know of an Indian in my county, Pawnee County, aside from the full-bloods, who desires at this time to dispose of his real estate. They are not doing it. Hundreds of thousands of acres are alienable at this moment in my section of Oklahoma Territory, but they do not alienate it where they do business on business principles.

The only Indian, gentlemen, in my country who is alienating his

land is the full-blood who has but little conception of the value of a dollar, who would sell his quarter-section to-day for \$2,500 or \$3,000, and within a week would not have a dollar of the money. That is the kind of people who are alienating in my section, and that is the kind of people who would alienate in the Indian Territory, and that is the kind of people whom the General Government are going to protect and ought to protect. The fellow who can take care of himself—the man who has business judgment—is not alienating real estate. That is the very best possible investment he can make at this time.

Mr. ROBINSON. Mr. McGuire, on two propositions:—First, would not good business judgment suggest to the holders of vast estates that if a portion of the community was enlarged, and the population increased by an alienation of one-half, the balance would, by increased value, become more valuable to him; and, secondly, if they are not alienated, would not a taxation on leasehold interests drive them to alienation and protect them thus, as good business men, against their own folly?

Mr. MCGUIRE. As I say, Mr. Robinson, I could imagine a condition of things which is not likely to occur, in my judgment.

Mr. ROBINSON. I mean in the realms of business. Is it not dictated by prudence?

Mr. MCGUIRE. I think not. I can see how one man, we will say, holding 3,000 acres of land might sell a part of it and make the rest more valuable, and I can see under those conditions how he might dispose of it and have a good reason for disposing of a part of it; but I can not see how that condition is likely to occur. The chances are that those parties holding whatever they are given with the different arrangements with the different tribes will not have a cumbersome body of land, but they will have a body of land that is continuously enhancing in value. They will have an investment that is absolutely perfect, so far as reliability is concerned, and I could conceive of hardly any condition that would encourage the disposition of this land. I would like to see it done.

Mr. ROBINSON. Suppose 200,000 people would move from Oklahoma, would that increase the value of the land?

Mr. MCGUIRE. I can not conceive of any reason why 200,000 people should leave Oklahoma.

Mr. ROBINSON. But if 200,000 should come into Oklahoma, would not that increase the value of land, and could they come in without the purchase of land?

Mr. MCGUIRE. Yes, sir; they could; and if 200,000 were to come it would increase the value of land, and they would continue to come in the Indian Territory, no matter how adverse the conditions were there, and the value of land would continue to increase, and the holder of that land would continue to get the benefit of the enhancement in value and hang to it more tenaciously by reason of that fact.

The CHAIRMAN. May I interrupt you a moment, Mr. McGuire? This is in relation to the Seminole Nation, and in relation to their title to lands, about which Mr. Bixbee was not quite certain. I hold in my hand the treaty, and I want to call your attention to a clause so that it may go into your remarks and be accessible to the committee. It is as follows:

When the tribal government shall cease to exist, the principal chief last elected by said tribe shall execute, under his hand and the seal of the nation, and deliver to each allottee, a deed conveying to him all the right, title, and interest of the said

nation and the members thereof in and to the lands so allotted to him, and the Secretary of the Interior shall approve such deed, and the same shall thereon operate as relinquishment of the right, title, and interest of the United States in and to the land embraced in said conveyance, and as a guaranty by the United States of the title of said lands to the allottee; and the acceptance of such deed by the allottee shall be a relinquishment of his title to and interest in all other lands belonging to the tribe, except such as may have been excepted from allotment and held in common for other purposes. Each allottee shall designate one tract of 40 acres, which shall by the terms of the deed, be made inalienable and nontaxable as a homestead in perpetuity.

So that gives a title in fee to each Indian without conditions?

Mr. MCGUIRE. Yes, sir.

The CHAIRMAN. I simply wanted to make it clear as to the Seminole Nation.

Mr. MCGUIRE. Mr. Chairman, I hold in my hand an extract from the bill, as passed, admitting Kansas to the Union. At the time of that admission there were a number of Indian tribes and Indian reservations in that State, and it might not be uninteresting to the committee to know just what the provision was with reference to the tribes at that time, when Kansas was admitted. The Osage Indians at the time of the admission of Kansas were in Kansas. The Osage Indians are now in Oklahoma, and I indicate here on the map where that reservation is.

The CHAIRMAN. That is the northeast corner of Oklahoma?

Mr. MCGUIRE. The northeast corner of Oklahoma. The provision in the Kansas act was this:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Kansas shall be, and is hereby declared to be, one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever. And the said State shall consist of all the territory included within the following boundaries, to wit: Beginning at a point on the western boundary of the State of Missouri where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the twenty-fifth meridian of longitude west of Washington; thence north on said meridian to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning: Provided, That nothing contained in the said constitution respecting the boundary of said State shall be construed to impair the rights of person or property now pertaining to the Indians in said territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with such Indian tribes is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the State of Kansas until said tribe shall signify their assent to the President of the United States to be included within said State, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to make if this act had never passed.

There is a provision, Mr. Chairman, with reference to the same Indian tribes which at that time occupied a portion of the State of Kansas. To compel these tribes at this time to take on a form of government which would to them and to the citizens of that country be embarrassing, which would not bring to those people the relief to which they are entitled at this time, which would take the burden away from the great Federal Government, which is abundantly able to care for those people, and saddle it upon the Territory of Oklahoma, is unfair to every taxpayer in the Territory, and equally unfair and aggressive and a very hard thing to do with the people who at this time reside in the Indian Territory. But you say those people are demanding relief.

It has been stated before the committee within the last week that the representatives of the Choctaw and Chickasaw nations, the real estate holders in that Territory, have put themselves on record within the past three months unanimously against the admission of that Territory at this time.

The CHAIRMAN. Mr. McGuire, with reference to Kansas, the Osage Indians were in Kansas at the time it became a State?

Mr. MCGUIRE. Yes, sir.

The CHAIRMAN. And subsequently the Federal Government made a treaty with them whereby it took of them their lands at a certain price per acre, \$1.25, was it not?

Mr. MCGUIRE. I do not know.

The CHAIRMAN. It was \$1.25, and that land was thereupon opened up to settlement. The Osage Indians then moved to Oklahoma and are now the richest people per capita in the United States; are they not?

Mr. MCGUIRE. That is a fact; yes, sir.

The CHAIRMAN. And perhaps anywhere in the world.

Mr. MCGUIRE. That is a fact, I presume.

The CHAIRMAN. That wealth was realized from this \$1.25 per acre of lands purchased from them?

Mr. MCGUIRE. No, sir; not altogether.

The CHAIRMAN. What other source of income did they have?

Mr. MCGUIRE. They had lands in Missouri. They are Indians that originally came from St. Louis. They have always been a very wealthy tribe. They were located at different places in Missouri, and had gathered this wealth from time to time. They then went into Kansas and sold their lands there, and the accumulation of this great wealth from time to time was not only in Kansas, but in Missouri and wherever they have been found.

The CHAIRMAN. Perhaps that is so.

Mr. MCGUIRE. That is the cause of their great wealth at this time.

Mr. POWERS. What are they supposed to be worth per capita?

Mr. MCGUIRE. I think there is a fund now on deposit with the Federal Government, only the interest of which is to be drawn at 5 per cent, of about \$17,500 for each man, woman, and child.

The CHAIRMAN. How many acres of land, Mr. McGuire?

Mr. MCGUIRE. They will receive under the present proposed treaty, which is now being projected and arranged, between about twenty Indians at this time, with the Indian Commissioner 650 acres for every man, woman, and child. I might make this observation, Mr. Chairman. I have been adjacent to the Osage Indians for twenty-three years and am acquainted with most of them and know something of their habits.

Mr. SPALDING. How many are there?

Mr. MCGUIRE. All told, about 3,000. While they are the richest people in the world in one sense, they are the blanketed Indians that were spoken of the other day, and many of them, not all of them, are the poorest people in another sense. You take the full blood and in many cases it is not how much they can pay, but how much credit can they get; and while those people are wealthy and receive quarterly payments of this annuity, yet many of them are continuously embarrassed from a financial point of view because they are not prepared to do business and have no business judgment.

Mr. SPALDING. What proportion of them are in that condition?

Mr. MCGUIRE. I should judge three-fourths of the full bloods.

Mr. SPALDING. That would be less than a fourth of the whole.

Mr. MCGUIRE. Less than a fourth of the whole. Then I might take the other side of it with this statement. There are many persons on the Osage Indian Reservation, where they are holding at this time the land in common, and they have what is known as a possessory right. They can go and fence as much land as they desire for agricultural purposes. I believe that is right, is it not, Mr. Palmer?

Mr. PALMER. It was.

Mr. MCGUIRE. Until recently they could fence as much land as they might desire for agricultural purposes, and the persons of better business judgment, including white men who have married in the reservation, and the half-breeds and quarter-breeds, persons of less Indian blood, have taken up all that best land, and those people are able to take care of themselves anywhere. Those are the very kind of people who will hold for all time to come this 650 acres of land to the head and will never let it go until they can let it go upon a good business proposition, just like anyone else. That condition largely prevails in the Indian Territory, and that is why I say it is not a question as to when this land is going to become alienable. The question is, Are you going to get these parties to turn it loose?

The CHAIRMAN. We will have to suspend at this time, Mr. McGuire, but the committee will reassemble at 2 o'clock, when you may resume your statement.

The committee thereupon (at 11.50 a. m.) took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reconvened at 2 o'clock p. m., Hon. Edward L. Hamilton in the chair.

STATEMENT OF HON. BIRD S. MCGUIRE, DELEGATE IN CONGRESS FROM THE TERRITORY OF OKLAHOMA.

Mr. Chairman and gentlemen of the committee, there was one interrogatory propounded this forenoon by a member of the committee which resulted in the reading of a newspaper clipping stating in effect that there were about a thousand quarter sections of land being disposed of in the Indian Territory daily. I believe that was the purport of the article. I hold in my hand a document headed "An interesting letter—Hon. Robert L. Owen addressing the Department in language both forcible and eloquent." It is dated Muscogee, Ind. T., December 10, 1903. One extract from this statement, in the speech of Mr. Owen, reads like this:

Of some 38 pieces of land offered for sale last week 28 pieces did not pass the barriers of the Indian agents because of no appraisalment, or for other technical reasons. Only 10 pieces passed muster there, and no one knows whether any of these 10 pieces will actually result in sale.

Nearly three years have passed since these sales were authorized with the approval of the Interior Department, and out of the 1,600 citizens of the Creek country they have succeeded in having three deeds approved.

Mr. ROBINSON. At that point I will call your attention to the fact

that my inquiry related to the time from Christmas, which was fifteen days later than the suggestion or date of your paper, and that since then my information is that the sales have been made in the form I mentioned before in my inquiry.

Mr. MCGUIRE. It is a very easy matter, Mr. Chairman, to ascertain the facts with reference to the sales of real estate in the Indian Territory, and that I will endeavor to do and get something official from the Department of the Interior before the committee has disposed finally of this question.

But coming from that country, living adjacent to the Creek Nation, where these lands are, a statement at that place at this time that there were a thousand farms being sold a day would be positively startling in that country.

I undertake to say, Mr. Chairman, that the bills which have been introduced, making the Indian Territory a State with Oklahoma, do not offer the relief for the people of the Indian Territory evidently intended by those bills. The burden of the song of every person before this committee who has heretofore spoken for the Indian Territory and advocated its immediate admission to statehood has been that there were hundreds of thousands of school children in that country in the rural districts, not in the cities, who have not at this time, and have never had, educational advantages, and they say "Give us statehood, immediate statehood, for this Territory in order that we may reach those children with schools."

Now, if these bills when considered do not provide this relief they have certainly fallen short of the intention of the persons who framed them, and I say in the very face of the conditions that exist in Oklahoma to-day—not a theory, but in the very face of the conditions that exist in Oklahoma to-day in a minimized form—it would not build a single schoolhouse in the Indian Territory for years to come; they could not have a single school bond; they could not organize a school district; they could not maintain a school, and you have not given those people the relief that they are expecting and the relief that they are entitled to, even if those bills pass and become law.

But I will tell you what you have done. You have attached that country to Oklahoma, and you have placed upon the shoulders of every taxpayer in my Territory an additional burden, one that we ought not to carry. Those people in the Indian Territory are simply aboard a ship without a rudder, without a sail, without propelling power, and I do not blame them for wanting to board a modern vessel. But it does not give them relief; it does not organize their school districts. They can not vote a single bond for school purposes. That is the condition in Oklahoma, where we have allotments and idemnity lands.

Mr. MOON. May I interrupt you to ask a question?

Mr. MCGUIRE. Certainly.

Mr. MOON. You are opposed to the admission of Oklahoma and the Indian Territory as one State, I believe?

Mr. MCGUIRE. Only conditionally, Mr. Moon. Oklahoma is at this time entitled to statehood, and more abundantly entitled to statehood than any other Territory in all the history of this country at the time of its admission to the Union.

Mr. MOON. I think so; but I wanted to get at this question—

Mr. McGUIRE. If you will pardon me a little further—one other statement and then you may finish your interrogatory.

Mr. MOON. Very well.

Mr. McGUIRE. The Indian Territory is disqualified, not by lack of numbers, not by lack of intelligence. However, they are not as high in that standard as the people of Oklahoma, according to the census. I think the present percentage of illiterates in Oklahoma is about 5, and there are about 16 per cent in the Indian Territory; but that does not disqualify them. They are disqualified by reason of the unfortunate condition of their real estate at this time, and as it will be for years to come in that country. They can not support the government.

Mr. MOON. You are supporting a bill, I believe, for single statehood for Oklahoma?

Mr. McGUIRE. Yes, sir.

Mr. MOON. Is there a provision in that bill by which you will be enabled, after you erect the Territory into a State, to detach portions of Indian Territory and attach it, with the consent of Congress, to your State?

