

REPORT

OF

THE COMMISSION

APPOINTED TO NEGOTIATE WITH

THE FIVE CIVILIZED TRIBES OF INDIANS,

KNOWN AS

THE DAWES COMMISSION.

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DECEMBER 5, 1895.—Ordered to be printed.

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FORT SMITH, ARK., *November 18, 1895.*

SIR: The Commission to the Five Civilized Tribes hereby report what progress has thus far been made in the work intrusted to them since their last report.

Since that report the Commission has undergone some changes in its composition. Mr. Frank C. Armstrong has been appointed in the place of Meredith H. Kidd, transferred to other service, and under the provisions of the act making appropriations for the Indian service for the year ending June 30, 1896, Mr. Thomas B. Cabaniss and Mr. Alexander B. Montgomery have been added to the Commission and Mr. Allen R. Boyd made its secretary.

Immediately upon this reorganization, and after conference with the Honorable Secretary of the Interior in Washington, the Commission repaired without delay to the Territory for the purpose of continuing the negotiations heretofore intrusted to them, in conformity with the instructions under which they were acting.

In anticipation of their arrival in the Territory they caused letters to be addressed to the chiefs of the Cherokee and Creek nations, informing them of the intention of the Commission to renew the negotiations heretofore pending, and that upon the date named they would be at Muscogee, in the Creek Nation, and would be pleased to be notified upon arrival there at what time and place it would be agreeable for them to meet the Commission, either in person or by others duly authorized by them or their governments to act, and renew negotiations which might lead to an agreement in regard to the objects of our mission.

To these letters the Commission received the following replies from the chief of the Cherokee Nation and the chief of the Creek Nation, respectively:

Hon. HENRY L. DAWES,  
*Muscogee, Ind. Ter.*

TAHLEQUAH, I. T., *May 6th, 1895.*

DEAR SIR: I have the honor to acknowledge your favor of the 25th ultimo, in which you mention the request of the President to meet your Commission at an as early day as convenient. In reply thereto, I shall name the day on which I shall meet you, which is Saturday, the 11th instant; the place of meeting, Muscogee.

I have the honor to be, very respectfully, yours,  
(Signed) C. J. HARRIS, *Principal Chief.*

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Hon. HENRY L. DAWES,  
*The Chairman Ind. Commission of the U. S.*

TULSA, IND. TER., *May 11th, 1895.*

SIR: Yours has been rec'd, but has not been able to say definitely the time you can meet the Creeks. I will say now that a call session of the national council will meet at Okmulgee on the 14th of this month, and will continue in session for at least the following week, and should you wish to see the Creeks at that time will be pleased to meet you or any of the Commission.

Yours, truly,  
(Signed) L. C. PERRYMAN, *Prin. Chief, M. N.*

On arrival at Muscogee, where they held for the time being their headquarters, they addressed to the chief of each of the Five Civilized Tribes the following letter,

inclosing a letter from the President to the Honorable Secretary of the Interior, and from the Secretary to the chairman of the Commission:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
*Muscogee, Ind. T., May 13, 1895.*

To the PRINCIPAL CHIEF OF THE ——— NATION:

DEAR SIR: The Commission to the Five Civilized Tribes have been directed to present again to the several nations for further consideration the matters upon which they are authorized to confer, and are in receipt of a letter from the honorable Secretary of the Interior, in which he encloses one from the President of the United States disclosing his great interest in the success of this Commission in coming to some agreement with your people, which shall secure all your just rights and promote your highest welfare, as well as contribute to the best interests of the whole country.

By direction of the Commission I enclose to you copies of these letters, with the hope that you will make them known to your people, and commend their spirit and purpose to the favorable consideration and cooperation of your nation.

I am, with the highest consideration, truly yours,

(Signed) HENRY L. DAWES, *Chairman.*

DEPARTMENT OF THE INTERIOR,  
*Washington, May 6, 1895.*

Hon. HENRY L. DAWES,  
*Chairman Five Civilized Tribes Commission, Muscogee, Ind. Ter.*

MY DEAR SIR: Enclosed I hand you a copy of a letter from the President, in which he discusses the work of the Commission of which you are the chairman. I hope it may aid you to convince the Indians that this work has really their own advantage in view. The impossibility of permanently continuing the present form of government of the Five Civilized Tribes must be apparent to those who consider the great difficulty already experienced, even by an administration favorable to the enforcement of treaties, in preserving for them the rights guaranteed by the Government. As the time must come when they will change their present system, how much better for them to inaugurate with you now, under an Administration favorable to their rights, the plan by which this change will be accomplished?

Very truly, yours,

(Signed) HOKE SMITH, *Secretary.*

EXECUTIVE MANSION, *Washington, May 4, 1895.*

Hon. HOKE SMITH,  
*Secretary of the Interior.*

MY DEAR SIR: As the Commissioners to negotiate and treat with the Five Civilized Tribes of Indians are about to resume their labors, my interest in the subject they have in charge induces me to write you a few words concerning their work.

As I said to the Commissioners when they were first appointed, I am especially desirous that there shall be no reason, in all time to come, to charge the Commission with any unfair dealing with the Indians, and that, whatever the result of their efforts may be, the Indians will not be led into any action which they do not thoroughly understand or which is not clearly for their benefit.

At the same time I still believe, as I always have believed, that the best interests of the Indians will be found in American citizenship, with all the rights and privileges which belong to that condition. The approach to this relation should be carefully made, and at every step the good and welfare of the Indian should constantly be kept in view, so that when the end is reached, citizenship may be to them a real advantage instead of an empty name.

I hope the Commission will inspire such confidence in those with whom they are to deal that they will be listened to, and that the Indians will see the wisdom and advantage in moving in the direction I have indicated.

If they are unwilling to go immediately so far as we think desirable, whatever steps are taken should be such as point out the way, and the result of which will encourage those people in further progress.

A slow movement of that kind, fully understood and approved by the Indians, is infinitely better than swifter results gained by broken pledges and false promises.

Yours, very truly,

(Signed) GROVER CLEVELAND.

Not receiving any replies to these letters the Commission addressed to each of the chiefs of these nations a letter bearing date May 18th, 1895, of which the following is a copy :

MUSCOGEE, INDIAN TERRITORY, *May 18, 1895.*

To the PRINCIPAL CHIEF OF THE ——— NATION.

SIR: As representing the Commission to the Five Tribes, I took the liberty a few days since to direct to you a copy of a letter from the President of the United States and the Honorable Secretary of the Interior upon the subject of the mission of the Commission to this Territory.

The Commission has also been directed by the President to communicate to you and the chiefs of the other four nations the fact that they have returned to the Territory for the purpose of renewing their negotiations with the authorities of the several nations in reference to the subject-matter committed to them.

They desire to open negotiations with you in accordance with the spirit of the letter of the President heretofore sent to you, and therefore they would be gratified to know at what time and where it will be most agreeable to you to meet and confer with them upon that subject, either yourself, personally, or others appointed by you for that purpose.

