

ORGANIZATION OF THE TERRITORY OF OKLAHOMA, AND  
ESTABLISHMENT OF COURTS IN THE INDIAN TERRI-  
TORY.

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FEBRUARY 15, 1890.—Committed to the Committee of the Whole House on the state  
of the Union and ordered to be printed.

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Mr. STRUBLE, from the Committee on the Territories, submitted the  
following

REPORT:

[To accompany bill H. R. 6786.]

The Committee on the Territories, to whom was referred the follow-  
ing bills—

H. R. 6. To organize the Territory of Oklahoma, and for other purposes.

H. R. 7. To provide a temporary government for the Territory of Oklahoma.

H. R. 5414. To organize the Indian Territory, and for other purposes.

H. R. 6786. To organize the Territory of Oklahoma, to establish courts in the In-  
dian Territory, and for other purposes.

Having had the same under consideration have instructed me to report  
the same back, with the recommendation that the bills numbered, re-  
spectively, 6, 7, and 5414 do lie upon the table, and that the bill (H. R.  
6786) to organize the Territory of Oklahoma, to establish courts in the  
Indian Territory, be passed without amendment.

The proposed bill is comprehensive in its provisions and it is be-  
lieved by your committee that it will meet a long felt want in the  
country heretofore known as the Indian Territory.

Your committee would have recommended a measure which would  
have embraced within the boundaries of the Territory of Oklahoma the  
whole of the Indian Territory as heretofore defined were it not for the  
fact that the five civilized tribes or nations which own and occupy the  
eastern and southeastern portion of said Territory object to having the  
lines of any Territorial or State government extended around their  
lands, and cite treaty stipulations to sustain such objection.

While expressing no opinion as to whether such objection is valid or  
not, in view of the changed conditions with which we are confronted,  
yet, in order to avoid contention on this point your committee deem it  
best to exclude said civilized tribes or nations from the boundaries of  
the proposed Territory of Oklahoma, and to provide courts in said In-  
dian nations for the enforcement of law and for the protection of the  
persons and property of all residents therein.

The United States is authorized to establish such courts, by express  
treaty stipulations, and no objection has been offered before your com-  
mittee by the representatives of such nations or tribes to the establish-  
ment of such courts therein.

## OKLAHOMA TERRITORY.

The accompanying bill provides that all that part of the Indian Territory as heretofore described, west of the lands owned and occupied by the five civilized tribes, including what is known as the Public Land Strip, shall be created into a temporary government, by the name of the Territory of Oklahoma.

But nothing in the

act shall be construed to impair the rights of person or property, or to impair any patent or right of occupancy of lands now pertaining to the Indians in said Territory under the laws, agreements, and treaties of the United States, or to include any territory occupied by any Indian tribe for which title has been conveyed by patent or otherwise from the United States, or to which such tribe may be entitled by law, agreement, or treaty, without consent of said tribe, or any territory which by treaty or agreement with any Indian tribe 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 Territory of Oklahoma until said tribe shall signify its assent to the President of the United States that such territory be included in said Territory of Oklahoma, except for judicial purposes as provided therein, or to affect the authority of the Government of the United States to make any regulation, or to enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

And it is further provided that—

Nothing in this act shall be construed to interfere with the local government of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, or which may exist in conformity thereto.

Your committee are of the opinion that every right of any Indian tribe in the Indian Territory as heretofore defined has been carefully guarded and protected in the accompanying bill.

The bill was discussed at great length by the representatives of the five civilized tribes and by others, and such concessions and amendments were made as to practically reconcile all objections, so far as the Indian tribes are concerned. If anything is retained in the bill to which objection was made, and not removed, it is believed to be of minor importance.

There were many conflicting interests to reconcile, but a spirit of liberality and mutual concession has been observed by your committee in the preparation of the bill, so that there is practical unanimity in the committee and among those who appeared before the committee in support of the bill herewith reported.

The Indian Territory as heretofore defined contained 44,156,240 acres, and the Public Land Strip contained 3,672,640 acres, in all 47,828,880 acres. The lands embraced within the limits of the proposed Territory of Oklahoma amount to about 23,267,719 acres.

That portion of the Territory occupied by Indian tribes is shown in the following table, which also shows the number of each tribe, the

acreage per capita, the acreage required by Indians, allowing them 160 acres for family of four, and the amount of surplus lands:

Name of tribe.	Population.	Acreage of reservation.	Acreage per capita.	Acreage required by Indians, allowing them 160 acres for family of four.	Surplus.
Osage .....	1,552	1,470,059	947 $\frac{1}{2}$	62,080	1,407,979
Kansas (Kaw) .....	225	100,187	440 $\frac{3}{4}$	5,000	95,187
Pawnee .....	1,045	283,120	270 $\frac{3}{4}$	41,800	241,320
Sac and Fox .....	457	479,667	1,049 $\frac{3}{4}$	18,280	461,387
Pottawatomie .....	550	575,877	1,047	22,000	553,877
Tonkawa .....	92	100,000	1,087	3,680	96,320
Ponca .....	574	101,894	177 $\frac{3}{4}$	8,610	93,284
Otoe and Missouri .....	266	129,113	485 $\frac{3}{4}$	10,440	118,673
Iowa .....	89	228,418	2,560 $\frac{3}{4}$	3,260	225,158
Kickapoo .....	346	206,466	596 $\frac{3}{4}$	14,590	191,876
Cheyenne and Arapahoe .....	3,609	4,297,771	1,193 $\frac{3}{4}$	144,160	4,153,611
Wichitaw .....	189	743,610	3,900	7,560	736,050
Kiowa, Comanche, and Apache .....	3,032	2,968,893	979	121,280	2,847,613
Total .....	12,028	11,685,025	.....	462,940	11,222,085

The area in said Territory not occupied by Indian tribes and the acreage thereof is as follows:

	Acres.
Cherokee Outlet .....	6,022,244
Public Land Strip .....	3,672,640
Oklahoma lands .....	1,887,800
Total .....	11,582,684

GREER COUNTY.