Mr. McGUIRE. Yes, sir; but I will tell you—

Mr. MOON. Why do you want that? That is what I want to get at; what is the purpose of that?

Mr. McGUIRE. Very well, I will tell you what my purpose was, Mr. Moon.

The original bill introduced in Congress, which passed this committee and passed the House of Representatives, has that identical provision, and I was led to believe that this was necessary in order to meet the approval and secure the vote of certain persons, or a number of persons, in the House of Representatives who entertained the idea that some measure of this kind ought to be introduced. So far as I am personally concerned, I do not believe that the Indian Territory can possibly be made ready for statehood without a very great burden upon their people for ten, twelve, or maybe fifteen or twenty years. If every possible incentive was offered by the Government to these people to dispose of the land, and all present barriers in the way of its alienation removed, it is possible that they might be ready in five years, or six years, or twelve years, or something of that kind.

Mr. MOON. What I want to get at is this: If all of them are not ready and not fit for statehood, is that part that you provide for detaching and adding to your State any more ready than the balance of the Territory?

Mr. McGUIRE. Yes; more nearly ready than any other.

Mr. MOON. That is, you think the Creeks are more nearly fitted for citizenship in Oklahoma than the balance of them?

Mr. McGUIRE. No, not in point of intelligence; they are just as ready in the matter of intelligence, but that is not the point—

Mr. MOON. That is not a matter of political expediency, but for the benefit of the people that you want that done?

Mr. McGUIRE. I have tried, so far as I am concerned, to avoid politics in this matter. I come to this committee purely on equitable grounds, not on political grounds.

Mr. MOON. Would you be willing to have that provision taken out?

Mr. McGUIRE. Certainly. If we could do that and have any security for statehood I would gladly have it stricken out. I want to say this

to the committee, that the position I take is not a political position. The position I take is one of equity. I know the conditions in the Indian Territory. I am familiar with the conditions in Oklahoma. I know what the people are enduring who are now located on Indian allotments in my own county and within a few miles of my own home, and I have had opportunity to observe those conditions for ten years, and I know the experience the people of my country had at the time they did not have any real estate to tax, and I know of the debts saddled upon the various counties of Oklahoma and why that debt is there. And it is this condition of things and this state of facts that cause me to protest at this time against the incoming of the Indian Territory, which would simply be a repetition of everything we have had in Oklahoma, except it would be in a magnified form.

I say these bills do not give relief. Now, then, partly answering further the interrogatory propounded by Mr. Moon, I want to say this: That if it had not been that I had heard the expression from certain members of this committee that they were opposed to the piecemeal form of bringing in the Indian Territory (and that expression came from members who have shown a commendable vigilance so far as posting themselves upon conditions down there is concerned), and other persons who have heretofore stood as the warm supporters of my Territory for statehood, I would have still advocated the piecemeal form, because I believe it the best plan. But it gives some an opportunity to stand up and say that it is for political purposes, and I will tell you, gentlemen, why I think that this argument suggests itself.

The Creek Nation lies adjacent to Oklahoma. So far as real estate conditions are concerned it is more nearly ready for statehood at this time than any other section of the country. Oklahoma has attained her present proportions by the piecemeal method. Originally there were about six counties in Oklahoma. The Sac and Fox country was added; that is a part of eastern Oklahoma. The Cheyenne country was later added; that is in western Oklahoma. Subsequently the great Cherokee Strip was added, comprising almost one-half of Oklahoma. During all this time nothing was heard about the piecemeal method. People residing in those districts did not complain. They were being absorbed and attached, and were being prepared for statehood. And, last, the Kiowa, Comanche, and Apache countries, comprising three large counties of Oklahoma, were added. And that is the way Oklahoma has reached her present proportions, having taken these Indian reservations from time to time. They have done the natural thing—that is, treated with the Indians and opened this country.

The CHAIRMAN. Do you recognize, however, that there may be a difference in that respect between a State government and a Territorial form of government in the accretion of territory?

Mr. MCGUIRE. I do not know whether I understand your question.

The CHAIRMAN. Would you not recognize that there might be a difference between a State government and a Territorial form of government as to this gradual accretion, so to speak, of territory?

Mr. MCGUIRE. Well, it does not make any difference, Mr. Chairman, at least in this particular. You take the Indian Territory as it is at this time and they can better afford a Territorial government than a State government, although it would impose the burden of taxation.

Mr. THAYER. Why so?

Mr. MCGUIRE. Because it is universally considered, Mr. Thayer,

that the Federal Government pays certain of the running expenses of the Territorial government and does not pay any running expenses of a State government, and one of the arguments advanced against immediate statehood for Oklahoma, when we talk about waiting for the Indian Territory, is "You are doing well; the Government is paying your legislature, the Government is paying your Territorial officers, the Government is prosecuting criminals on Indian reservations." That is one of the arguments advanced. Simply that it is an economic measure.

You take the Indian Territory. If you give them a Territorial form of government, you increase the burden of every taxpayer in that country; you do not organize a single school district in the rural districts. Oklahoma has built hundreds of schoolhouses, and I do not know, gentlemen, of a single instance at this time where a schoolhouse has been built in that country except by the issuance of bonds. You gentlemen living in older States possibly can not appreciate that proposition, but in every single instance in my county, I think, where a schoolhouse has been built it has been built because bonds were issued. There has not been a single schoolhouse erected on Indian allotments or where large bodies of land were taken for Indian allotments in my county, or any other county in Oklahoma.

Mr. LLOYD. Do you intend to convey the idea that if you have a State you would not bond your districts for schoolhouses, or that the States themselves in building schoolhouses do not bond the district?

Mr. McGUIRE. I mean to say this, Mr. Lloyd: You take the older States and there are various ways, of course, of building a schoolhouse. They can inaugurate a sinking fund, or something of that kind, and build a schoolhouse without bonding. I was familiar with some districts in the State of Kansas where the building was constructed and never a bond issued, because they were old districts and they provided a sinking fund and allowed that fund to stand for years, and they ultimately had money enough to erect their schoolhouses. But in Oklahoma schoolhouses are not built without issuing bonds. That has been done all over the country and every county in the Territory, and is always done shortly after the country is opened for settlement or as soon as the land is deeded. What I mean by that is as soon as the homesteader receives his patent in fee and the real estate gets in that condition that you can sell the bonds.

Now, as to the piecemeal method, if it were not for the political idea of this matter, in my honest judgment, the proper, natural, and legitimate conclusion to deduct from the chaotic conditions in Indian Territory would be to say let the Creek Nation be attached to Oklahoma as soon as one-half of the real estate is taxable. Let the Cherokee Nation be attached to Oklahoma and become a part of Oklahoma as soon as one-half of the real estate of that country is taxable, and they ought not to come before at least one-half of their real estate is taxable. Aside from the political condition of things in that country, that would be the logical and philosophical and reasonable thing to do, just as Oklahoma has absorbed these other countries.

Mr. LLOYD. But, Mr. McGuire, is it not true under the provisions of your bill that the next session of Congress after the passage of an enabling act would have the power to add the whole Indian Territory if it desired?

Mr. McGUIRE. Yes, sir. I put in that provision, Mr. Lloyd, with

the view of leaving as much as possible to the wisdom of Congress and let Congress meet the conditions when it got to them. If it found it best to attach the Creek Nation, let it come; if it found it best to extend the lines around the entire Indian Territory, let it come; but I am now discussing the impracticability of letting those people come with Oklahoma at this time or of even giving them a Territorial form of government, however much I should like to see it done.

I want to be understood, gentlemen, like this. I am no less anxious, perhaps, than those who are now residing in Indian Territory that they have some relief. I have many acquaintances in that country. They have the intelligence and they have the strength numerically to form a State either with Oklahoma or by themselves, for that matter; but those white people have gone down there into the rural districts and accepted a condition. That has been Indian country, is Indian country to-day; the real estate is owned by the Indians. No man could go there without foreseeing the one fact that it was going to take years to unravel the unfortunate condition existing there at this time. Anyone could see that and anyone can see that at this time.

The CHAIRMAN. Speaking of the Creek Nation, can you estimate about when one-half of the real estate of the Creek Nation will be taxable? You spoke of the jointure of the Creek Nation to Oklahoma, when one-half of the real estate should be taxable.

Mr. SPALDING. Mr. Bixby stated that this morning.

Mr. MCGUIRE. No, if you will pardon me, he did not state when it would be taxable, but when it would be alienable. I wish the committee would get the distinction between the time when this land is alienable and when it is likely to become taxable.

Mr. MOON. Right there, Mr. McGuire, if you will pardon me.

Mr. MCGUIRE. Yes, sir.

Mr. MOON. Suppose Congress were to conclude that it were a wise thing to unite your Territory and the Indian Territory and make one State and place no restriction on the new State on the question of taxation. Then the new State would have a sovereignty and could tax everything in your Territory regardless of any agreements or treaties with the Indians, could they not, for school purposes or any other purpose?

Mr. MCGUIRE. If there were no restriction on this taxation of real estate?

Mr. MOON. By Congress; yes.

Mr. MCGUIRE. I think that is true.

Mr. MOON. Then you would be left alone to handle your own sovereignty according to the will of the majority of the people; you would have free government of your own?

Mr. MCGUIRE. Yes.

Mr. MOON. Is not that the best thing for you to do?

Mr. MCGUIRE. That will never be done, in my judgment, for this reason: Wherever the Government has treated with a tribe of Indians in Oklahoma there has been a specific provision that real estate should not be taxed, and the very best land in my county to-day is not taxed because it belongs to the Indians, and the very best land in about seven counties in Oklahoma to-day is not taxed because it is owned by Indians. That has always been the policy of the Government, and, in my judgment, will continue to be the policy of the Government as applied to conditions in the Indian Territory.

Mr. MOON. Did Congress put any limit upon that question of taxation?

Mr. MCGUIRE. Nothing was said, in my recollection, so far as the Pawnee Tribe of Indians is concerned, and that is the tribe which is in my immediate country, except this: That they could not dispose of it for twenty-five years within the time of the allotment.

Mr. MOON. And when is that out?

Mr. MCGUIRE. Thirteen years from this time. So you see the conditions in my country. Now, whether that means, Mr. Moon, that the State of Oklahoma could tax those Indians after that time is a question upon which I have not informed myself.

Mr. MOON. That is a question of law strictly.

Mr. MCGUIRE. But I am simply taking the conditions as they exist in Indian Territory and say—and I do not hesitate to make the statement—that Congress is not going to tax those Indians. They are going to be given the land. Most of that land is valuable, and most of those men are men of good business judgment.

Mr. MOON. But if they come into a State by act of Congress, without limitation, Congress has no further power over them.

Mr. MCGUIRE. But I say that, in my judgment, Congress will never permit that—

Mr. MOON. Suppose the limit, according to your idea—

Mr. MCGUIRE (continuing). Until the Indian is protected.

Mr. MOON (continuing). Would be a hundred years; you could not make a State in there. Do you think that is a correct proposition?

Mr. MCGUIRE. I do not know whether I get your idea.

Mr. MOON. Congress has made no limitation, or if it does make a limitation of fifty or a hundred years, and then, in its wisdom, sees fit to make a State without any reservation on that question at all, the new sovereignty would have the power of taxation.

Mr. MCGUIRE. Yes.

Mr. MOON. And if that were not true, then the fact that Congress might heretofore have made such an arrangement would prohibit us forever from admitting that as a State.

Mr. MCGUIRE. But it seems to me we ought to discuss probabilities and not possibilities. Taking the history of Congress in the past in dealing with Indian tribes both in Oklahoma and in the Indian Territory, we have every reason to believe, judging by what has been done, that Congress is not going to allow those Indians to be taxed.

Mr. MOON. Do you not think it would be better for them to give them statehood and let them be taxed?

Mr. MCGUIRE. No, sir.

Mr. MOON. That is really the question anyway?

Mr. MCGUIRE. No, sir; no universally. Speaking as one familiar with the Indians and their customs, I will make this statement in answer to your question: At present whenever the full-blood Indian has taxes assessed against him he almost invariably allows a warrant to issue to the sheriff. He knows nothing about paying taxes. They go and levy on his property and collect it, and it is always done at a great cost to the Indian, simply because the Indian has absolutely no business judgment.

Mr. MOON. Well, now, what per cent of the people of the Territory are in that condition?

Mr. MCGUIRE. I was going to get to that in a minute. That is the

fact with the full-blood Indians in my country. The full-blood Indian is alike wherever you find him; he has no business judgment. There comes another class, largely predominating in the Indian Territory, and, I might say, predominating in Oklahoma. That is the class of Indian who could pay taxes and would pay his taxes if there is that imposition by the Federal or State government; but that kind of Indian is the very fellow who is going to be here to protect to the last extremity every member of his tribe and his race and is going to protest to the last ditch against the Federal Government and against the State government levying a tax upon real estate, and they will come here and say, "It has always been the policy of the Government not to tax that land; are you going to take that extraordinary measure with us at this time?" I say in my honest judgment the Government never will tax those Indian allotments, at least until they get their land in fee.

Mr. McNEIL. In the State of Kansas that question was fairly and squarely presented about the right of a State to tax Indian lands, and the supreme court of the State said they had no authority to tax Indian land.

Mr. MOON. That depends on the terms altogether.

Mr. ROBINSON. Are you not making a false assumption as to the policy of Congress and as to the strength of precedent in their action, and is it not true by reason of the changed conditions of the Indians and reformed and enlightened dealings with them by Congress, and its having given them American citizenship, that the Indians themselves, or at least those that are enlightened and intelligent, would prefer to have the advantages of a State government notwithstanding that Congress would impose the burden of taxation for a State government; and that that, under the reformed and enlightened system of Congress pursued now for some years, will be the new system of policy in dealing with the Indian tribes in question?