It is not necessary to enlarge at this time upon the purposes and object which the Commission has in charge. Those have all been heretofore presented to you. It is sufficient at this time to assure you that the Commission have not come here to interfere at all with the administration of public affairs in these nations, or to undertake to deprive any of your people of their just rights. On the other hand, it is their purpose and desire, and the only authority they have, to confer with you upon lines that will result in promoting the highest good of your people and securing to each and all of them their just rights under the treaty obligations which exist between the United States and your nation.

If you and your authorities are willing to confer with the Commission upon these questions and along these lines please indicate to us here in Muscogee, at an early date, when and where and in what manner it would be most agreeable to you to hold such conference.

I have the honor, with much consideration, to be,

Very truly, yours,

(Signed) HENRY L. DAWES, *Chairman.*

In answer to this the chief of the Choctaw Nation wrote as follows:

EAGLE TOWN, IND. TER., *May 27, 1895.*

Hon. HENRY L. DAWES,

*Chairman of Commission to the Five Tribes, Muscogee, I. T.*

DEAR SIR: Yours of 18th inst. rec'd, and in replying I have only this authority to say: As we hold our land in common and in accordance with our treaties and constitution, it is necessary and just to all of the Choctaws to get their consent before we could open negotiations with this Commission.

At the convening of the board of education at Tushka Homma, the 8th day of July, 1895, I, with a great many others, will be there; should it meet with the convenience of the Commission to meet us there at that time they would get their views on the subject of the Commission.

Hoping this will suffice for the time,

I am, very truly, yours,

(Signed) JEFF. GARDNER, *P. C. C. N.*

This letter was answered by the Commission as follows:

MUSCOGEE, INDIAN TERRITORY, *June 5, 1895.*

Hon. JEFF. GARDNER,

*Principal Chief, Choctaw Nation, Eagletown, Indian Territory.*

DEAR SIR: I am in receipt of yours of the 27th ult., and am directed by the Commission to express to you their thanks for a courteous and early reply to their communication of the 18th ult.

They are led, however, to think from your letter that perhaps they have failed to make clear to you the purposes of their request. The Commission understands that neither you as chief nor any other of your citizens, except expressly authorized by your national council, would have any authority which would be binding to negotiate with this Commission upon any of the subjects with which they are charged. The law which created this Commission expressly provided that before any agreement or any proposed agreement can have any binding force, it shall be first approved

by your council, and if so approved it shall be afterwards approved by Congress or go for nothing. So that if you and the Commission should agree upon anything it would not have the slightest binding force until after the approval of both bodies. For this reason the Commission does not ask you to make any agreement with them. What they do desire and what is the purpose of their correspondence is a conference with you, or with some persons selected by you for that purpose, that you may the better understand what the Government of the United States desires of your people, and what modification of the present condition of public affairs among your people would, in your opinion, be for the best interests of your people, and which you might be willing to present to your council at its next meeting for their consideration. Without such preliminary conference it is difficult to see how anything tangible can be brought before them for their consideration. Such a conference can do no harm, if nothing results from it, and the Commission are confident that much good will come of it, and that from it some measure may be arrived at which you can submit to your council for them to consider. Such a measure could be altered and modified to meet objections while under consideration by your council, if they desired, and up to the last moment of approval, and if in the end it should fail, things would remain as before.

The Commission takes this opportunity to assure you that they recognize fully your treaty rights, and are instructed to respect them. The United States wants nothing which belongs to your people, either their lands or any other rights they enjoy under their treaties, but they are impressed with the conviction that some change in the present condition of affairs is necessary for the good of your people, and their desire is that you shall make that change yourself, and this Commission is sent here to aid you in effecting such a change.

The fact that the treaty rights of each nation are distinct and different from those of the others make a separate conference with each necessary, and one in which all the nations are represented impracticable.

The Commission submits these considerations to you in the hope that they will satisfy you that its presence here is from no other motive or object than to promote the welfare of your people under the treaty rights secured to them, and that you will think it wise to appoint at an early day such a conference as is here suggested.

An early reply, that we may report to the President your conclusions, is urgently requested.

I am, with high consideration, yours, truly,

(Signed) HENRY L. DAWES, *Chairman.*

There being no other replies to their letter of May 18th the Commission again, on June 5th, addressed still another letter to the chiefs of the different nations, of which the following is a copy:

MUSCOGEE, INDIAN TERRITORY, *June 5th, 1895.*

To the PRINCIPAL CHIEF OF THE ——— NATION.

SIR: The Commission to the Five Civilized Tribes, appointed by the President of the United States in conformity with the act of Congress approved March 3rd, 1893, and amended March 2nd, 1895, has heretofore addressed to you certain communications, dated, respectively, May 13th and May 18th, 1895, copies of which are herewith enclosed, and has received no response to the request for conference therein contained.

The Commission was sent here to confer with each of the tribal governments, and would, therefore, be pleased to know if such conference with duly authorized representatives of your government will or will not be accorded.

If at such conference an agreement is reached, you are aware that it will not be binding until approved both by your council and the Congress of the United States.

It is desired that the objects of our mission should be fully understood by your representatives, that the same may be presented to your national council for consideration.

We have the honor to be, with sentiments of high consideration,

Respectfully,

(Signed)

HENRY L. DAWES.  
FRANK C. ARMSTRONG.  
A. S. MCKENNON.  
T. B. CABANISS.  
ALEXANDER B. MONTGOMERY.

To this letter the chief of the Cherokee Nation on the 11th of June replied, giving what he considers sufficient reason for not complying with the request of the Commission to enter again into negotiations.

The following is a copy of his letter:

TAHLEQUAH, I. T., *June 11th, 1895.*

HON. HENRY L. DAWES and others of the Commission to visit the Five Civilized Tribes of the Ind. Ter.

GENTLEMEN: Yours of the 5th instant relative to a conference between your Commission and authorized representatives of this nation is at hand. However anxious I may be to accommodate you in this matter, it is not within my power to say when this opportunity can be offered you. The council at its late session made no provision for such a contingency. I am therefore without authority to appoint the kind of representatives you mention in your letter, because any appointment of representatives could not be considered properly authorized unless I was myself authorized by law to make such an appointment.

How it is with the other nations of the Territory I know not, but there is to be a general council of the nations at Eufaula on the 28th instant. The prime object of this council being the propositions of your commission, it is reasonable to suppose that some disposition will be made of them by the representatives of the several nations in convention.

All I can do just now to further your project is to give you what aid I can in any manner or means you may wish to adopt to reach the people of this nation on the purpose of your mission. This I will endeavor to do at your wishes or suggestions.

Your letter of the 13th of last month, inclosing the President's letter to the Hon. Secretary of the Interior, has been received and the President's letter published as you desired, but your communication of the 18th ult. and the inclosures of the one now before me have not been received.

With the tone of the President's letter I am well pleased, as he seems to appreciate the gravity of your propositions and the immense and the untried effects they involve. No people except the nations of this Territory, either fortunately or unfortunately, are to feel the consequences of this experiment. The President is humane enough not to desire to force conditions on us with the prospect of doubtful consequences that present themselves in the consideration of your propositions.

The national council will not meet in regular session before the first Monday in November of this year, but that you may know something of its sentiments on the subject of your mission I inclose you a copy of their reply submitted last winter.

Very respectfully,

(Signed) C. J. HARRIS, *Principal Chief.*

The chief of the Creek Nation on the 10th of June replied as follows:

TULSA, IND. TER., *June 10, 1895.*

The Hon. U. S. COMMISSION:

Your letter has just been read. In answer to same, I will state that I submitted all your other letters to the extra session of council for their action. At present I am unable to ascertain what action was taken by the council touching your propositions. You will be informed at a later date the action taken by the council.

Yours, truly,

(Signed) L. C. PERRYMAN, *Chief M. N.*

These are the only replies made in writing by the officials of any of these nations either to our written requests or personal application to them to consider the question of further negotiating with the Commission upon the subject-matter of the present condition of affairs in the Territory. The chief of the Cherokee Nation had a personal interview with the Commission soon after the receipt of the last letter, in which he stated that an international council—that is, a conference of delegates from the several five tribes—was about to meet to take into consideration the question of a renewal of negotiations with the Commission. It came to the knowledge of the Commission that immediately upon the receipt by Chief Harris of letters from the Commission informing him that the work of the Commission was to be renewed in the Territory, he instituted proceedings at once for the calling together of representatives of the Five Nations in council, to concert measures more effectually by united action of all the nations, to resist any attempt from any quarter to effect a change of the present condition of affairs, and that this council was the result of this action on the part of the chief of the Cherokee Nation. The council was not attended by delegates from the Choctaw Nation, and in consequence action upon the question was postponed to a future time. The sentiment of the council,

however, so far as it was expressed, was of a most positive character adverse to further treating on any conditions with the United States Government upon the subject of change in any respect in the condition of affairs in the Territory.

At the adjourned meeting of this international council it reaffirmed the resolutions adopted at the international council of last year, declining to enter into negotiations, and ordered that several thousand copies of these resolutions be printed and circulated throughout the Territory. A copy is attached to this report and is made a part thereof.

At this meeting the Choctaw Nation was again not officially represented, but three volunteer delegates from that nation were permitted to occupy seats and represent the nation in this council.

The Commission have sought personal interviews with the officials of each of the tribes in the endeavor to ascertain what modifications of the propositions heretofore made would induce them to consider the question of negotiating with the Commission.

During the months of July and August the citizens of two or three of the leading tribes in the Territory were engaged in exciting election campaigns, and apprehensive that it might be thought we were interfering with their political affairs, the Commission, in a measure, refrained from intermingling with the people, and nothing of significance occurred during that time save the holding of meetings at Hartshorne and Atoka, in the Choctaw Nation, by citizens favoring allotment, both of which were addressed by one of our number.

On the 28th of September the following communication was received from Hon. P. S. Mosely, governor of the Chickasaw Nation:

TISHOMINGO, IND. TER., *September 27, 1895.*

Hon. HENRY L. DAWES,  
*Chairman of the U. S. Commission.*

HON. SIR: You will find herein inclosed a copy of a resolution which has, as you will see, been passed by our legislature. Same will explain itself. Please notify me when you can meet us.

Very respectfully,

(Signed) P. S. MOSELY, *Governor C. N.*

The resolutions are as follows:

Whereas the United States Government has appointed a Commission known as the Dawes Commission to visit the Five Civilized Tribes of Indians for the purpose of inducing said tribes to change the tenure of their lands.

And whereas the courtesy due from one government to another demands that their representatives be treated with all due respect and consideration:

Now, therefore, be it resolved, that we, the Chickasaw legislature in council assembled, recognizing the above facts, hereby authorize the governor of the Chickasaw Nation to notify said Dawes Commission that we are now ready to give whatever proposition they may make due consideration.

Recommended by Holmés Colbert. Amended by the house by striking out the clause "Tribes of Indians" and inserting in lieu thereof "legislature."

Approved Sept. 24, 1895.

P. S. MOSELY, *Gov. C. N.*

Passed the Senate Sept. 23rd, 1895.

N. G. FRAZIER, *Prest. Senate.*  
WM. M. GUY, *Secty. Senate.*

Passed the House with the amendment within Sept. 24th, 1895.

LEWIS KEEL, *Speaker of the House.*

Attest:

ARCH MCGEE, *Clerk.*

Passed the Senate as amended Sept. 24th, 1895.

N. G. FRAZIER, *Prest. Senate.*

Attest:

WM. M. GUY, *Sectry. Senate.*



To this letter of the governor of the Chickasaw Nation the following reply was made:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
*South McAlester, Ind. Ter., Sept. 28th, 1895.*

Hon. P. S. MOSELY,  
*Governor Chickasaw Nation, Tishomingo, Ind. Ter.*

DEAR SIR: We beg leave to acknowledge the receipt of your letter of the 27th inst., enclosing resolution of your legislature, passed and approved September 24th, 1895, authorizing you to notify this Commission that they were ready to give whatever proposition we might make due consideration; and in accordance with which you ask us to name a day when we can meet with you and them.

This action of your legislature has been duly considered, and whilst we believe that the most feasible if not the only practicable way to accomplish results is to negotiate with a commission appointed by your legislature, clothed with authority to act, subject to approval by your people, as set forth in our letters of the 8th of May and the 5th of June last, addressed to you, yet with pleasure we accede to your request and name Saturday, October 5th, 1895, as a time when we can meet you and your legislature for the purpose specified.

We have the honor to be, yours, very respectfully,  
(Signed)

FRANK C. ARMSTRONG.  
A. S. MCKENNON.  
T. B. CABANISS.  
A. B. MONTGOMERY.

Governor Mosely responded, fixing Tuesday, October 8th, as the day for the meeting. According to this arrangement, four members of the Commission visited the capital of the Chickasaw Nation and addressed its legislature, setting forth fully the purposes of the Commission and asking and urging the appointment of a commission of such number and in such manner as they might deem best, clothed with authority to act in conjunction with a similar commission to be appointed by the Choctaw council, then in session, to which commissions in joint session this Commission might make propositions and with whom we might negotiate an agreement.

On November 6th the Commission received from Governor Mosely the following letter:

TISHOMINGO, IND. TER., *Nov. 1st, 1895.*

Hon. HENRY L. DAWES,  
*Chairman Dawes Com., Ft. Smith, Ark.*

DEAR SIR: Our legislature has now elected five commissioners to confer with the like commissioners from the Choctaws and also with your Commission. I suppose when the commission gets organized you will receive further notification.

Very respectfully,

(Signed) P. S. MOSELY, *Gov. C. N.*

Since the receipt of this letter no further advices, either from Governor Mosely or from any commission of the Chickasaw Nation, have been received.

On the 28th of October the following invitation was received:

TO THE HON. MEMBERS OF THE DAWES COMMISSION.

GENTLEMEN: You are hereby invited to come to the Choctaw capitol on the 29th day of October, 1895, at 10 o'clock a. m., to meet the committee organized to confer with your honorable body.