Mr. McGUIRE. I think, Mr. Robinson, the thought suggested by yourself would be the false assumption. If that policy is going to change we have no evidence of it; if the policy with reference to the Indian is going to be reversed we have not up to this date had the slightest intimation of it. Any legislation of this kind or character would be met with a vigorous protest, in my judgment, from the Interior Department and from the Indians in Oklahoma and the Indians in the Indian Territory; and in the face of that condition of affairs I do not believe the Government would reverse and turn back from the policy heretofore established.

Mr. ROBINSON. Do you think that this condition of wardship and tutelage will be recognized as being the sound policy to be continued by the United States Government, notwithstanding the degree of intelligence the Indians have acquired, their acquirement of American citizenship, and the giving to them of the right of State government?

Mr. McGUIRE. I do, for this reason: That same degree of intelligence has pervaded every Indian tribe for fifty or one hundred years. You can go back fifty years and you will find that the Indian was intelligent, that the half-breeds and quarter-breeds among them at that time were intelligent, and there were what you might call white men among them who had the same intelligence there is among them to-day; but when it comes to legislating for the Indians the man who is the full-blood or blanket Indian is the man that creates the impression with Congress and with the Interior Department and this Govern-

ment, and it is for him that we have legislated, and we have never distinguished between him and the half-breed Indians.

Mr. ROBINSON. But we have destroyed the tribal relations; and I will ask you what your judgment is as to legislating so that the full blood may be protected and at the same time give the enlightened Indians opportunity to pay their share of taxation?

Mr. MCGUIRE. I can only answer that the like has never been done, and it would hardly be equitable to distinguish between the two, and I do not believe the Federal Government will ever do it, and if we have to wait for statehood for Oklahoma until the Federal Government does do that I think we will stay there as the Territory of Oklahoma for twenty-five years.

Mr. ROBINSON. This is about the only example that the Government has had of the condition that exists in Indian Territory.

Mr. MCGUIRE. Here is my country. Part of it has been opened for fifteen years, and no one, so far I know, has ever thought of taxing any Indian upon his real estate. The question has never been sprung, and I dare say if it were sprung in Oklahoma to-day every tribe of Indians, every man of every tribe, would protest to the last extremity against such a measure.

Mr. ROBINSON. Have they not with equal vigilance been protesting against the denial of a right to alienate their property, and are they not so protesting now?

Mr. MCGUIRE. No, sir; and I speak as one who knows. I have had an opportunity to know because I have lived adjacent to various Indian tribes for twenty-three years.

Mr. ROBINSON. Have they not been complaining to the Secretary of the Interior, and was not what you read this morning a very small proportion of the complaints made because they have not the power of alienating their lands?

Mr. MCGUIRE. No, sir; occasionally there is an isolated case where an Indian wants to sell his land; but in my county, at this time, there are thousands of Indians who have an opportunity to sell, but will not sell. It is only the reckless Indian who needs assistance, who needs guardianship, who needs attention from the Interior Department; he sells his land.

Mr. MOON. As a matter of information, I would like to ask this: In your bill for Statehood do you make provision that the new State shall not tax the Indians that are in Oklahoma?

Mr. ROBINSON. No, sir; I leave it to the Federal Government.

Mr. MOON. Then you propose to exercise in your new State the same sovereign rights in regard to those Indians that you think ought not to be exercised in reference to the Indians in Indian Territory?

Mr. MCGUIRE. Leave every Indian tribe to be controlled absolutely by the Federal Government.

Mr. MOON. Is that in your bill?

Mr. MCGUIRE. I am not prepared to say as to that; I do not remember whether I embodied that or not.

Mr. MOON. You have not cared for that question in your bill?

Mr. MCGUIRE. I can not say whether I have or not.

Mr. MOON. Now, as a matter of information on the Territory—I do not know whether I am correct or not and am asking you for your knowledge—in the Indian Territory there are probably very few uneducated Indians, the lower class of Indians, if you might so term them,

and as compared to the better-educated classes and the white people that class is about in the proportion of 60,000 to 600,000, is it not?

Mr. McGUIRE. I did not get the correct import, perhaps, of your question.

Mr. MOON. Well, I am informed that there are about 600,000 people in the Indian Territory that your objections to, on the ground of taxation, would not apply and about forty or fifty thousand, possibly, that it would apply to. How is that?

Mr. McGUIRE. That is not correct; no.

Mr. MOON. I wanted to give you an opportunity to give us information on that question.

Mr. McGUIRE. They own all the real estate in Indian Territory.

Mr. LLOYD. Except the towns.

Mr. McGUIRE. Except the towns; and my suggestion would apply universally to the Indian Territory, because all that real estate belongs to the Indians, and they are exempt from taxation.

Mr. MOON. What kind of Indian are you speaking of, the blanket Indian, or the half-breed, or what?

Mr. McGUIRE. All persons classed as Indians. By that I mean full bloods, half-breeds, quarter breeds, or any persons who are on the rolls.

Mr. MOON. What is the proportion of full bloods as compared with the others?

Mr. McGUIRE. I think, perhaps, you were not here this forenoon, and I tried briefly to make this point that I now desire to call your attention to because of the interrogatory you have propounded. There is a large per cent of these people in the Indian Territory classed as Indians who are persons of average intelligence at least, men who transact their own business and know how to transact business. They are getting this real estate because they are on the roll as Indians just as the full-blood Indian is getting his land. When that land is allotted to him it is one of the very best investments he could make at this time, standing there as it does without taxation, without expense to himself, with the land continually, all over that country, enhancing in value and with the certainty that it will continue to advance in value perhaps for years to come. That educated Indian, or white man, you might call him, if he has but little Indian blood, is going to preserve that investment in all probability, and even though the Government may say "You may sell your land, you have an opportunity to alienate," the question is, How are you going to induce him to alienate that land? So it resolved itself, not into the proposition of when he is going to have a chance to alienate, but when is he going to, in fact, dispose of it.

Mr. MOON. I was not on the question of alienation; my question was on the question of the right of the government—the new State—to tax. Now, if 600,000 people there are fit for citizenship and 40,000 ought to be protected, according to your idea, as not fit for citizenship, would it be a wise thing for the Government to establish a State there and let the State deal with those things and dispose of those questions themselves?

Mr. McGUIRE. I would be very glad to see that done, but in my judgment it will never be done, for this reason—

Mr. MOON. It will never be unless we do it, and that is what we are considering.

Mr. McGUIRE. But there stands the Senate of the United States, and the Indian protective associations, and the Indian tribes, who have always figured largely in legislation of this kind, and I say it would be a radical departure from present conditions, and one we can not reasonably expect from the Government; and I say now, if we have to wait until that time comes, then Oklahoma will be waiting twenty-five years for statehood.

Mr. SPALDING. There are treaty obligations in the way?

Mr. McGUIRE. Yes, sir; and the Government does not arbitrarily railroad those people into anything.

Mr. LLOYD. But is it not a mistaken assumption in Mr. Moon's question that the 40,000 or 50,000 to whom he refers are not intelligent people. You do not say they lack intelligence?

Mr. McGUIRE. No; I did not.

Mr. MOON. I was assuming that his position was that that many people ought to be cared for as wards, that they had not sufficient intelligence to care for themselves.

Mr. SPALDING. As I understand it, it is not a question of the Indians, but a question of the real estate.

Mr. McGUIRE. Yes; the real estate is owned by the Indians.

Mr. LLOYD. But you do not say the 40,000 or 50,000 who are there—

Mr. McGUIRE. About 80,000.

Mr. LLOYD. You do not say they are not intelligent?

Mr. McGUIRE. I say as a rule they are intelligent. Probably 75 per cent of them are persons of fair intelligence.

Mr. MOON. The point I was making was this: As to whether it was wise or not to preclude from the rights of citizenship 600,000 people because there happened to be there 40,000 or 50,000 people that you think need the protection of the Government, that the Government ought to look after as its wards.

Mr. McGUIRE. It is like this: Whenever you go to legislate for those people the United States Senate stands in the way, and probably the House of Representatives; you are going to be confronted with this condition of affairs; protests will come from the Indian protective associations, protests will come from Indian tribes saying that those people are intruders. Those protests will say, "Those people came here and accepted the conditions as they found them."

There is no question about the Indian being in the minority. But they will say, "We are here because we have a right to be here; we have a right to be here by reason of the treaties with the Federal Government. It has been said we shall have these lands. These parties have come in and located on them, and while they may exceed us in numbers they have not the equity; the equity is with the Indian tribe." And that equity is going to be protected, in my judgment, not only by the House of Representatives, but by the Senate of the United States.

Mr. MOON. I wanted to get the force of your position in connection with the bill you introduced. I understood you then to mean this: That you want separate statehood for Oklahoma, and do not want any part of Indian Territory attached to you?

Mr. McGUIRE. I can not say we want to go that far.

Mr. MOON. Why should you, if the conditions in the Indian Territory are as they are, why should you desire to piecemeal that country

rather than to leave it in block as it stands, hereafter to be organized in a Territory or State?

Mr. McGUIRE. I do not desire that that be done, but my argument was along the line that it was the only feasible thing to do unless you throw the lines around there and say "Come as unorganized territory, just as the Osage country is with Oklahoma, until one-half or one-third of your land is taxable and until you can creditably support local government."

Mr. MOON. Do you not think it would be better, from your own standpoint, from the logic of your position, to make a State of Oklahoma alone and not attach any part of the Indian Territory, but leave that Territory as it is now and organize it, if necessary, into a Territory to prepare it for statehood hereafter?

Mr. McGUIRE. That would be my idea, Mr. Moon.

Mr. MOON. You do not want to encumber those people with a provision in your bill that will threaten their integrity all the time?

Mr. McGUIRE. No, indeed.

Mr. MOON. Then I understand you stand alone for Oklahoma statehood, with no part of the Indian Territory attached as the best policy?

Mr. McGUIRE. I should be pleased, indeed, to have that done if it is practicable—if the American Congress would accept that condition; but this other is simply an extraordinary measure to try to meet the ideas of any person who may be opposed to statehood for Oklahoma. We are trying to get something through, and we are trying to get something through without unloading an unbearable burden on Oklahoma, and at the same time doing nothing to burden the people of the Indian Territory.

Mr. THAYER. I do not know that I fully comprehend your situation here as I have been listening to it. I understood you to say that you were not in favor of Territorial government for Indian Territory, and if it was established there they would not have schools?

Mr. McGUIRE. I did.

Mr. THAYER. Now, assuming that the Government will maintain its portion of any taxing of Indian lands—as I think you are right in assuming they will not—you say in Oklahoma you have established your schools by bonding the different districts for building school-houses?

Mr. McGUIRE. Yes, sir.

Mr. THAYER. Now, assuming that the land is going to remain untaxed that belongs to the Indians, and a great majority belongs to them now, as I understand it, in Indian Territory; am I right?

Mr. McGUIRE. Yes; practically all of it.

Mr. THAYER. A great majority of it, but the towns do not?

Mr. McGUIRE. All but the towns.

Mr. THAYER. Now, what is your objection if the Congress of the United States saw fit to give Indian Territory a Territorial form of government under the conditions which I have stated? You say you are opposed to it; why are you opposed to it?

Mr. McGUIRE. I will not say that I am opposed to it.

Mr. THAYER. I understood that is what you said, that is what rather startled me.

Mr. McGUIRE. I perhaps made that statement, but I did not mean to go that far.

Mr. THAYER. I think you said that half an hour ago. I intended to ask you about it.

Mr. McGUIRE. I intend to go this far: While it would be nice for those people to have a Territorial form of government, my judgment is that it would be hardship upon the taxpayers of that country.

Mr. THAYER. That is, the white men in the towns?

Mr. McGUIRE. Upon all persons who are taxed, the white men in the towns and the men who are on the allotments who have personal property, because, judging by what was done in Oklahoma, that would plunge every county in that Territory in debt the very day of the organization of the government.

Mr. THAYER. If they pay their proportionate share of taxation joined with Oklahoma, will they not have to pay as much as if they were separate as a Territory?

Mr. McGUIRE. I think about as much.

Mr. THAYER. Then the taxation would not be any more detrimental to that people with a Territorial form of government than it would uniting with Oklahoma in a State form of government?

Mr. McGUIRE. It would not, but each would mean a burden, either way you take it, and if they come in with Oklahoma it not only means a burden for the people in Indian Territory, but it also means a burden for the people in Oklahoma. The condition is, Mr. Thayer—

Mr. THAYER. Then there is no additional burden on the people of Oklahoma if we do not join them?

Mr. McGUIRE. No.

Mr. THAYER. Then why do not we come to the conclusion that it is better for them, if the taxation is going to be the same, that they should be left with a Territorial form of government?

Mr. McGUIRE. If they do not come in with Oklahoma and you should give them a Territorial form of government you do increase the burden, because any man pays for government.

Mr. THAYER. Well, a man that buys a washdish and washes his face in it rather than out of the brook is willing to have an additional expense attending it.

Mr. McGUIRE. But here it is all right to organize them into a government if you do not increase the burden to the point that they can not bear it. In Indian Territory they have not the taxable real estate.

Mr. THAYER. But from the testimony I have heard here those people are not only willing to take that burden, but want to take it, and they want to be joined with you, and they come here, I think, numerically, two to one with that request.

Mr. McGUIRE. I think that is true—

Mr. THAYER. Then we must conclude that they are willing to take some burden of taxation on themselves, whether we think it is for their good to remain by themselves or not.

Mr. McGUIRE. I think, unquestionably, from the expressions we have heard here, the people of Indian Territory are willing to take on the burden of Territorial organization and local government, either with or without Oklahoma; but speaking as one who has watched Oklahoma's development, and knowing the experience of every county in Oklahoma when they did not have any real estate, I do not hesitate to say that the people of Indian Territory are assuming a burden the proportions of which they do not realize.