Yours, respectfully,

OLOSACHUBBEE, *Chairman.*

TUSHKAHOMMA, IND. TER., *Oct. 28th, 1895.*

Accepting the same, three of our number visited the Choctaw capitol at the time appointed, met and conferred with said commission, submitting to them orally the propositions afterwards reduced to writing and transmitted to them, which are as follows:

FORT SMITH, ARKANSAS, *October 30, 1895.*

To the Honorable Olosachubbee, Chairman, and Members of Committee appointed by the National Council, Choctaw Nation, Tushkahomma, Indian Territory:

The undersigned commissioners, appointed for that purpose by the United States, propose to negotiate with the Choctaw Nation for the purpose of exchanging, by said

nation, upon terms that shall be just, fair, and reasonable to all concerned or interested therein, the present tribal title of said nation to its lands and other property for an equal division thereof among all citizens of the tribe entitled to share therein, and an adjustment and full settlement of all demands, claims, and other unsettled matters of any kind existing between the United States and said nation, so far as may be necessary and proper for the ultimate creation of a Territorial or State government under authority of the United States, embracing said Choctaw Nation and such other nations of the Indian Territory as may desire to become a part thereof.

The United States to put each person in possession of the lands to which he is so entitled, without expense to him and the tribal government, to remain in authority until the completion of the changes herein proposed, and as much longer as shall be agreed upon in such negotiations.

(Signed)

HENRY L. DAWES.  
FRANK C. ARMSTRONG.  
ARCHIBALD S. MCKENNON.  
THOS. B. CABANISS.  
A. B. MONTGOMERY.

No reply to this communication has been received, but immediately upon its receipt by the national officials the following bill was introduced and passed by the Choctaw senate with only one dissenting vote. The bill failed of passage in the house:

*Be it enacted by the general council of the Choctaw Nation, assembled,* That it shall be unlawful for any citizen of the Choctaw Nation to attempt to overthrow the Choctaw government by exciting or subverting the minds of the people against the Choctaw form of government, and shall not hold or attempt to hold Choctaw land in severalty, nor shall attempt to convey any part or parcel of the Choctaw land to a noncitizen or citizens, or attempt to betray said land and Choctaw country into the hands of a foreign power.

*Be it further enacted,* That any person or persons violating the first section shall be prosecuted against in the circuit court having jurisdiction, and if proven guilty of treason by two or more witnesses, shall be punished by confinement in jail not less than six months nor more than twelve months, and fined not less than \$1,000 nor more than \$10,000, at the discretion of the court.

*Be it further enacted,* That if any person or persons violate this act the second time he or she shall be arrested, sentenced, and executed until dead.

*Be it further enacted,* That any act or part of act coming in conflict with this act is hereby repealed, and that this act shall take effect and be in force from and after its passage.

On the 4th day of October, 1895, the Commission addressed the following communication to the principal chief of the Muskogee Nation:

DEPARTMENT OF THE INTERIOR,  
South McAlester, Ind. Ter., October 4th, 1895.

To the PRINCIPAL CHIEF OF THE MUSKOGEE NATION,  
Okmulgee, Ind. Ter.

SIR: On June 5th, 1895, we addressed a letter to Hon. L. C. Perryman, principal chief of the Muskogee Nation, calling attention to certain communications, dated respectively May 13th and 18th, 1895, asking for a conference with himself or duly authorized representatives of his nation, to which no reply had been received, and repeating the object of our mission, and again asking for a conference.

To this last communication a reply, dated June 10th, 1895, was had, stating that our former letters had been submitted to the extra session of the Muskogee council, which convened on the — day of —, 1895, and that later information would be given of its action.

We have waited patiently for that promised information, but none has been received; and as we are required to make report by the first of November next to the Secretary of the Interior, and through him to the Congress of the United States, of the result of our mission, we again respectfully request that your council will appoint commissioners clothed with authority to act. If upon conference an agreement is reached, it will not be binding until approved both by your council and the Congress of the United States.

An early reply to this is desired, as our further stay in the Territory is limited.

Very respectfully,

(Signed)

FRANK C. ARMSTRONG.  
A. S. MCKENNON.  
T. B. CABANISS.  
A. B. MONTGOMERY.

To this letter no reply has been received by the Commission. Propositions similar to those forwarded to the Choctaw Nation were at the same time forwarded to the chief of the Cherokees, with the request that he would lay the same before the council about to assemble, to which he replied as follows:

TAHLEQUAH, IND. TER., *November 1st, 1895.*

Hon. HENRY L. DAWES,  
*Chairman Committee, Fort Smith, Arks.*

DEAR SIR: I have the honor to acknowledge your favor of the 30th ultimo, renewing the propositions of your Government to this nation. My term of office will expire in a few weeks more, and upon my successor will devolve the duties of principal chief. Among the many will be the submission of your propositions to the national council as requested by you, and to which I will call his particular attention.

I am, very respectfully,

(Signed) C. J. HARRIS, *Principal Chief.*

The Commission has had no notice of any further action in the matter.

In connection with the official intercourse here briefly outlined the Commission availed themselves of every opportunity of conference with private citizens of the several nations, men of character and influence among their people. By visits to the various localities they familiarized themselves with the conditions of life and the opinions and prejudices which prevail in the different sections, and adapted the methods of their attempt at negotiation to these conditions. But thus far they have met with no favorable response among those holding power and controlling the political machinery in the governments now existing in the Territory. It is otherwise with those, believed to be a large majority, who, in the machinery by which affairs are administered, are without voice or participation in the policy or laws by which they are governed. The causes, which thus far have proved insurmountable in all the efforts at a peaceable solution of the problem by negotiation, can only be understood by a thorough knowledge of the conditions into which these people have been permitted to fall by the indifference and noninterference of the National Government.

The Commission has heretofore reported how completely the tribal governments have fallen under the control of the mixed bloods and adopted citizens, and have been used by them to secure to the exclusive use and private gain of a few of their own number much of the tribal property in the land, and from other sources everything valuable and capable of producing profit. More than a third of the whole territory of one of the nations is exclusively appropriated and fenced in by barbed wire to the sole use of a few citizens for pasturage. In other of these nations, under similar legislation, vast and rich deposits of coal of incalculable value have been appropriated by a few to the exclusion of the rest of the tribe, and to the great profit of those who operate them and appropriate their products to their individual use. Similar legislation has enabled private individuals to appropriate the timber of vast pine forests and denude the public domain of this essential element of future development and growth. In short, almost everything of tribal property in which every citizen Indian has of right an equal share has, if of any value, been appropriated to the use and gain of the few, while the real full blood has been left destitute and crowded out upon the mountains and unproductive land, to take care of himself as best he can.

This condition of affairs has not improved since the last report of the Commission. On the contrary, the indications are very manifest that the discussion of the question of a possible change has had the effect of stimulating an unusual activity in efforts to realize as early as possible all available gains arising from this exclusive appropriation of the use of common property. The grasp of those holding power upon the tribal resources has become firmer, and the uses to which the powers of the government have been put for the benefit of the few have become more palpable and flagrant. Those thus prostituting the forms of their laws to private gain have become so open and bold in their operations as in many cases to freely avow that the terms upon which they may be corrupted are made more easy in view of the possibility that the opportunity for such gain may be short.

## TOWN SITES.

The attention of the Commission was early called to the anomalous conditions under which a large number of towns of considerable size and growing importance have sprung up in different parts of the Territory destined to exert an important influence upon its future. These towns are the natural and necessary outcome of the great change which is forcing all the active agencies of these nations into new channels. The railroad has been fatal to the old order of things, and has forced upon these people much that is found new among them, and so firmly fastened upon them that removal is impossible and resistance to further advances equally futile. The trunk lines of great railroad systems now traverse the Territory its entire length, north and south and east and west, and lateral feeders connect almost every portion of it with railroad facilities hardly less convenient than those existing in the neighboring States.

But the first railroad that crossed its border brought with it these towns just as much as it brought commerce and commercial relations, the avowed object for which it sought entrance. The two are inseparable. Traffic and business centers live each by and upon the other, and they multiply and prosper side by side. These towns are at this moment growing rapidly in number, size, and importance as marts of trade and places of attractive residence in all parts of the Territory. They have come to stay, and their removal is as impossible as the restoration of the tepee and the war dance in the valley of the Mohawk in the place of the cities and towns now flourishing there. Nor does the Indian citizen desire their removal. The Commission have failed to find an intelligent citizen Indian who desires the removal of the white residents of the Territory, except that small portion in the Cherokee Nation called intruders, who claim to be Indians, but whose claim is disputed by the nation.

But the existence of these towns in the Territory has come to be as much of a necessity to the citizen Indian as to the white resident, as has the business traffic which railroad enterprise has stimulated wherever it has been permitted to lay its track.

No greater change in any of the conditions existing in these nations is manifest than in the life of the citizen Indian himself. He no longer depends upon his own labor for his livelihood. The white man, invited to the Territory under laws enacted for that purpose, or the negro, once the slave of the Indian and his children, now labor for him, and he has become a landlord, a trader, or an owner of herds kept for him by others. This is the rule, well-nigh universal, with only here and there an exception to make the rule more marked and significant. Places for trade and markets for their products as well as supplies are therefore an absolute necessity to this new mode of life. Take them away and the Indian landlord, trader, or keeper of herds would be at once deprived of all opportunity for profit or even means of support.

These towns have been built and peopled by white residents, whose capital has been invested in large amounts in structures necessary for the great and increasing trade which is being carried on at these centers. Costly and attractive residences have been erected in many of them, and in character they compare favorably with like towns in any of the new States. They vary in population at the present time from 800 to 5,000 inhabitants, and, with few exceptions, are doing a surprisingly large and prosperous business. And yet those who have built these towns, invested their capital in these expensive structures and have made these beautiful homes, have no title to the land on which they rest. This remains in the nation, where it was placed by the original treaty seventy years ago, subject to a reversion to the United States when the tribe ceases to exist. The devices resorted to in the different nations to give the builders of these towns a semblance of a claim to the land upon which they have erected them are valuable only as showing the subterfuges which the radical departure from the original plan and basis on which these govern-

ments were established has forced them to adopt. These devices have no validity in law. The title still remains in the nation, subject to the above reversion, and must from its very nature be held by the nation for the use of all its citizens, share and share alike, and can not be appropriated to the exclusive use of any one citizen or resident.

Generally these towns rest on the following unsubstantial arrangement with the national authorities. A citizen Indian is first authorized by the laws of the nation to inclose for his own exclusive use any unoccupied territory. He, having first inclosed a prospective town site, leases town lots at a ground rental, or quitclaims his title for a gross sum to the incoming builder, sometimes covenanting that if he ever gets a better title it shall inure to his grantee. Millions of dollars have been expended in the laying out of streets and building of necessary structures in these towns by those who have no other title than this, hardly more as against the holder of the fee than a tenancy at sufferance. The Cherokees have in two or three instances gone a little further than this, have conveyed what title they could in town lots to citizen Indians, but without power to sell to any white resident, and vested in such Indians the control of any town government that might be created.

With these exceptions these towns in the Territory are without town government or town officers, town police, or police courts of any kind, and are unable to adopt or enforce any municipal ordinance or regulation. They can not impose a tax for any municipal purpose, such as laying out and improvement of streets and sidewalks, bringing in gas or water, the construction of sewers and the maintenance of a fire department. They can not even appoint a constable to keep the peace. They are merely a voluntary association of white residents with not only no power to govern their own organizations, but without a vote or voice in the election of the rulers, or the making of the laws under which they live.

The Commission have been agreeably surprised at the good order and quiet prevailing in the towns here spoken of, where there exists no authority for its enforcement, or for punishment of its infraction. But they have not been able to lose sight of the conditions, unsafe at all times and sometimes dangerous, which have no other reliance than the good disposition of the body of the people composing the population of cities and towns like these. It is an exposure of life and property to dangers which can not be justified and should not be continued an hour beyond necessity.

Besides, a town that is not owned by those who build it and make it their home can not prosper, and it needs no argument to show that ownership is essential to development, and that there can be no healthy and permanent growth so long as there remains an uncertainty hanging over the title to whatever may be added. The residents whose capital and business connections have made these towns what they are have become very uneasy and much disturbed over these defects of title and impediments in the way of future growth. The Commission have been pressed on every side by those interested in the permanent prosperity of these towns and the safety and well-being of the people residing in them to devise some remedy. They thought that a solution of this town-site question would be one step and a long one toward the solution of the greater question of conforming the holdings and governments of the Territory to the system of government under which all communities within our borders must live. And accordingly they prepared a bill designed to secure to those who build these towns the ownership of the lots, within a suitable area, upon paying to the nation their value, and also the authority to maintain a suitable town or city government in the same. This bill, if ratified by the legislative authority of the nation and by Congress, would have secured these most desirable ends. But the provision in it which enabled the citizens of the United States who were not citizen Indians to obtain title to the lots on which they had built the town proved fatal to its approval by the nation. There was no objection to any other provision of the bill, but it was insisted that under no conditions would a United States citizen be permitted to gain title to any portion of the national soil,

no matter what amount of capital or other improvement he had been invited or permitted to invest or expend upon the same for the mutual benefit of himself and the community among whom he resides. The Commission has not been able, therefore, to secure from these nations any agreement which, if ratified by Congress, would put these growing and multiplying towns on any safe and permanent position, or secure to their residents the authority to so govern them as to maintain good order and secure health and prosperity to all whose business or homes are within their borders. So long as the present autonomy remains this unsafe and precarious condition of affairs must hang over these communities.

#### UNITED STATES CITIZENS.

No one carefully studying the condition of affairs in the Indian Territory and the many difficulties by which it is surrounded will fail to take into serious consideration the question of the disposition of that large and preponderating body of residents who are not citizen Indians and who have no foothold in the soil or voice in the governments. There are of these nearly, if not quite, 300,000, not including those called "intruders," whose claim to be Indian citizens is denied, and whom the United States has recently agreed to remove.

The status of these 300,000 United States citizens residing in this Territory has been already partially discussed in connection with the town-site question, but its serious character requires further notice.