Mr. THAYER. Do you think the committee ought to assume that position, that if they come here and say that they are willing to pay for the thing, that we ought to say that we will not do it?

Mr. MCGUIRE. As long as it is no imposition upon anybody else we ought to let them have it; but I say it will be a burden for those people and hundreds of them do not realize what they are asking for or what it would mean. They think they are getting schoolhouses and school districts, and they can not get them.

Mr. THAYER. Why not?

Mr. MCGUIRE. Because they can not sell a bond and they can not build a schoolhouse.

Mr. THAYER. Why can they not, if admitted to Territorial rights; why can't they do it as well as you do it on the other side of the line?

Mr. MCGUIRE. I will tell you. We have been up against the same objections in a minimized form in Oklahoma. Take the indemnity lands that we have in Oklahoma to-day, and there is not a school district where they have a schoolhouse, and the people in those counties are saying now "Give us some sort of relief." They can not vote a bond; they can not support a school. That is the condition in my Territory where we have Indian allotments, and that condition prevails throughout the Indian Territory. I say that they do not get the relief intended; that the Quay bill or the Robinson bill would not give the relief intended for those people.

Mr. MOON. You do not mean to say that the State would not have the power, under its constitution, to levy a tax for school purposes, if it saw fit, regardless of county lines?

Mr. SPALDING. But if Indian Territory and Oklahoma were admitted together that tax would be paid by Oklahoma.

Mr. MCGUIRE. That is it, exactly.

Mr. MOON. Oh, no. In the towns in Indian Territory, now, they are maintaining schools, and good ones, too, and if the new State were formed of the two Territories—and I will say now, that I would prefer it not to be done that way—but, if they were formed together, your legislature would have the power, under your constitution, to levy a tax for school purposes and apportion it as equitably as they could and in such way as they saw fit.

Mr. MCGUIRE. No——

Mr. WILSON. Suppose the title was not in them; suppose the title was still in the Government?

Mr. MCGUIRE. So far as the real estate is concerned, yes; and, Mr. Moon, we have a legislature now in Oklahoma——

Mr. MOON. That goes back to the question I asked you a while ago. I do not care where the title is, if it is within the boundaries of a sovereign State, and Congress itself, in creating the State, does not lay the inhibition, the power is reserved to the people of the Territory, I think.

Mr. MCGUIRE. But there is going to be an inhibition so far as the real estate is concerned, I think; and my judgment is that there is going to be an inhibition so far as the people of Indian Territory are concerned—that is, with the Indians and their real estate.

Mr. RODEY. There are very few Indians using that land themselves.

Mr. MCGUIRE. Yes.

Mr. RODEY. These leases are taxable, are they not?

Mr. McGUIRE. No; they might be taxable under some sort of tribal law in the Indian Territory.

Mr. RODEY. I mean these lessees are principally white men?

Mr. McGUIRE. Yes.

Mr. RODEY. If I had a valuable lease on a piece of property I know very few States in which that is not taxable. I have to render that as part of my property, subject to taxation.

Mr. McGUIRE. But I can not conceive, when you talk about taxing a leasehold—I can not conceive how you are going to get much tax out of that. It is only valuable so far as conditions may make it valuable. You have a lease, and the mere lease of itself may be of little value.

Mr. RODEY. Or it may be of a good deal of value. It may be worth the price of the land.

Mr. McGUIRE. I can not conceive of how you are going to tax the leasehold without minimizing the value of the lease, and they are going to make those leases worth as much to the Indian as possible, and if you are going to tax them the first thing a man will say when he proposes to lease that land will be, "How much tax is there on this leasehold?" and there will be a protest against that. I do not see that much tax could be gotten from that.

Mr. MOON. Your Territory now taxes all personal property and all leaseholds in the Indian part of the country?

Mr. McGUIRE. Just personal property, as I understand it.

Mr. MOON. And leaseholds, too?

Mr. McGUIRE. No; I think not.

Mr. MOON. I understand they do.

Mr. McGUIRE. No; I think not. We tax real estate and personal property, and that is all we tax.

Mr. MOON. A lease is personalty subject to taxation if there is no limitation on it.

Mr. McGUIRE. But leases are not taxable in my Territory.

Mr. ROBINSON. Mr. Bixby is here, and he is a thorough expert on the subject, and I would like to know how many blanket Indians there are in the Indian Territory first, and, next, how many full-blood Indians, who probably more need the wardship of the Government than the others, if you can give that?

Mr. McGUIRE. I can only give you what the census gives. The population of Oklahoma, of white population, in 1900 was 367,524; negro, 18,831; Indians, 11,945. That includes all.

The CHAIRMAN. What is the total?

Mr. McGUIRE. Three hundred and ninety-eight thousand three hundred and thirty-one.

Mr. ROBINSON. That is Oklahoma?

Mr. McGUIRE. Yes; in Indian Territory the white population is 302,680; negro, 36,853; the Indian population there is 52,500; Chinese, 27.

Mr. ROBINSON. But who are classed as Indians? Mr. Bixby is here now, and he can give us the number of blanket Indians in the Territory and the number of full bloods.

Mr. McGUIRE. As to those blanket Indians, I want to make a suggestion. Some one seems to have the idea that a blanket Indian is a full-blood Indian, and that all others are mixed bloods. That is not true. There are hundreds of full-blood Indians who do not wear

blankets, and there are hundreds of Indians who have some white blood in them who do wear blankets.

Mr. ROBINSON. But that would not prevent Mr. Bixby from giving us those figures.

Mr. McGUIRE. That is true, but some one talked about there being more blanket Indians in Oklahoma than in Indian Territory. That is perhaps true, because those wild tribes were sent down there—that is, after the Indian Territory was populated by Indians—and it is their custom to wear blankets, while there are hundreds of full-blood Indians in the Indian Territory who do not wear blankets.

Mr. ROBINSON. Can you give us, with the assistance of Mr. Bixby, the number of blanket Indians in the Indian Territory and the number of full bloods in the Indian Territory?

Mr. McGUIRE. The number of blanket Indians and the number of full bloods?

Mr. ROBINSON. Yes; separately.

Mr. McGUIRE. You do not mean to convey the idea that only the blanket Indians are full bloods?

Mr. ROBINSON. No; that is the reason I separate them in asking for the information through Mr. Bixby?

Mr. McGUIRE. I do not know, but I should judge in Oklahoma there would be 3,000 blanket Indians, perhaps; that is simply my judgment as one who has been attending the Federal courts where these Indian tribes were for ten years, and knowing something of the conditions of these tribes; I should think there were 3,000 blanket Indians in Oklahoma. As to the Indian Territory, my experience is that for a number of years I have seen but very few blanket Indians, but I have seen a great many full-blood Indians.

Mr. ROBINSON. With the assistance of Mr. Bixby, can you give us the number of full-blood Indians?

Mr. McGUIRE. I do not think my knowledge is sufficient.

Mr. BIXBY. Seventeen thousand and some.

Mr. ROBINSON. Full bloods?

Mr. BIXBY. Yes, sir.

The CHAIRMAN. Blanket Indians?

Mr. BIXBY. No, sir; there are no blanket Indians that I know of there; at least no blanket Indians in the sense we talk of blanket Indians in the far West.

Mr. McGUIRE. But they are full bloods?

Mr. BIXBY. Yes; 17,000 odd full bloods.

Mr. McGUIRE. That is almost twice as many as we have in Oklahoma, and I desire to call your attention to the fact at this time that the statement has been made from time to time before this committee that there are more full bloods in Oklahoma than in Indian Territory.

The CHAIRMAN. How many blanket Indians did you say there are in Oklahoma?

Mr. McGUIRE. Three thousand blanket Indians.

The CHAIRMAN. How many Indians are there in Indian Territory?

Mr. BIXBY. About 50,000. That includes all Indians who are members of the tribes. I am speaking of the members of the tribes. Of course there are some Indians that do not belong to the tribes.

Mr. LLOYD. Are you not mistaken in saying that witnesses here have said that there are more full-blood Indians in Oklahoma than in

Indian Territory? I think what they said was that there were more blanket Indians in Oklahoma.

Mr. McGUIRE. Very well; I will stand corrected, then.

Mr. BIXBY. I want to be understood correctly as to my reply to the question just asked me. There are about 50,000 Indians in Indian Territory; that is, people of Indian blood. There are over 80,000 members of the tribes. About 25,000 of these are negroes; and then there are 6,000 or 7,000 white men and women.

The CHAIRMAN. What do you say the present population of Indian Territory is, Mr. Bixby?

Mr. BIXBY. I have no means of knowing exactly, but just as a guess, I should think pretty close to 700,000.

The CHAIRMAN. And what does the census give?

Mr. BIXBY. A little less than 400,000.

Mr. McGUIRE. Three hundred and ninety-two thousand.

The CHAIRMAN. It is gaining pretty rapidly?

Mr. McGUIRE. Yes.

The CHAIRMAN. What kind of people are those that make up this gain?

Mr. BIXBY. White people; very few negroes are coming in.

The CHAIRMAN. Are they coming from all parts of the country?

Mr. BIXBY. Mostly from Texas, Arkansas, Missouri, Kansas, and Iowa, but to a limited extent from all parts of the North.

Mr. McGUIRE. I would ask you whether there has been any census taken since 1900?

Mr. BIXBY. No; not that I know of.

The CHAIRMAN. On what do you base your present estimate of the population?

Mr. BIXBY. Observation.

The CHAIRMAN. What have been your opportunities for observation?

Mr. BIXBY. I travel very extensively up and down the Territory and visit the biggest towns, and I have noticed that the towns are growing very fast.

The CHAIRMAN. And what is your official position?

Mr. BIXBY. I am chairman of the Dawes Commission, the Commission to the Five Civilized Tribes.

Mr. McGUIRE. In this connection I desire to make a few observations in reference to the population of Oklahoma and Indian Territory. Mr. Bixby has stated that he has no means of telling what number of people they have in the Indian Territory except it is purely a matter of judgment obtained from his knowledge of conditions in the various communities of the Indian Territory. When the census was taken in 1900, Oklahoma had 398,000 in round numbers, and the Indian Territory had 392,000 population. Since that time Oklahoma has built more lines of railroad, established more towns, and our towns have grown as fast or faster—I will not say faster, but I can reasonably assume to say that they have grown as fast—as the towns in the Indian Territory. We have placed the figures in this argument at 650,000 population in Oklahoma, but I notice it has been placed at 700,000 for Indian Territory.

Now, what has been going on since the census was taken? There ought to be some means of getting at those figures a little better than we have done. The Kiowa, Comanche, and Apache country (including Comanche, Kiowa, and Caddo counties) in Oklahoma was opened after

the census was taken, and in those three counties there were about 100,000 who went in there at one time from the different States. That makes an increase in Oklahoma of 100,000 at one time. In addition to that, when the census was taken there was Beaver County, which only had a population of about 3,000, and now it has a population estimated at 9,000. That same proportional growth, Mr. Chairman, has been carried on in Woodward County, in Woods County, in Day County, in Greer County, in Roger Mills County, in Dewey County, in Custer County, in Washington County, and largely in Garfield and Grant counties, because the land was not all taken up in those counties, and in a number of them only a small part of it was taken up at the time the census was taken.

Now, then, with the acquisition of 100,000 at one time since the census was taken in Oklahoma, with all those big counties taken up in the western part of Oklahoma, hundreds of thousand have gone in. More railroads have been built, more towns built, and the growth of the towns has been as great as in Indian Territory, and yet we only claim 650,000, as shown by the assessors a year ago. In the Indian Territory, where they have had none of these reasons for increase of population, they are claiming 700,000.

That is the situation, and that is in keeping with some of the arguments offered before this committee. I heard one gentleman say here that Sapulpa had over 5,000. I think I can come within 200 of the population of Sapulpa. Two thousand five hundred would not miss it 200, in my judgment. I heard a statement here the other day that Ardmore had 15,000 people. That is a mistake. And if we make a corresponding reduction in other statements of that kind—

The CHAIRMAN. What did the census show for Ardmore—5,000?

Mr. McGUIRE. I think so.

The CHAIRMAN. And it was conceded that it probably has a population of 10,000?

Mr. McGUIRE. I should say at present that Ardmore has 7,000 or 8,000. Do you know, Mr. Bixby?

Mr. BIXBY. No; but I should think about 10,000.

The CHAIRMAN. That is a pretty big gain.

Mr. HOWE. I made the statement in regard to that, and I now find by correspondence that it has a little over 11,000.

Mr. McGUIRE. Do you know the basis of their estimate?

Mr. HOWE. The city census. I wrote to ascertain, and my answer was that it has between 11,000 and 12,000. I can only give it as given to me by one of the best gentlemen I know; a man whom you know and whom I believe to be reliable.

Mr. McGUIRE. Was he a real estate man?

Mr. HOWE. No, sir; he is a Federal official.

Mr. McGUIRE. Speaking about towns in Indian Territory, Oklahoma at the time of the census had 10,000 or a little less. Oklahoma City to-day has not one man less than 25,000. That has been the growth in Oklahoma. Guthrie has had almost a proportional growth. Shawnee, Elreno, Enid, and dozens of towns I can mention in Oklahoma have had a correspondingly large growth. My judgment is that we have 700,000 people in Oklahoma; judging from the history of those two Territories, the Indian Territory at this time has not within 150,000 or 200,000 of what Oklahoma has. Indian Territory has more

waste land; she has thousands and thousands of acres of land in that country which are not settled up—has comparatively no one on it.

The Boston Mountains run up into that country, and through that mountain region there are very few people. On the other hand, we have very little waste land of that character in Oklahoma. The Wichita Mountains have hundreds of miners scattered through them. I think about 3,000 claims have been staked out in that country. Yet we have not over 700,000 people in Oklahoma, and those people are claiming as many as that in Indian Territory. I say, Mr. Chairman, that, judging from what has been going on—and I have had an opportunity to know—those people are not within 150,000 of what we are at this time in point of numbers, and yet they are asking for the same representation at the constitutional convention.

Mr. LLOYD. Do you mean to express the idea only that Oklahoma Territory has grown more rapidly than Indian Territory?

Mr. MCGUIRE. Yes, sir.

Mr. LLOYD. You do not dispute the proposition that Indian Territory has grown more rapidly than any other Territory except Oklahoma since the census was taken in 1900?

Mr. MCGUIRE. I could not say it has grown more rapidly than any other Territory, although I should judge, perhaps, that is true; and outside of the opening up of that Indian country, Mr. Lloyd, and the taking up of all the land in the waste part of Oklahoma, I do not see why the Indian Territory should not have grown as fast as Oklahoma.

Mr. ROBINSON. What about the coal mines there, and the oil fields, which always inject a large incoming population?

Mr. MCGUIRE. The oil fields are on the line; there are as many in Oklahoma as in Indian Territory; a large tract of oil country is in Oklahoma and not in Indian Territory, as has been discovered now. It has been said from time to time that Oklahoma had no minerals. A few days ago on the line between Indian Territory and Oklahoma they discovered a 6½-foot vein of semianthracite coal.

Mr. ROBINSON. But that has not been developed like Indian Territory?

Mr. MCGUIRE. No; because in Indian Territory they have been developing for years, and Oklahoma is comparatively new.

Mr. ROBINSON. Did you take that feature in, that they had a large development for years as against your nondevelopment of the coal lands?

Mr. MCGUIRE. They have only developed the coal lands for so long a time. They have been developing oil lands in Oklahoma as long as they have been developing them in Indian Territory, and this oil land is not alone in Indian Territory and not alone in Oklahoma Territory. I will show you where it is on the map. The oil land is immediately north of the Osage Indian Reservation in Oklahoma, including Chautauqua and Montgomery counties, Kans. That is where the great Kansas oil fields are.

(Mr. McGuire pointed out on the map the location of these oil fields.)

They extend almost as far west as Arkansas City, and they have discovered oil in all of this eastern part of the Osage Indian Reservation. But they have not as yet prospected in the western part. Immediately north of the Osage country in Kansas is the richest oil field that they have discovered. Those fields do not extend as far north as Checotah in the Indian Territory and that would indicate that the heavy oil

field that is to be developed in that country is in Oklahoma, including the Osage Nation, Pawnee and Payne counties, and not in the Indian Territory. So I think it is safe to conclude that it is Oklahoma that has the oil.

Mr. ROBINSON. How do you avoid the force of history, where most of the Western States, starting with a population of from 60,000 to 75,000 people, were given statehood, and developed? With the richness that has been portrayed in each of these Territories in agricultural wealth, it would seem that so many people as you have in those respective Territories would have change enough in their pockets to pay the taxes for establishing a State government and develop as those great Western States did develop when they were admitted with only 60,000 to 75,000 population each.

Mr. MCGUIRE. I will tell you, Mr. Robinson, there has in all the States which have heretofore been admitted to this Union never been a condition, so far as real estate is concerned, like that which exists to-day in the Indian Territory. In every State in the Union there has been real estate to tax, and I will undertake to say now that there is not a community scarcely in this country outside of the cities that can support a government and support schools without the assistance of real estate to tax. And it is an unfortunate condition that exists in the Indian Territory that must in some way be met, and that this bill introduced by yourself does not meet, and the one introduced by Mr. Quay does not meet.

Mr. MOON. How much Indian land is there in your Territory that is not taxable?

Mr. MCGUIRE. I think there are about seven counties that have Indian lands, and in my county there is about 10 per cent; I think in Caddo County there is about 10 per cent, and in the other counties where Indian land is found there is less than 10 per cent, and still we feel the hardship incident to that condition of affairs.

Mr. HOWE. Will you allow me, there?

Mr. MCGUIRE. Certainly.

Mr. HOWE. There are 3,900,000 acres allotted.

Mr. MCGUIRE. And where that is found we feel the hardship. And you take the entire Indian Territory and you will commence to see what it means, when compared with a similar condition in Oklahoma.

The CHAIRMAN. This land will not be taxable until the Indians sell?

Mr. MCGUIRE. Receives his land in fee or sells.

Mr. MOON. You are going to tax the land in Oklahoma that is not taxable now; you will tax it under the provisions of your bill?

Mr. MCGUIRE. No, sir.

Mr. MOON. There is no provision against it, is there?

Mr. MCGUIRE. There is no provision in my bill against it, but there is a provision with the Indians and with the Federal Government that that land is inalienable until a certain date, and the Territory will never undertake to tax the land—

Mr. MOON. That is a matter of speculation, as to what the State will undertake to do when it gets control.

Mr. MCGUIRE. I am entirely inclined to think that the American Congress will never permit it.

Mr. MOON. You think your bill will be amended?

Mr. MCGUIRE. I think so; if that provision is not already in the bill. I am not prepared to say it is not.

Mr. MOON. You are willing to get along with territory that is not to be taxed in the new State; you will submit to an inhibition on it? Why would not the same rule hold as to the Indian Territory, and let them have the government over there?

Mr. MCGUIRE. I would be glad to see them have the government, but I am simply discussing these propositions, showing what would become of them. I am not opposed to the Indian Territory, and I would like to see those people have some relief. It is an unfortunate condition. But I am discussing conditions which I think would come to those people by the Quay or Robinson bill. Neither of those bills give them the relief they need, and the relief expected, because they would have the burden of government under those bills without the real estate—

Mr. MOON. I thought your point was that they were going to get too much relief to the prejudice of Oklahoma?

Mr. MCGUIRE. If they are attached to Oklahoma it would give them local government to the prejudice of Oklahoma, and Oklahoma would seriously object to that proposition: but if they invite a thing, if they want a thing, as suggested by some member of the committee, why not give it to them?

Mr. MOON. You are not opposed to them having anything they want?

Mr. MCGUIRE. Certainly not.

Something has been said about Oklahoma piling up indebtedness in case our institutions should be located before they come. Oklahoma has sustained many hardships, and the condition of her debt to-day is this. We have \$48,000 bonded indebtedness, bonded for school purposes when Oklahoma was originally admitted. We did not then have any real estate to tax and that is where we got our bonded indebtedness. We have been accumulating from year to year to offset that indebtedness, and the bonds have not matured at this time; and Oklahoma has raised a sufficient amount of money and there is a sufficient sum now in the hands of the Territorial treasurer to discharge every dollar of that bonded indebtedness, and to-day in the Oklahoma treasury there is \$885,000 in cash. And Oklahoma has an outstanding warrant indebtedness in the Territory of \$600,000. So it does not look as if the people of Oklahoma were very reckless; it does not look as though we were piling up a debt for any country; because we have at this time \$285,000 in cash after every dollar of indebtedness in that Territory has been paid. That is our condition.

Mr. LLOYD. Do you not think that that encouraging financial condition in your Territory ought to be a very encouraging indication to the people of the Indian Territory?

Mr. MCGUIRE. It might be, and would be, if conditions were the same there, but you can see that the conditions are not the same there, but are very different.

Mr. LLOYD. But I understood you to say in argument that your indebtedness was brought about by reason of the fact that when you began as a Territory you had the same conditions to meet as the Indian Territory must meet?

Mr. MCGUIRE. That is true; we had that condition to meet at that time, but the conditions in Oklahoma were such that we soon came out from under those disadvantages, because our real estate was taxable; and if our real estate was not taxable, instead of having \$285,000 to

our credit to-day we would be continually plunging more and more into debt from time to time.

Our real estate became taxable and it is the real estate tax that has enabled us to carry on our government, to organize our school districts, to build our schoolhouses, and pay our indebtedness.

Mr. LLOYD. Can you tell us the amount of the assessment of real estate in Oklahoma and the amount of personal assessment at the last assessment?

Mr. MCGUIRE. No, sir; I can not.

Mr. SPALDING. Real estate in Oklahoma was not taxable, because the title was in the Government?

Mr. MCGUIRE. That is true; that is it.

Mr. SPALDING. And it has become taxable as the people have proven up their claims?

Mr. MCGUIRE. That is right. But that condition does not exist in the Indian Territory. They would not only have the same condition as in Oklahoma to meet in the beginning, but they would have a perpetuation of those difficulties, and if they come in with Oklahoma we will have the burden to carry. We will have to endure the hardship incident to frontier life, and I say it will be loading us too heavy. It ought not to be asked of the people of Oklahoma at this time, either for political or any other purpose, to carry that burden.

So there is only one of two things to do, in my judgment; either let Oklahoma come in alone as a State or else throw the lines around Indian Territory and leave it as unorganized territory until a certain amount of their land becomes taxable and then let them come in.

Mr. MOON. I do not understand why you, in making your fight for Oklahoma, persist in your conviction that the people of the Indian Territory should not have some relief, either by a Territorial government or some other method.

Mr. MCGUIRE. I did not intend to convey that idea.

Mr. MOON. Because if what you say is true about the conditions and they are as hard as they say, and they can not be changed, there ought never to be any relief for the Territory.

Mr. ROBINSON. Mr. McGuire in his opening statement assumed, I believe, that there ought to be ultimately a joining of those two sections.

Mr. MCGUIRE. I have not any objection to their ultimate joining. Mr. Moon, I did not mean to say that they should not have this relief, but it is an unfortunate condition, and I do not see why I should not discuss it, and the mere fact that I have discussed it and have suggested the unfortunate condition over there does not mean that I am opposed to their having relief, whatever that relief should be. I should like to see them have relief, but that does not prevent me discussing the conditions. This Robinson bill provides \$5,000,000 for the support of common schools, the intention of which is to offset the price of the school land in Oklahoma Territory.

We have over two and one-half million acres of school land in Oklahoma, worth \$25,000,000. It occurs to me, gentlemen, that the Federal Government is not likely to set apart \$25,000,000 for the people of the Indian Territory, and this would impose another hardship upon the people of Oklahoma if it were not done. I say we have gone there and we have faced every hardship incident to frontier life; our people have gone there—not wealthy—they have gone upon quarter sections of land and they have economized; they have stayed there and

worked year in and year out. The American Congress has been magnanimous with the people and has given us this immense sum for school lands, from which we are obtaining at this time about \$400,000 a year, and in the near future we will have \$500,000 a year. It is a fortunate condition in one particular for the people of Oklahoma. It is ours; it belongs to us. But I say that the General Government is not going to make an appropriation of \$25,000,000 for the people of the Indian Territory, and it would take that sum to offset the price of the school land in Oklahoma.

The CHAIRMAN. I did think of answering your question, and then thought perhaps I would not. I thought of saying that from the testimony, and from the statements made here, Oklahoma has been an excellent Territory to go to and that those who have gone to Oklahoma have accumulated wealth very rapidly, indeed, and great wealth; and without any great hardship as compared, perhaps, to the settlers in the wooded countries—the more heavily timbered countries, and they seem to be a very prosperous community now.

Mr. McGUIRE. Yes; we have the get-there qualities.

Mr. ROBINSON. Is it not true that the Government was not only magnanimous to Oklahoma, but likewise by the same act enabled her to form a Territorial form of government, and provided that ultimately the people should be attached to Indian Territory or that Indian Territory should be attached to Oklahoma, and does not that serve notice to the people who have gone through the patrimony days that they must yield part of the privileges that they have had and go in with the people of the Indian Territory?

Mr. McGUIRE. There is nothing in the first place that means that we shall be attached to the Indian Territory. If it were it is simply a provision passed by the American Congress and could be substituted by another law. No difference about what the original intent was, it is simply a Congressional act, and if the American Congress wants to change the policy by reason of certain developments in the Indian Territory or elsewhere there is nothing in the way of doing it.

Mr. ROBINSON. They have the right; but why was the provision put in, if it was not as I suggested?

Mr. McGUIRE. I undertake to say that as long as the American Congress has done nothing more for Oklahoma than it has done for other States we have no right to assume that it was the purpose of the American Congress to set aside the same amount of land in Indian Territory. I will undertake to say that it has never been the intention of the American Congress to take part of the school land now belonging to the people of Oklahoma and give it to the Indian Territory.

Mr. ROBINSON. But your whole Territory was formed by Congressional process of piecemeal attachment, and this attaching of Indian Territory to you would simply be what was intended and something of which notice was served on you by the original act, and if it meant anything, did it not mean that?

Mr. McGUIRE. No, sir; for this reason: Every time there has been a section of country attached to Oklahoma since the organization of that Territory there has come with that country school land provided for in that country, and if we follow out the same policy that the Government has followed since the early organization of Oklahoma Terri-

tory, it simply means that when the Indian Territory comes their school land must come or its equivalent in money.

Mr. ROBINSON. I might suggest, Mr. McGuire, that the bill that I introduced provides that you should have for Indian Territory's allotment of land an ample provision.

Mr. MCGUIRE. An ample provision? I understood it was \$5,000,000.

Mr. ROBINSON. Selected within Oklahoma Territory, but really giving it to you as the public land.

Mr. MCGUIRE. We are opposed, Mr. Chairman, to going to Oklahoma, or Nebraska, or Kansas, or Indiana, or any other State and getting land and giving it to Indian Territory. I say this Government should provide that land from Indian Territory.

Mr. ROBINSON. But they are provided from the United States public lands, and what difference does it make that a State line separates them?

Mr. MCGUIRE. It might not make any difference to those having no interest in us, but we are entitled to have men locate, pay taxes upon this real estate, and not exempt from taxation that land and take the proceeds over and give them to the people of Indian Territory. I say it is not the policy of the Government, and the Government, in my judgment, will not do it. We are entitled to those public lands; we are entitled to have settlers there; we are entitled to have it deeded; we are entitled to the taxes coming from that land.