These residents are in no sense intruders, and are not so classed by anyone. They are in the Territory by invitation, by consent, and by encouragement. Their capital and labor have been availed of for the development of the productive resources of the Territory, and they have built homes for themselves, erected costly edifices and marts of trade and centers of business to meet the demands of the new life forced upon the people. Some thousands of their children who were born in the Territory are now of school age. The doors of the schools of the nations are shut against them, and what education they get is by private contribution. The tribal governments and courts make no provision for the protection of the life or property of these white residents, constituting in number four-fifths of the entire population. Whatever protection of law they have, the United States has sparingly afforded them in United States courts, which necessity has forced into the Territory in the face of the claim of the Indian governments that even this much of interference is forbidden by treaty. So long as these residents are content to remain without interest in the soil or voice in the government or share in its opportunities, those holding control of public affairs do not molest or disturb them, but eagerly avail themselves of all the incidental advantages their presence affords. Their capital and enterprise and labor are most willingly turned to the development and increase of the wealth of these nations, in which sedulous care is taken that these United States citizens shall have no lot, and for whose safety of person and property no provision is made. The Commission is impressed with the conviction that this condition of affairs can not long continue.

It can not be possible that in any portion of this country government, no matter what its origin, can remain peaceably for any length of time in the hands of one-fifth of the people subject to its laws. Sooner or later violence, if nothing else, will put an end to a state of affairs so abhorrent to the spirit of our institutions. But these governments are of our own creation, and rest for their very being on authority granted by the United States, who are therefore responsible for their character. It is bound by constitutional obligations to see to it that government everywhere within its jurisdiction rests on the consent of the governed. There is already painful evidence that in some parts of the Territory this attempt of a fraction to dictate terms to the whole has already reached its limit, and, if left without interference, will break up in revolution. The Chickasaw Nation, in its zeal to confine within the narrowest limits and to the smallest number all privileges and rights, as well as

participation in the government, and to weed out as many as possible of the uneasy, has enacted the following confiscation law:

AN ACT to amend an act in relation to United States citizens procuring license to marry citizens of this nation.

SECTION 1. *Be it enacted by the legislature of the Chickasaw Nation*, That an act in relation to United States citizens procuring license to marry citizens of the Chickasaw Nation be amended thus:

SEC. 2. *Be it enacted*, That all United States citizens who have heretofore become citizens of the Chickasaw Nation or who may hereafter become such by intermarriage and be left a widow or widower by the decease of the Chickasaw wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry another United States citizen, man or woman, as the case may be, having no right of Chickasaw citizenship by blood; in that case all his or her rights as citizens shall cease and shall forfeit all rights of citizenship in this nation.

SEC. 3. *Be it further enacted*, That whenever any citizen of this nation, whether by birth or adoption or intermarriage, shall become a citizen of any other nation or of the United States or any other Government, all his or her rights of citizenship of this nation shall cease, and he or she shall forfeit all the land or money belonging to the Chickasaw people.

SEC. 4. *Be it further enacted*, That the rights and privileges herein conferred upon United States citizens by intermarriage with the Chickasaws shall not extend to the right of soil or interest in the vested funds belonging to the Chickasaws, neither the right to vote nor hold any office in this nation. All parts of acts coming in conflict with this act are hereby repealed, and that this act take effect from and after its passage.

Approved, October 1, 1890.

I hereby certify that the above is a true and correct copy of the original act now on file in my office.

Given under my hand and seal this the 18th day of October, 1895.

L. S. BURRIS,  
National Secretary, Chickasaw Nation.

It will be observed that among the other penalties here imposed the third section forbids on pain of confiscation any Indian citizen to apply under existing United States laws for United States citizenship, and thus gain a right to enter United States courts for vindication of his rights or avail himself of any anticipated authority conferred on that court to partition the common lands of the nation.

The anticipated enforcement of this act has caused great consternation and excitement among a considerable number of residents in the Chickasaw Nation who were, up to its enactment, admitted citizens enjoying all the rights accorded to any citizen, and possessed, some of them, of very large property interests in the nation. Preparation is being made by the authorities of the nation for its enforcement, and notice to quit is being served upon those to whom it applies. In the meantime threats of open resistance are rife. The resolutions of a secret organization among those whose property is by this act confiscated have been laid before the Commission, in which the determination is avowed "in the event that Indian officials undertake to carry out this law to exterminate every member of this council from the chief down." The commission is appealed to for relief, but without power to interfere they can only bring this critical condition of affairs to the attention of the United States Government as one among the many reasons for immediate Congressional action.

#### CHEROKEE CITIZENSHIP.

Citizenship in these nations has been left by the National Government entirely under the control of the authorities in the several existing governments.

The citizenship roll of the Cherokees has dealt with a larger number than any of the others, affecting as it does all North Carolina Cherokees who desire to become a part of the nation, and a more liberal policy of adoption by intermarriage and otherwise than exists in the other tribes.

A tribunal was established many years ago for determining the right of admission to this roll, and it was made up at that time by judicial decision in each case. Since that time and since the administration of public affairs has fallen into present hands, this roll has become a political football, and names have been stricken from it and added to it and restored to it, without notice or rehearing or power of review, to answer political or personal ends and with entire disregard of rights affected thereby. Many who have long enjoyed all the acknowledged rights of citizenship have, without warning, found themselves thus decitizenized and deprived both of political and property rights pertaining to such citizenship. This practice of striking names from the rolls has been used in criminal cases to oust courts of jurisdiction depending on that fact, and the same names have been afterwards restored to the roll when that fact would oust another court of jurisdiction of the same offense. Glaring instances of the entire miscarriage of prosecutions from this cause have come to the knowledge of the Commission and cases of the greatest hardship affecting private rights are of frequent occurrence. This practice is persisted in, in defiance of an expressed opinion of the Attorney-General of the United States forwarded to this nation on a case presented that it was not in their power to thus decitizenize one who has been made a citizen by this tribunal clothed by law with the authority. There is no remedy but an interference of the United States.

The "intruders' roll" is being manipulated in the same way. This "intruders' roll" is the list of persons whose claim to citizenship is denied by the nation, and who by the agreement in the purchase of the "Cherokee Strip" the United States are to remove from the Territory by the 1st of January next. This roll is now being prepared for that purpose by the Cherokee authorities, in a manner most surprising and shocking to every sense of justice, and in disregard of the plainest principles of law. The chief assumes to have authority to "designate" the names to be put upon the intruders' roll, and names are, by his order, without hearing or notice, transferred from the citizens' roll to that of intruders, so that, on January 1, 1896, the United States will be called upon to remove from the Territory, by force if need be, thousands of residents substantially selected for that purpose by the chief of the nation. It has been made clear to the Commission that the grossest injustice and fraud characterize this roll. Persons whose names have been upon the citizens' roll by the judicial decree of the tribunal established by law for that purpose for many years, some of them for twenty or more, persons who have enjoyed all the rights of citizens, unquestioned by anyone until distribution per capita of the strip money, have been by the mere "designation" of the chief stricken from the citizens' roll and put upon that of intruders, with notice to quit before January next. Children of such parents, born in the nation, now of age, with families and homes of their own, are receiving this notice to leave forever all they have earned and the homes they have built for themselves, and this at the will of the chief alone. If the United States Government removes such persons it will become a participant in this fraud and injustice, for which ignorance alone can form any excuse. The Commission feel it a duty to call attention to these facts, and invoke the direct intervention of the Government to prevent the consummation of this great wrong.