A BYSTANDER. They can be sold and you would get the annual fund?

Mr. MCGUIRE. It could be done, but it would not be proper to do it. We are not coming to Indian Territory and asking something that belongs to it, and in my judgment the Indian Territory has no right to the public lands yet remaining in Oklahoma.

Mr. Chairman, I have here a few observations with reference to the conditions in Oklahoma, and it will only take me a few moments, and I will undertake to read it, and that will close my argument on this subject.

I have here covered a few things which have been said of Oklahoma, and refer to some matters which I think have not been discussed before the committee:

"The present area of Oklahoma is 38,830 square miles; larger than Indiana or Maine, and about the size or a little less in size than the State of Ohio; larger than New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware combined; larger than West Virginia or South Carolina, and larger than Maryland and Vermont together. Oklahoma has a population of not less than 650,000. Her wealth is between \$400,000,000 and \$500,000,000. She has seven educational institutions of higher learning, under the control of the Territory, and many schools and colleges under the supervision of religious denominations. She has more than 250,000 children of school age, and 3,000 young men and women in the institutions of higher learning.

"There are in the Territory at this time about 1,000 churches, valued at \$1,000,000; 2,000 Sunday schools, with 12,000 officers and teachers and 100,000 pupils. We have 30 daily newspapers; 260 weekly newspapers, besides many quarterly, monthly, and semiweekly publications. We have 2,200 district schoolhouses, worth one million and a half dollars. The total amount of land reserved for the common schools, universities, and public buildings for the future State of Oklahoma is 2,052,000 acres, a large part of which is leased and at the

present time brings an income to the educational interests of the Territory of \$1,000 per day. Within the next year and before Oklahoma can be admitted as a State this enormous sum will be increased to a half million dollars per annum.

"Every city and town has its women's clubs and musical, social, literary, and Chautauqua societies. It is the meeting ground of many progressive and intelligent people from every State in the Union. It is there that the civilization of the North and the South, the East and the West are blending and uniting to form the most progressive and enterprising people on earth. We are fast becoming an ideal commonwealth. Our climatic conditions are superb, and we are one of the most healthful countries in the world. The average annual temperature for the last ten years ranges from 56.2 degrees in the north to 62 degrees in the south. We escape the rigors of the northern winters and the extreme sultriness and heat of the Southern States. Not only is our climate unsurpassed for healthfulness, but we have a soil which produces more abundantly than is found in the latitude of North Carolina and Tennessee, and yet the maximum temperature is seldom greater than that in Nebraska, Iowa, and the Dakotas, due presumably to our altitude.

"Oklahoma produces almost every article raised by the people of every other State in the Union. Of the three great staples, cotton, wheat, and corn, we are unexcelled both in quantity and quality in proportion to the number of acres planted. We are developing into one of the richest oil fields in the world, and recently large quantities of coal have been discovered in the eastern portions of the Territory. We produced last year, or during the year of 1902, 36,000,000 bushels of wheat, 65,000,000 bushels of corn, 10,000,000 bushels of oats, 3,000,000 bushels of kaffir corn, 7,000,000 pounds of broom corn, and 220,000 bales of cotton. In 1899 only three States in the Union outranked us in the production of broom corn, they being Illinois, Kansas, and Missouri. Corn, oats, and wheat are the staples in the northern portion and cotton and corn in the south half of the Territory.

"Stock of all kinds, including cattle and horses, are raised at perhaps one-half the expense they cost in the Northern and Eastern States. We have 400,000 horses, 100,000 mules, 50,000 sheep, 250,000 swine, and 1,500,000 cattle, worth \$30,000,000. Fruit flourishes in almost every section. There were more than 1,000 miles of railroad completed in Oklahoma in 1903, twice as much as was built by any State in the Union, and one-sixth as much as was built in the United States for the same period. We have more than 3,000 miles of railroad in operation at this time, with no abatement in railroad construction from what it has been in 1902 and 1903. There are in Oklahoma about 350 Territorial and national banks, with a combined capital of more than \$5,000,000 and deposits amounting to \$25,000,000.

"Any one of four counties in Oklahoma is larger than either of the States of Connecticut, Delaware, or Rhode Island.

"Some 3,000,000 acres of land, known as original Oklahoma, were thrown open to settlement April 22, 1889. The Sac and Fox and Pottawatomie reservations, in the eastern part of the Territory, were opened to settlement in September, 1891. The reservations contained 1,282,434 acres. The Cheyenne and Arapaho reservations, embracing 4,297,771 acres, were opened in April, 1892.

"The Cherokee Strip, containing 6,014,239 acres, was opened on

September 16, 1893. The Kickapoo Reservation was opened in 1895 and contained 206,662 acres. The Kiowa, Comanche, Apache, and Wichita reservations, comprising some 4,000,000 acres of land, were opened to settlement in August, 1901.

"In 1890, No Man's Land, now known as Beaver County, containing 3,681,000 acres, was attached to the Territory. Greer County, formerly a part of the State of Texas, was also attached to the Territory."

That was the absorption plan in Oklahoma.

"The mineral resources of Oklahoma are comparatively undeveloped. The Wichita Mountains, situated in southeastern Oklahoma, are rich in iron ore, and various other minerals have been discovered in paying quantities. This mineral district has recently been added to Oklahoma, being comprised in what was known as the Kiowa, Comanche, and Apache Indian reservations, and opened to settlement in 1900. This condition accounts for the undeveloped natural resources of that mineral section. Recently large quantities of oil and gas have been discovered in that part of the Territory, and from present indications it will be one of the richest mineral-producing countries in the United States. The mineral-bearing mountains have been divided into five mining districts. It is reported at this time that about 3,000 people have recorded claims in the various districts. From this particular section there are no shipping mines yet, though single carloads have been recently sent to the smelters to ascertain the value of the ore.

"There are, perhaps, no richer oil and gas fields to be found anywhere than in eastern Oklahoma. It is now estimated that the output of oil within a year will amount to millions of dollars annually. Hundreds of thousands of dollars are being spent at this time and the oil and gas fields rapidly developed. It is estimated that at least one-twelfth of Oklahoma will develop into rich oil fields. Within the last sixty days a vein of coal has been discovered 6½ feet thick, semianthracite in quality, in eastern Oklahoma. It is the rankest folly to say that Oklahoma is without mineral resources. Developments are already sufficient to repel such argument. Perhaps no State in the Union excels that Territory in natural resources, and for the length of time which Oklahoma has been settled the development of those resources have been remarkable.

"Manufacturing is among the various industries which engage our population, and has made great advancement in the past few years. While not so fortunate as other localities in our supply of cheap fuel or water power, yet those who have been the pioneers in establishing these enterprises have prospered. With several new lines of railroad coming directly through the coal fields on the east and the discovery of oil and gas within our own Territory, as well as the Indian Territory, the prospect is much brighter for cheaper fuel and the consequent success of other institutions now in contemplation.

"The raw material is at hand on every side, and the increasing number of flour mills, cotton-seed oil mills, plaster and cement mills, broom factories, shoe factories, foundries, gas plants, cracker and candy manufactories, etc., all of which are in a flourishing condition, indicate that Oklahoma in the near future may be classed among the manufacturing States.

"The immense amount of wheat straw that is burned or allowed to go to waste would seem to make this an inviting field for paper mills.

The vast quantity of farm machinery shipped into the Territory would suggest a possible lucrative industry in its manufacture. Ice factories, creameries, cheese factories, canning factories, brick plants, and many other manufacturing industries, have found an excellent field here in which to locate.

"At the present time there are about a hundred flouring mills in operation in the Territory, owned and controlled by our own people, with a total capitalization of about \$2,000,000. These corporations represent investments of from \$50,000 to \$250,000.

"The output of Oklahoma's flour mills during the past few years has been enormous, and the products are distributed from the British provinces on the north to the Gulf States on the south, and the vast amount of Oklahoma flour has been going into the export trade and is no small factor in the ports of Galveston, Baltimore, and New York.

"Yet it is a fact that the milling business in Oklahoma is yet in its infancy. A large number of mills were erected during the past year, and the capacity of nearly all was increased, so that the increased per cent during the past year amounts to about one-fourth the original capacity.

"Flour manufacturing in Oklahoma has proven very successful and but few lines of enterprise offer as good profits. It is said there has never been a failure in the flour business in the Territory, and of the 100 mills now in operation there is perhaps not one which is not paying a fair dividend.

"According to the 1900 census there are 15,774 illiterate persons in Oklahoma. In Georgia there are 480,420; in Arkansas, 190,655; in Illinois, 158,000; Kentucky has 262,000; Louisiana, 381,000; Mississippi has 352,000; North Carolina, 386,000; Tennessee, 306,930 illiterates. These figures comprise persons of all nationalities. The illiterate white population of Oklahoma, according to the census of 1900, is 6,279. In Alabama the illiterate white population is 103,507; of Georgia, 100,431; of North Carolina, 175,645; of Tennessee, 157,396. Some of the States mentioned have scarcely a greater population than Oklahoma.

"Oklahoma has enough salt to supply the markets of the world. The great salt reserve in the western part of the Territory contains approximately 400 square miles. This great bed of solid rock salt is of illimitable depth and inexhaustible supply. Saline deposits are found in various parts of western Oklahoma, and the manufacture of salt is destined to be one of the great industries of that State."

At the time of the admission of South Dakota President Harrison presented the report for the Senate committee. President Harrison was unquestionably one of the great American constitutional lawyers, and because he did prepare the report when South Dakota was admitted I have taken a few extracts from that report, the intention being to indicate, so far as that report will, an idea to the committee, the Senate of the United States, and the American Congress at that time of what the people of that section desiring to be admitted as a State should have to say of their admission.

President Harrison said:

"No form of procedure for the organization of new States is prescribed by the Constitution or by any law of Congress. Each case has been dealt with as it presented itself. In some cases Congress has

taken the initiative by the passage of enabling acts; in others the movement has originated with the people of the proposed State, and Congress has by appropriate acts accepted and ratified the constitution and State government proposed. Twenty-five new States have been added to the original thirteen. In the cases of Vermont, Kentucky, Tennessee, Maine, Michigan, Arkansas, Florida, Iowa, California, and Oregon there were no enabling acts. In the case of Nevada a constitution was formed without any enabling act, but was rejected by the people. The second constitution was formed under an enabling act. In the case of Wisconsin the constitution framed under the enabling act was rejected by the people, and subsequently a new convention was called, which framed the constitution under which the State was finally admitted.

“To deny to the people of any Territory the right to assemble in popular convention, and to propose to Congress the admission of such Territory or any part thereof into the Union as a State, is to deny rights which, we believe, are guaranteed by the Constitution. So long as the movement is subordinated to the Constitution of the United States and to the existing Territorial authorities; so long as the proposed State government is only such, and assumes no function of an existing government, but awaits the recognition of Congress, the proceedings are justified by safe and abundant precedents, and do not carry any suggestion of a disloyal spirit or involve any danger of a conflict of authority. Such is the attitude of Dakota. She has made herself ready, and now respectfully, but urgently, asks to be endowed with the dignities and privileges of an American State.”

OKLAHOMA LARGER THAN TWELVE STATES.

	Square miles.
Oklahoma	38, 830
Connecticut.....	4, 845
Delaware	1, 960
Indiana	35, 910
Maine	29, 895
Maryland.....	9, 860
Massachusetts.....	8, 040
New Hampshire	9, 005
New Jersey	7, 525
Rhode Island	1, 053
South Carolina	30, 170
Vermont	9, 135
West Virginia.....	24, 645

Nine States in the Union do not exceed Oklahoma's area by 10,000 square miles. They are as follows:

Kentucky	40, 400
Louisiana	48, 720
Mississippi.....	46, 810
New York	47, 620
North Carolina.....	48, 580
Ohio	40, 760
Pennsylvania	44, 985
Tennessee	41, 750
Virginia	40, 125

State.	Date of admission.	Population when admitted.
Vermont.....	1791	85,425
Kentucky.....	1792	73,677
Tennessee.....	1796	67,000
Ohio.....	1802	45,365
Louisiana.....	1812	76,556
Indiana.....	1816	63,897
Mississippi.....	1817	75,512
Alabama.....	1819	
Illinois.....	1818	34,620
Maine.....	1820	298,269
Missouri.....	1821	66,557
Arkansas.....	1836	52,240
Michigan.....	1837	65,000
Florida.....	1845	64,000
Texas.....	1845	143,000
Iowa.....	1846	78,819
Wisconsin.....	1848	180,000
California.....	1850	92,597
Minnesota.....	1858	120,000
Oregon.....	1859	50,000
Kansas.....	1861	107,206
West Virginia.....	1863	350,000
Nevada.....	1864	40,000
Nebraska.....	1867	100,000
Colorado.....	1876	100,000

The experience of Oklahoma has been that in every county where Indian allotments are numerous the burden of taxation is increased. This is true of Pawnee, Payne, Lincoln, and a number of other counties. Comparatively speaking, there is but a small per cent of these counties allotted; the burden resulting from the allotment of the choicest land and large bodies in the same locality. Should the Indian Territory be admitted at this time, this same burden would rest heavily not only upon every part of the Indian Territory, but Oklahoma as well. There would be no means of organizing school districts, except in the cities, and not one cent by way of bonds could be voted for construction of schoolhouses as long as the land is held by the Indians.

We have 650,000 educated, Christianized, patriotic, and liberty-loving people. We have as much push, energy, and perseverance as is found anywhere in the land.

In Oklahoma is represented, and creditably represented, every State and Territory in the Union. It is there that the vigor of the North has met the love of ease and hospitality of the South. Whatever of excellence was possessed by those who came from the East has been absorbed and appropriated by the energy of the West.

While it is perhaps true that no definite prerequisite has been established for the admission of States to the Union, is it not enough when we come with treble the population other Territories have had when they were admitted? In all the history of the American Republic no Territory has ever had one-half the population which Oklahoma has to-day. Few have had one-third, and the great majority have been admitted with less than one-fourth of our present population.

But, they say, are you not well governed? Are your officers not proficient and honest? Such interrogatories, Mr. Chairman, are only propounded by those who, as a last extremity, could offer nothing better. It is not sufficient to say we are well governed. It is not enough to say our officers are honest and capable. It is unnecessary for me to spend time in a feeble effort to portray the kind of government we have in Oklahoma.

All these interrogatories are abundantly answered when I say to you that Oklahoma is the dwelling place of patriotic and liberty-loving American citizens. The history of the American Republic since our earliest infancy has been written by acts of loyalty, valor, and patriotism of our people wherever they are found; and I am constrained to observe that if you will tell me where the Stars and Stripes are found I will tell you the kind of government the people have.

No people in the world have been more inspired to American sentiment and patriotic impulses than those whom I have the honor to feebly represent. We are not complaining of our laws, nor the manner in which those laws have been administered by our public officers; we are not complaining of our Government, neither local nor national. They are of the kind who believe we have the best Government ever devised by the wit of man.

We are persistently but respectfully demanding admission to the Union because it is our sacred right guaranteed by the Constitution, the fundamental law of the land. In this we are asking nothing except that to which our people are equitably and lawfully entitled. The American Republic has expanded by the acquisition of territory and the admission of States to the Union, and at no time has this policy been more in favor with the American people than now.

It is a remarkable coincidence that during the prolonged debate in the United States Senate at the last session of the Fifty-seventh Congress, when that body was considering the proposed admission of Territories into the Union, not one word was spoken in derogation of Oklahoma or her claims to statehood. We are entitled to admission, and entitled to it now.

To bring us into the Union is the natural and instinctive thing for the American Congress to do; to reject us is the unnatural and almost vicious thing to do. Fourteen years ago this favorite child was born to the Republic, and its growth has been unparalleled at any epoch of our national history, but commensurate with that growth has been her benign influence for good. Commercially, educationally, and morally she is in the front of the procession of the States and Territories of the Union.

We ask admission for the reason and upon the ground which has always met with popular response from the American people, and that is because we merit it. We have met every requirement in heaped and rounded measure, and when you accord statehood to Oklahoma you shall have given us no greater prize than we bring to you. With the natural and acquired resources of that country lying within our own borders, and peopled by persons of our own blood, no more meritorious measure will be checked upon the records of the Fifty-eighth Congress than the admission of Oklahoma to the Union. And it is the desire of 700,000 liberty-loving people, whose hearts beat with patriotic impulses, that Oklahoma, the favored child of the Republic, be permitted to add another star to the azure of Old Glory. [Applause.]

STATEMENT OF REV. A. GRANT EVANS, OF MUSCOGEE, IND. T.

My name is A. Grant Evans. I am at present president of Henry Kendall College, at Muscogee, Ind. T., which position I have held for nearly six years. I came to the Indian Territory first in 1884, and

worked for several years as a missionary among the full-blood Cherokees, thus I have had excellent opportunities of learning conditions in the Indian Territory, and I have also given some practical evidence of my strong interest in and sympathy for the full-blood Indians. I have asked permission to make a statement before this committee because I believe it will have a most important bearing upon the consideration of any measure of statehood which may be discussed. I am in Washington as the duly-accredited delegate of a convention which was held at Okmulgee, Ind. T., on January 19, 1904. The following is my credentials:

To the Congress of the United States:

This is to certify that Rev. A. Grant Evans, of Muscogee, Ind. T., is the duly elected representative of the business men of the Creek Nation by authority of his election at a mass convention held at Okmulgee, January 19, 1904. Mr. Evans is charged with the task of attempting to secure the removal of the restrictions surrounding the sale of Indian lands in the Creek Nation, and was selected at this convention as the accredited delegate to proceed to Washington in this interest. He represents the most important interests of the business element in the Indian Territory in a capacity as nearly official as under present conditions is possible.

CLARENCE B. DOUGLAS, *Secretary.*

OKMULGEE, *January 19, 1904.*

All residents of the Indian Territory interested in the removal of of the restrictions upon the sale of the surplus allotted lands of Indian citizens were invited to this convention. There was a large attendance of business men, especially from the Creek Nation, where alone the sale of lands under restrictive regulations is going on. I know personally many members of the convention. It was composed very largely of business and professional men of the highest standing in the country. There was manifested the most earnest desire to show every possible consideration for the real Indian citizen. The convention arranged to ask the town councils of the various towns in the Indian Territory for an expression of their opinion upon the working of the present system. It also arranged to ask a similar statement of opinion from a number of ministers of the gospel. It arranged to have taken regularly attested depositions from a number of prominent citizens, both Indian and white, and to invite the Secretary of the Interior to be represented at the taking of these depositions in order that the most reliable information bearing on the matter might be gathered. The Secretary of the Interior did not accept this invitation. In addition to this, the convention adopted the following statement of its reasons for asking the removal of the present restrictive regulations:

1. Because the allottees, excepting a very small class of non-English speaking full bloods, are exactly like other United States citizens in appearance, clothing, manner, language, intelligence, education, and habits, and are as competent in business affairs.

2. Because the theory of protecting the incompetent's estate by selling his land and handing the incompetent the money is itself utterly absurd. Because destroying the independence and power of initiative of the allottee would reduce him to the status of a reservation Indian, would degrade him and impair his development.

3. Because under present rules the competition of bidders, except speculators, is destroyed, and the great body of allottees are denied the advantage which free immigration would afford by increased competition.

4. Because 25 pieces a week, the present official limit of offering, would take sixty-five years to get one chance of sale to 85,000 allottees. Because on the basis of half the offerings resulting in sale (a high estimate as demonstrated by results to date) it would take one hundred and twenty years to give each allottee his statutory right of sale. In the five years only 3,250 citizens could exercise the right granted by Congress and 81,750 citizens would have been denied their statutory right.

5. Because the act of Congress providing sales has been nullified by its administration, which has prevented sales, instead of allowing them; 7 sales having been made up to December 15, 1903, in two years and nine months from the date of the act authorizing sales of February, 1901.

6. Because the sales made already demonstrate that the bankers and speculators are getting all the land sold.

7. Because putting up the bars against actual settlers, who would be the most important and the most numerous class of bidders, diminishes the average price of the whole of these lands.

8. Because the selling price of a few very choice pieces, on which the entire speculative bidding is concentrated, forms a mischievous and misleading example, whose only value is that such artificial high price may be offered as an illustration of the excellence of a notoriously bad system. As well prove the value of bread by offering at auction twenty-five loaves of bread to the speculative agents of 500,000 hungry men. In many cases, however, the prices are lower under the present method than under the previous rules.

9. Because speculators buying these lands will not improve them, and thus the development of the country will be retarded.

10. Because the actual settler if permitted to buy would improve the land, would build roads, bridges, schoolhouses, and make a good neighbor and a good example of thrift and industry to the allottee, to the great increase in value of land remaining in the hands of the allottee and his family. Because the adult allottees own only a fourth of the land and can only sell a part of this fraction, so that in no event can a large part change hands except as minors become adult. It should be remembered that many adults will not sell an acre of their land.

11. Because the allottee ought to be allowed to choose his neighbor by dealing direct with actual settlers, and not be compelled to submit to any kind of transient tenant neighbor the speculator landlord might impose on him. The migratory tenant, who is indifferent about a permanent home, is a bad class and injures any country.

12. Because the actual settler should not be made a victim of the speculator and compelled to pay tribute to a man whose sole service is putting up ready money and complying with the very intricate rules governing these sales.

13. Because the present method is causing ruinous foreclosure of mortgages on work horses and cattle and chattels of allottees who went in debt in the belief that a sale of a portion of their land would give them ready money.

14. Because the land under the present method is kept unproductive, and until made productive and thus taxable, no government with the modern necessities of schools and roads is practicable.

15. Because the present method is a fatal obstacle to the development of Indian Territory and the Southwest. It is an astonishing thing that the interest of the 600,000 whites, whose industry, intelligence, and high character must create in large degree, the great values in Indian Territory, is never even considered in contemplating this subject.

16. Because the present method engorges business in the Indian agent's office and in the Interior Department, and thus prevents the transaction of other business of great importance.

17. Because the present method will prevent the completion, within any reasonable time, of the work of allotting the lands, completing the town schedules, the sales of surplus land, coal fields, and the very numerous other details of closing the vast estate of Indian Territory.

18. Because the present method has made and will continue to make a huge charge on the Treasury of the United States to support a system injurious alike to the allottee, to the settler, and to every interest in the Southwest.

19. Because the administration by a corps of clerks in the Interior Department at Washington, D. C., at a distance of 1,500 miles, of the private business of 85,000 people, is un-American and absolutely senseless. Because their power to review, reverse, embarrass, and dominate the Indian agent, the Inspector and the Dawes Commission, who are on the ground and know conditions better, has led to great delay and very great expense to the United States Treasury without any adequate compensation to justify the interference.

20. Because the Secretary of the Interior, being in charge of the huge business of the Pension Bureau; of the General Land Office with its intricate questions arising in all the Western States; of the Patent Office with its hundreds of thousands of patents; of the Indian Office with its great number of wild tribes and endless detail, and of many other subjects of allied interest, can not have personal knowledge or even read all the letters, orders, and opinions he daily signs in vast numbers.

Because he can not know and does not know and never will know the true and constantly changing conditions of Indian Territory. Because the present system means and must necessarily mean that the people of Indian Territory are absolutely subject to the domination of the corps of employees of the Indian Territory Division of the Interior Department. These men, frequently misled by false reports, find instances of egregious fraud a basis of estimating the integrity and intelligence of the citizenship of Indian Territory and have done us infinite harm.

21. Because the tremendous appropriations necessary to maintain the present system serve no good use except to provide salaries for these employees, whose tenure of office will end when this unjust, injurious, and vexatious system is ended. Their advocacy of the wisdom of the present method, which provides their living, is the only feature of the system that has a sensible foundation.

22. It is the sincere conviction of this convention that the best thing which can be done for even our most helpless Indian fellow-citizens is to place their protection with the courts, which normally protect the interests of the helpless and incompetent, and in all respects to place them as rapidly as possible in the position of ordinary citizens, so that instead of being American Indians these people, who surely have the fullest right to the title, may become in name and in fact American citizens.

It is my desire, Mr. Chairman, to place before the committee, in addition to these resolutions, a summary of the evidence bearing upon this matter which has been gathered. The following petition has been considered and officially signed by the town councils of the following towns: Fort Gibson, Webbers Falls, Centralia, Addington, Emet, Muldrow, Goodwater, Stilwell, Welch, Broken Arrow, Sulphur Springs, Catoosa, Westville, Roff, Chickasha, Muscogee, Bokchito, Clarksville.

PETITION.

To the honorable the Senate and House of Representatives in Congress assembled:

We, the undersigned, acting on behalf of the city of ———, humbly pray that the restrictions now governing the sale and lease of lands in Indian Territory, except homesteads, be removed by act of Congress for the following reasons:

First. The lands of the Territory can not otherwise be improved and fitted to bear the burden of taxation necessary to support self-government, to establish schools, build roads and bridges, and other public works, or to administer the laws necessary for the preservation of peace and order.

Second. The former members of the so-called Five Civilized Tribes have been a Christian, civilized, agricultural people for five generations, and with full school privileges and constitutional laws for over a half century. They are as competent to manage their own affairs as the people in any of the other States of the nation, whether East or West. The per cent of incompetence, whether from minority or from other cause, is as low among the members of this former so-called Five Civilized Tribes as among citizens of the older States. The incompetent, minor or adult, can be best protected by the usual medium of probate courts, and the overwhelming percentage of competent members should not be embarrassed in the management of their affairs.

In pursuance of the policy of the United States as expressed in the laws passed by Congress during the last ten years, Indian Territory must very soon assume the burden of State taxation, and it is of the highest importance that the lands should be cultivated and the people put in a position to bear the reasonable burdens of citizenship under the new method of government, which is contemplated to take place in a very short time.

Respectfully submitted.

I will file with this statement a petition adopted by a number of ministers of the Gospel, as well as by some other citizens.

I will also, with your permission, file with you copies of depositions taken, which have been duly sworn to by some of the most prominent Indian and white citizens of the Territory. The effort has been made to secure depositions which will be of real value as coming from men of high standing not connected with land speculation, and whose characters are above suspicion.

May I be permitted to add some other points, which seem to me of the first importance. It has been clearly shown in the discussion of statehood propositions before your committee that the possibility of holding the bulk of the real estate in the Indian Territory exempt from taxation is a most serious difficulty in the way of any proposed solution of the matter. The restrictive regulations are calculated, and are meant to be calculated, to delay and prevent such alienations of surplus allotments as would make them taxable. This is done with the laudable desire of preserving to the Indian as long as possible the property which is now being made his individual possession. I think it can be demonstrated most conclusively that instead of saving his property to the Indian these restrictive regulations will have exactly the opposite effect. I have had a careful analysis made of the sales under the regulations of the Secretary of the Interior from July 27, 1903, when the first lands were listed for sale, up to the 15th of December, 1903. The following table shows the result of this analysis:

Pieces of land listed for sale.....	568
Pieces of land offered by the Indian Agent.....	299
Pieces of land upon which bids were made.....	203
Pieces of land not appraised.....	64
Pieces of land on which no bid was made.....	32
Pieces of land on which all bids were below appraisement.....	41
Sales rejected by allottees, about.....	12
Bids rejected for technical reasons.....	4
Total number of pieces sold.....	150
Average high bids per acre.....	\$12.27
Average actual selling price per acre.....	\$14.66
Number of deeds forwarded to Secretary of Interior.....	55
Number of deeds returned approved.....	7

With this amount of business accomplished since the act of February, 1901, authorizing the sales, are not the people of the Indian Territory excusable if they are beginning to be somewhat impatient, and in feeling that the present regulations do not succeed in enabling allottees who are anxious to sell their surplus lands to do so as rapidly as is necessary under the stress of present conditions? An examination of the sales also shows conclusively that the bidding is largely speculative. Out of less than 700 bids, 477 were made by 55 persons, an average of nearly nine bids each. Six have bid on upward of 20 pieces each; and one on 52 pieces. Up to the present time, with about 245 sales made, I am reliably informed that at least 220 have been made to men in the land business. Thus there is every evidence that the regulations are not tending to secure a class of small proprietors who will work their own farms, but that it is developing an ownership which will probably fix a renting class in the country for years to come, and make its taxing and its development in other respects the more difficult.