These remarks apply specially to the Cherokee Nation, with which the United States has recently entered into obligations in respect to "intruders." But much of what is here said is applicable also to the condition of affairs in the other nations. In these nations many persons coming to the Territory by invitation of the governments themselves, or under the provisions of the laws enacted by them, and acquiring citizenship, with homes and property, in conformity to such laws, have been in many instances stricken from the rolls of citizenship by those in power, for political and personal purposes, and laws enacted and other means resorted to to deprive them of the homes and property acquired.

The Commission is of the opinion that if citizenship is left, without control or supervision, to the absolute determination of the tribal authorities, with power to



decitizenize at will, the greatest injustice will be perpetrated, and many good and law-abiding citizens reduced to beggary.

## MISRULE IN THE TERRITORY.

A greater familiarity with the condition of affairs in the Territory than the Commission had at the time of making their last report does not enable it to abate anything of its representation of the deplorable state of affairs as therein stated. They are not only compelled to reaffirm all that they reported of the utter perversion of justice by those who have gotten possession of the machinery and funds of its administration in this Territory, inflicting in its name and that of the lawmaking power irreparable wrongs and outrages upon a helpless people for their own gain, but they are compelled to report that statistics and incontrovertible evidence shows a much more deplorable and intolerable state of affairs than was there represented. They refer to that report for a more extended detail of the character of the misrule which exists among these people, and make that more particular description than is here necessary a part of this report. If the end of government and the administration of justice is the protection of the life and liberty and property of the citizen, then the governments and courts of these nations are a failure, for they afford that protection to neither. They are powerless to these ends, and the victims of this misrule are helpless sufferers at the mercy of the malign influences which dominate every department and branch of the governments as administered here. It matters little, except as to the character of the remedy, whether this failure and misrule arises from impotence or willful and corrupt purpose, the evil consequences are incalculable and its continuance unjustifiable. It is no less true now than when the Commission reported last year that "all of the functions of the so-called governments of these five tribes have become utterly unable to protect the life or property rights of the citizen. Their courts of justice have become powerless and paralyzed. Violence, robbery, and murder have become almost of daily occurrence, and no effective measures of restraint or punishment are put forth by these governments and courts to suppress crime. Railroad trains continue to be stopped and their passengers robbed in the very presence of those in authority. A reign of terror exists, and barbarous outrages almost impossible of belief are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims."

The United States district court at Fort Smith, Ark., has been given jurisdiction in the Indian Territory only over crimes committed by an Indian upon a white man or by a white man upon an Indian. Of all crimes committed by Indians upon Indians the Indian courts still have sole jurisdiction. In this limited jurisdiction of the United States court the present able and upright judge has, since his appointment in 1875, sentenced to death on conviction in his court 153 persons, and there are to-day in the United States jail at Fort Smith under sentence of death appealed on questions of law 26. Of these 20 have been convicted the present year, the largest number in any one year. There are now under indictment for murder and awaiting trial 13 others, and several are in jail awaiting examination. There is also a United States court at Paris, Tex., having similar jurisdiction in the Indian Territory, the records of which show that since 1890 there have been 22 sentenced to death for murders committed in the Territory, and there are now under indictment 128, nearly all of whom are eluding arrest. How many murders in addition to these have been committed by Indians upon Indians, of which their courts have exclusive jurisdiction, there is no record available, but there is good reason to believe that they exceed these numbers. Reliable newspapers and individuals who have endeavored to obtain accurate information as to the prevalence of crime in the Territory agree in the statement that up to November 1 there had been 257 murders committed in the Territory since the last adjournment of Congress. Of course there have been many others not thus ascertained. If other crimes have in any degree a proportion

to that of murder in the Territory the condition must be appalling, and can not fail to call loudly for a remedy.

In addition to these statistics of prevalent crime taken from judicial records and other authentic sources, there is equally clear evidence of organized force in active operation intimidating and putting in peril witnesses who appear in court to testify for the Government in these cases. In cases of the most serious character now pending in these courts the witnesses have been, one by one, secretly assassinated. In others they have disappeared, and whether slain or not is not likely to be known until, by the failure of justice thus brought about, those charged with the most atrocious crimes have gone free. This terrorism makes it most difficult to obtain in the first instance witnesses to appear in court, knowing that by so doing they expose themselves to all possible persecution and personal danger, even to loss of life. In spite of the best efforts of the United States courts, there is for this reason a most lamentably frequent failure of bringing to justice those guilty of the most flagrant crimes in the Indian Territory.

The terrorism and intimidation is extended even to those who appear before this Commission with information as to the condition of affairs in the Territory and offer their views as to necessary changes. Not infrequently have highly respected citizens of these nations requested the Commission to withhold their names from any connection with the statements made by them as a necessary precaution to personal safety. And in the discussion among themselves of the questions involved they for the same reason take care that it shall be only in the presence of those whom they can trust not to betray them to others who are hostile to the objects of this Commission.

Recently the mayor of one of the towns which have sprung up in the Territory, a man of known integrity and irreproachable character, appeared before the Commission and presented his knowledge of the condition of affairs and his views of the necessity of a change. In a few days the Commission were in receipt of a letter from him informing them that he had been followed into Missouri, where he went on business, by two armed Indians, who informed him that he would be killed if he returned home through the Territory. He called upon the Commission for protection, which it had no power to give. This is not a singular instance, but the like of it is so frequent as to disclose a condition of affairs as deplorable as it is intolerable.

#### CONCLUSIONS.

The Commission was charged with the duty of negotiation only. They have been clothed with no authority beyond presenting to these "nations" such reasons as might induce them to consent to a change of their tribal holdings and governments upon terms that shall be just and equitable to all concerned, to be made binding only after ratification by the tribes themselves and the United States. Keeping strictly within their instructions, they have presented to these nations every argument and consideration open to them calculated to make clear the necessity, the justice, and the benefit of such a change in the tenure of their tribal property and in their tribal governments as will conform all to our national system and prepare them to become a part of it. The Commission has found, however, that those having authority to consider these proposed changes are the very persons whose interest it is to prevent them, and that the longer the present conditions continue the greater will be their gain. Every selfish instinct of those holding the power to consider propositions for a change is therefore arrayed against its exercise. They have declined directly, or ignored altogether all formal propositions for negotiation made to them, and in informal conferences have made it clear that no considerations the Commission has authority to present will induce them to voluntarily relinquish their present opportunities for vast gain and consent to share equally with all the Indian citizens that tribal property the United States originally placed in the custody of these "nations" for the common use of all, or to exchange the power they now possess to perpetuate their exclusive use of common property and dictate the character and terms of government under which these people live for anything analogous to

the institutions of our own Government by which they are surrounded. The very men who, in the manner heretofore described, have got in their personal grasp the vast tribal wealth of these "nations," elect and control the legislators in their councils, and denominate the work of this Commission as the "interference of a foreign power," not to be tolerated, and seek to punish with the penalties of treason any citizen Indian found advocating a change that shall require equal rights and equal participation.

The Commission is compelled to report that so long as power in these nations remains in the hands of those now exercising it, further effort to induce them by negotiation to voluntarily agree upon a change that will restore to the people the benefit of the tribal property and that security and order in government enjoyed by the people of the United States will be vain.

The Commission is therefore brought to the consideration of the question: What is the duty of the United States Government toward the people, Indian citizens and United States citizens, residing in this Territory under governments which it has itself erected within its own borders?

No one conversant with the situation can doubt that it is impossible of continuance. It is of a nature that inevitably grows worse, and has in itself no power of regeneration. Its own history bears testimony to this truth. The condition is every day becoming more acute and serious. It has as little power as disposition for self-reform.

Nothing has been made more clear to the Commission than that change, if it comes at all, must be wrought out by the authority of the United States. This people have been wisely given every opportunity and tendered every possible assistance to make this change for themselves; but they have persistently refused and insist upon being left to continue present conditions.

There is no alternative left to the United States but to assume the responsibility for future conditions in this Territory. It has created the forms of government which have brought about these results, and the continuance rests on its authority. Knowledge of how the power granted to govern themselves has been perverted takes away from the United States all justification for further delay. Insecurity of life and person and property increasing every day makes immediate action imperative.

The pretense that the Government is debarred by treaty obligations from interference in the present condition of affairs in this Territory is without foundation. The present conditions are not "treaty conditions." There is not only no treaty obligation on the part of the United States to maintain, or even to permit, the present condition of affairs in the Indian Territory, but on the contrary the whole structure and tenor of the treaties forbid it. If our Government is obligated to maintain the treaties according to their original intent and purpose, it is obligated to blot out at once present conditions. It has been most clearly shown that a restoration of the treaty status is not only an impossibility, but if a possibility, would be disastrous to this people and against the wishes of all, people and governments alike. The cry, therefore, of those who have brought about this condition of affairs, to be let alone, not only finds no shelter in treaty obligations but is a plea for permission to further violate those provisions.

The Commission is compelled by the evidence forced upon them during their examination into the administration of the so-called governments in this Territory to report that these governments in all their branches are wholly corrupt, irresponsible, and unworthy to be longer trusted with the care and control of the money and other property of Indian citizens, much less their lives, which they scarcely pretend to protect.

There can be no higher obligation incumbent upon every branch of the General Government than to exert its utmost constitutional authority to secure to this people, in common with all others within our borders, government in conformity with constitutional authorities. The Government can not abdicate or transfer to other shoulders this duty as to any portion of territory or people in the land. It

can not escape responsibility if the dark record which has now been brought to light is permitted to continue. Delay can bring nothing but increased difficulty and danger to peace and good order in the Territory. The situation calls for prompt action. These considerations lead but to one conclusion.

It is, in the judgment of the Commission, the imperative duty of Congress to assume at once political control of the Indian Territory. They have come with great reluctance to this conclusion, and have sought by all methods that might reach the convictions of those holding power in the Territory to induce them by negotiation and mutual agreement to consent to a satisfactory change in their system of government and appropriation of tribal property. These efforts have failed, and the Commission is driven to the alternative of recommending abandonment of these people to the spoliation and outrages perpetrated in the name of existing governments or the resumption by Congress of the power thus abused.

They therefore recommend immediate legislation as follows:

1. A Territorial government over the Five Civilized Tribes, adapted to their peculiarly anomalous conditions, so framed as to secure all rights of residents in the same, and without impairing the vested rights of the citizen Indian or other person not an intruder.
2. The extension of the jurisdiction of the United States courts in the Territory, both in law and equity, to hear and determine all controversies and suits of any nature concerning any right in or use and occupation of the tribal lands of the several nations, to which any citizen Indian or other person, or the tribal government of any nation, is or may be made a party plaintiff or defendant.

The Commission is confident that such a government wisely administered will restore the observance of law and preserve order among the people residing in these several nations, and make secure their lives and all just property rights. And that the determination in the United States courts of the most important and complicated questions in which the tenure of their land is unfortunately involved, lifting them out of the unhealthy and unreliable influences which prevail in the Indian courts, where now alone they are disposed of, would go far toward a solution of the difficult problem the present condition of the Territory presents.

Respectfully submitted.

HENRY L. DAWES.

FRANK C. ARMSTRONG.

ARCHIBALD S. MCKENNON.

THOMAS B. CABINISS.

ALEXANDER B. MONTGOMERY.

The SECRETARY OF THE INTERIOR.

Since the completion of the foregoing report the Commission, not having received any notice of action taken by the Choctaw and Chickasaw Nations, either in council or by committee, upon the propositions heretofore submitted by the Commission to these bodies separately, but having heard of some action being taken by them in respect to these propositions, made personal application to the secretary of the Choctaw Nation for information, and have received from him the following attested copy of resolutions adopted. They desire to make these resolutions a part of their report, without modifying, however, in any respect, the statements made or the conclusions of the Commission as set forth in the report, but for the purpose of making complete the record of the official intercourse between the Commission and the several nations, up to date.

HENRY L. DAWES, *Chairman*.

Whereas the Congress of the United States having appointed the honorable Dawes Commission to visit the five tribes within the limits of the Indian Territory for the purpose of inducing said five tribes of the Indian Territory to allot or divide our lands in severalty, now we, the committee duly appointed on the 9th day of November, A. D. 1895, by virtue and authority of the Choctaw general council, and in conjunction with the duly appointed and commissioned Chickasaw delegates from the

Chickasaw Nation having concurred and find that proposition made by the Dawes Commission in the United States and forwarded by mail to the Choctaw general council now in session, find that it was read and carefully interpreted, now do with matured minds and deliberate consideration have invited to recommend the following resolution:

*Be it resolved by the general council of the Choctaw Nation assembled,* That the proposition submitted to the Choctaw general council now in session does not meet with the approval in our conference or the consent of the Choctaw and Chickasaw people at large.

*Be it further resolved,* That we can not entertained the belief that a Christian nation as the United States Government would use fraudulent means, directly or indirectly, to deprive a weak and dependent people out of our lands now owned and held through a patent issued by the proper authority of the United States Government.

*Be it further resolved,* We ask the honorable Dawes Commission to make their report to Congress of the United States favoring the extension of justice to us and our peaceful homes, and ask to be permitted without molestation to possess that which is ours and only ours.

M. N. CASS, *Chairman of Committee.*

Approved, Nov. 12th, 1895.

JEFF. GARDNER, *P. C. C. N.*

This is to certify that the foregoing is a true and correct copy from the original resolution of the general council of the Choctaw Nation now on file at my office in Tushkahomma, the capitol of the Choctaw Nation.

Witness my hand and the great seal of the Choctaw Nation this the 15th day of November, A. D. 1895.

J. B. JACKSON,  
*National Secretary, Choctaw Nation.*