The utmost that existing regulations could accomplish for the Indian would be to give him the chance to get in immediate cash the highest price for his land. Whether it is desirable to place the entire cash proceeds of the sale of his property in the hands of the man who is considered incompetent to manage the sale of that property himself, may well be questioned. However this may be, the object is certainly not being accomplished, for so far only one full-blood Indian has listed his land for sale, and only about 2 per cent of the pieces sold have been the property of Indian citizens by blood. That is to say, that 98 per cent of the sales thus far made, with so much delay and expense, have been for persons who do not have and who not

claim to have one drop of Indian blood. One-third of the Indian citizenship of the Creek Nation is in this condition, and nearly one-third of the tribal citizenship of the whole Indian Territory is also absolutely without Indian blood. These people, by treaty or by adoption, are enjoying all the rights, privileges, and immunities of Indians. Is there any good reason why, with all these advantages, they should be further allowed to retard the development of the Indian Territory by holding the bulk of its land exempt from taxation?

The most serious feature, however, of the situation is, that it is doing precisely the opposite from what was intended for the full-blood Indian. These restrictive regulations will only be in force for a few years longer. The whole period during which sales might alone be made with the approval of the Secretary of the Interior was five years from August, 1902. So that in a little over three years the restrictions will be removed. The character of the full-blood Indian is such that he is very slow to apply to the courts either to dispose of his land or to protect him in holding it. It is known that a large number have absolutely refused even to apply for their allotments. The Indian is not likely to sell his land to strangers. Many Indians have taken their allotments in remote and undesirable localities where there will be little effort made to induce them to relinquish any part of their holdings. But for those who have desirable lands, there is a very imminent danger.

The half-breed, or practically white Indian, knowing the conditions as to the land and the people, can very easily induce the full-blood Indians to borrow enough money to carry them along for the few years remaining until the restrictions are removed. Then there will be a settlement and the Indian's land will be gone at the same time that he ceases to receive the supplies upon which he has learned to depend. Thus, it seems to me, that unless some wiser steps are taken it is inevitable that just as soon as the protecting arm of the Federal Government is taken from the Indians many of them will immediately be in a condition of pauperism. Thus the very steps taken to protect the Indian are going to be his worst undoing. Not only is this the case, but his being made to stand in the position of one who is blocking the way of progress, who is increasing the difficulties and burdens of his white fellow-citizens, and who is the recipient of special privileges is tending to develop and increase an irritation against him which is most unfortunate and which will make his entrance into our common citizenship a most painful and difficult one.

According to the best authenticated statistics available there are in the Indian Territory at the present time upward of 600,000. Of these about 85,000 are citizens of the Indian tribes. Twenty thousand are negroes. About 5,000 are white men. About 8,000 are full bloods, or more than three-fourths Indian. And about 50,000 are of mixed blood—very many of them practically white. These figures are taken from a report of the Dawes Commission. Thus less than 10 per cent of the so-called Indian population is in any real sense Indian. The remainder are just as well able to assume the duties and responsibilities, as well as the privileges of American citizenship, as any white man.

I think with these facts before you it must be plain that should it be found impracticable to give to the allottees a fee-simple title to all their allotments outside of the homestead they should at least be

placed where they can naturally and easily sell the surplus allotments if they desire to do so, and thus bring a large part of the lands in the Indian Territory into a condition in which it is subject to taxation. This will also have the effect, in my judgment and in that of many of our best business men, of encouraging the settlement of small farmers from the North and East upon lands which they can own.

There is nothing better that we can do for the full-blood Indian now than to try and secure him the best class of neighbors. Instead of this, the present conditions are insuring his having the worst. Our history in the past has shown that where once the distinction is established between the Indian and their white fellow-citizens it is very hard to remove. A distinguished Indian said to me recently, "Every special privilege which you give to the Indian because he is an Indian tends to degrade him and to make him despised and hated." There is a great opportunity to bring a large number of people of Indian blood in the Indian Territory into our common citizenship on terms which will make them practically the equals of their fellow-citizens. May I express the very earnest hope that in whatever legislation may be devised in the matter of statehood, provisions shall be made to secure for the Indian a normal citizenship and to prevent his being placed again in the position of a dependent and irresponsible people. In my judgment one of the most important means of accomplishing this is to secure practically the same title and the same conditions of landholding for him as other citizens enjoy. Without this, even the simplest provision for such necessities of American civilization as public schools, roads, asylums, etc., will be exceedingly difficult, if not impossible, to secure.

FITNESS OF INDIAN CITIZENS FOR AMERICAN CITIZENSHIP.

The following list, furnished from official sources, may be interesting as illustrating the fitness of Indians by blood for managing their own affairs:

Regularly licensed physicians and surgeons of Indian blood in the Indian Territory.—Dr. Claude A. Thompson, Muscogee; Dr. J. C. Bushyhead, Claremore; Dr. F. S. Clinton, Tulsa; Dr. Charles Ross, Tahlequah; Dr. A. N. Wright, Olney; Dr. B. F. Maxwell, Braggs; Dr. J. R. Dawson, Afton; Dr. A. W. Foreman, Vinita; Dr. I. D. Hitchcock, Afton; Dr. J. O'Callahan, Muscogee; Dr. Wade Vann, Webbers Falls; Dr. N. K. Thompson, Muscogee; Dr. Frank Duckworth, Claremore; Dr. J. M. Thompson, Tahlequah; Dr. Walter Haley, Wilburton; Dr. O. Rogers, Fort Gibson; Dr. Emmett Star, Chelsea; Dr. I. Cobb, Wagoner; Dr. Charles Harris, Muscogee; Dr. Thomas Scott, Tahlequah; Dr. G. W. Haskins, Colgate.

Regular attorneys, members of the Five Civilized Tribes.—W. D. Bruton, Muldrow; Frank J. Boudinot, Fort Gibson; George W. Benge, Tahlequah; Geo. F. Burris, Tishomingo; W. W. Hastings, Tahlequah; Joseph Matubby, Tishomingo; Wm. H. Murray, Tishomingo; Wm. Harrison, South McAlester; Samuel F. Parks, Vinita; Jos. G. Ralls, Atoka; Wm. P. Thompson, Vinita; W. W. Breedlaugh, Muldrow; Lucien B. Bell, Vinita; W. F. Bourland, Tishomingo; Jas. S. Davenport, Vinita; Solomon J. Homer, Caddo; H. L. Muldrow, Tishomingo; D. C. McCurtain, South McAlester; C. MacIntosh, Checota; Ridge Paschal, Tahlequah; John C. Starr, Vinita.

It may be added to this that the overwhelming majority of teachers and a very large number of ministers in the Indian Territory are Indian citizens. In one presbytery alone over one-third of the Presbyterian ministers have Indian blood and five of them ministers to English-speaking congregations. One of these has charge of the largest Presbyterian church in the Indian Territory. There are many Indian citizens in the ministry of the other denominations.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned ministers of the gospel of Indian Territory, humbly and respectfully represent that the present statutes of the United States forbidding the alienation of lands in the Indian Territory, except with the approval of the Interior Department, has been proven by actual experience to be most injurious to the interests of the allottees of this country as well as to the citizens of the United States here resident.

The allottees, in many instances relying upon the sale of a portion of their land, have incurred indebtedness which is exercising a crushing effect upon them. Practically, the law authorizing them to sell a portion of their surplus has proven to be a mockery, as the rules are so complicated and difficult of observance that the sale of any substantial piece of land is impossible. The actual settlers have been prevented acquiring property here under the law, and very large amounts of money sent to this country for investment have been withdrawn. This has resulted most injuriously to every interest, including the building of churches and the maintenance of church schools.

We honor the motive which has inspired the Government, believing that the purpose was to defend the incompetent Indian. It is very natural to suppose that Indian Territory is full of Indians and that the Indian is an uncivilized and unenlightened man. This is far from being true. Even the full-blood Indians of Indian Territory have had school advantages for half a century. Many of them are educated, and because of their experience, a great body of them are intelligent people, all having been self-supporting all of their lives, without aid from the Government. There is probably not over 15 or 20 per cent among the allottees who could be called full bloods, and a great body of the allottees of Indian Territory are as intelligent as the people of the States surrounding this country. They are as competent to handle and transact their own business. The idea that the Indian citizen is an innocent victim of the rapacity and craft of the white race in Indian Territory is ludicrous to those familiar with both classes. It is practically impossible to tell the allottees on the street from those who are not allottees; their attire, manner, speech, habit, education, and abilities are substantially the same.

We humbly represent that it is for the better interest of the allottee as well as for the interest of every civilized agency in Indian Territory that the same freedom of transacting business should prevail in this country as in the other States of the Union.

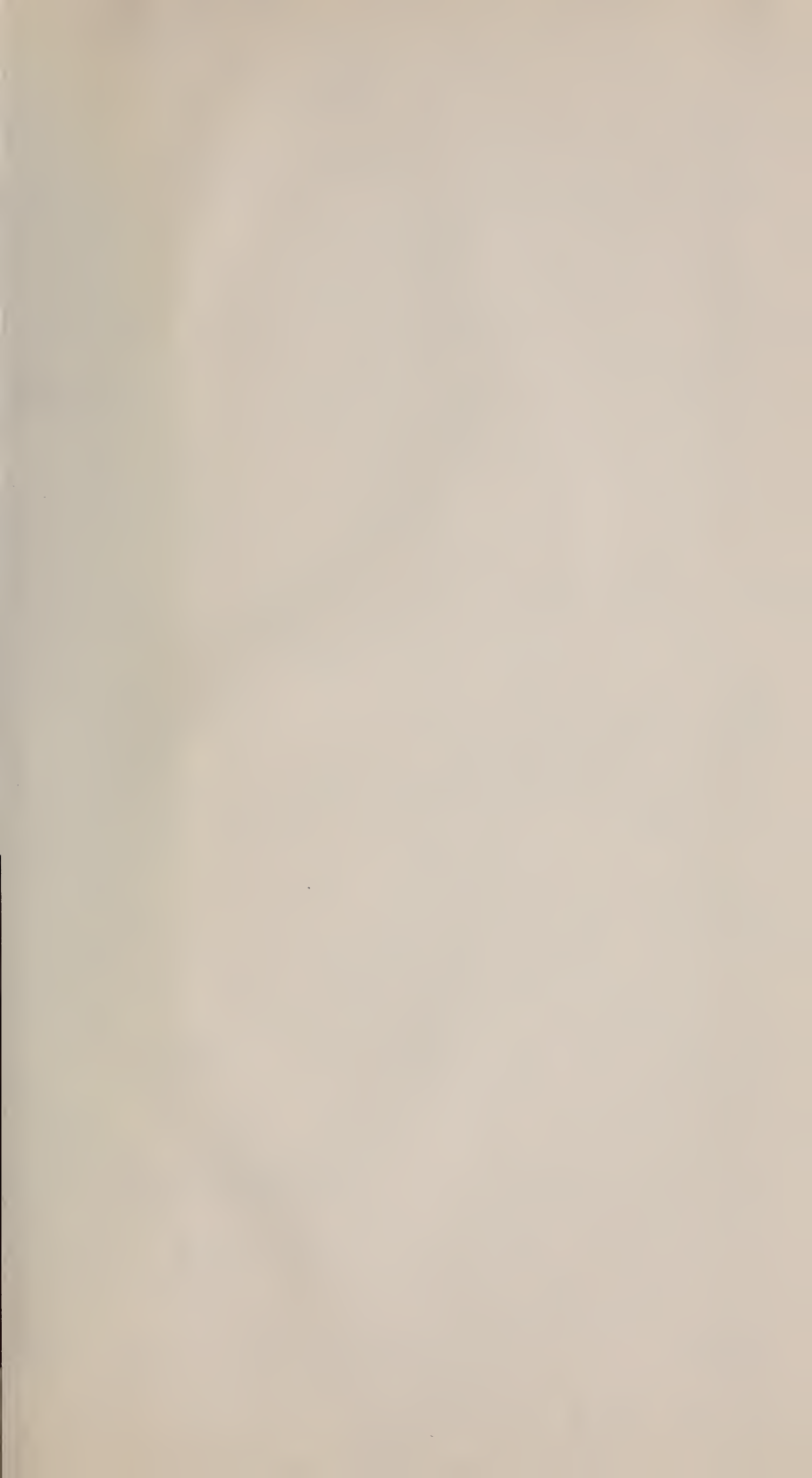
With sentiments of profound respect, we have the honor to be

Your humble and obedient servants,

J. A. Ogle, J. R. Rowell, C. H. Mayfield, T. A. Bryant, D. N. Allen,
J. W. Brown, N. B. Fizer, G. Lee Phelps, I. T. Crenshaw, L. P.
Hamilton, I. M. Carter, R. C. Cummings, W. M. Tucker, W. W.
Nation, S. L. Ferrier, J. C. Baird, Merchant S. Riddle, John S. Mains,
J. C. Atchley, William Clapham, W. N. Nolan, N. G. Smith.











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