These areas do not include what is known as Greer County. The bill simply provides that the Territory to be organized shall be bounded on the south by the State of Texas wherever that line may be determined hereafter to be. If it should be decided that Greer County is a part of the Indian Territory and belongs to the United States it will be embraced within the provisions of the bill and the lands thereof be opened to settlement. Including this county the area of the whole Territory organized under this bill comprises 38,718 square miles, or 24,779,885 acres, an area about the size of the State of Ohio. The Indian tribes now located within said Territory by Departmental orders and special acts of Congress are included within the Territory for judicial purposes, and for such other purposes as may be consistent with our treaty obligations with each of these tribes. But it is expressly provided, as stated heretofore, that nothing in the bill shall interfere with any right which any Indian tribe may now have under any treaties or agreements with the United States heretofore ratified.

The State of Texas claims the territory in Greer County. The accompanying bill provides for submitting the respective claims of Texas and the United States to Greer County to the decision of a board of arbitration, which, it is believed, will reach a speedy decision of the matters in controversy, and one which will be binding upon both parties. A large number of citizens have located in that county and the ownership of the lands and jurisdiction therein should not be left in doubt.

LANDS OPENED TO SETTLEMENT.

About the close of the last session of the Fiftieth Congress the lands known as "Oklahoma proper" were opened to settlement, under the

legislative provisions which were contained in the "act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes," approved March 2, 1889, and under the provisions of section two of "An act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889.

The President issued a proclamation, as provided in said acts, opening the lands to settlement on the 22d day of April, 1889. The lands thus opened were taken at once, and numerous cities and towns have sprung up on those lands since that time. It is estimated by your committee that there are now in the Territory of Oklahoma, including the Public Land Strip, at least 90,000 white people and others than Indians, and about 12,000 Indians. These people are without local government of any kind, except such as they have established for themselves. City and town governments have been established, but there are no county organizations. The only jurisdiction exercised over them by the authority of the United States is the civil jurisdiction and criminal jurisdiction in misdemeanors conferred on the court at Muscogee, and the criminal jurisdiction conferred on the United States courts at Wichita, Kans., and Paris, Tex.

This jurisdiction is very limited, and the manner in which it is enforced makes it questionable whether it affords any relief whatever to the people.

#### THE PRESIDENT'S RECOMMENDATION.

The President of the United States, in his message to Congress at the beginning of this session, thus refers to the lands opened to settlement in the Indian Territory, to the failure of Congress to provide civil government for the people who might settle therein, and to the imperative necessity for prompt legislation by Congress on the subject:

The land remaining and available for settlement consisted of 1,887,796 acres, surrounded on all sides by lands in the occupancy of Indian tribes. Congress had provided no civil government for the people who were to be invited by my proclamation to settle upon these lands, except as the new court, which had been established at Muscogee, or the United States courts in some of the adjoining States, had power to enforce the general laws of the United States.

In this condition of things I was quite reluctant to open the lands to settlement. But in view of the fact that several thousand persons, many of them with their families, had gathered upon the borders of the Indian Territory, with a view to securing homesteads on the ceded lands, and that delay would involve them in much loss and suffering, I did, on the 23d day of March last, issue a proclamation declaring that the lands therein described would be open to settlement under the provisions of the law on the 22d day of April following, at 12 o'clock noon. Two land districts had been established, and the offices were open for the transaction of business when the appointed time arrived.

It is much to the credit of the settlers that they very generally observed the limitation as to the time when they might enter the Territory. Care will be taken that those who entered in violation of the law do not secure the advantage they unfairly sought. There was a good deal of apprehension that the strife for locations would result in much violence and bloodshed, but happily these anticipations were not realized. It is estimated that there are now in the Territory about sixty thousand people; and several considerable towns have sprung up, for which temporary municipal governments have been organized. Guthrie is said to have now a population of almost eight thousand. Eleven schools and nine churches have been established, and three daily and five weekly newspapers are published in this city, whose charter and ordinances have only the sanction of the voluntary acquiescence of the people from day to day.

Oklahoma City has a population of about five thousand, and is proportionately as

well provided as Guthrie with churches, schools, and newspapers. Other towns and villages having populations of from one hundred to a thousand are scattered over the Territory.

In order to secure the peace of this new community, in the absence of civil government, I directed General Merritt, commanding the Department of the Missouri, to act in conjunction with the marshals of the United States to preserve the peace, and upon their requisition to use the troops to aid them in executing warrants and in quieting any riots or breaches of the peace that might occur. He was further directed to use his influence to promote good order and to avoid any conflicts between or with the settlers. Believing that the introduction and sale of liquors, where no legal restraints or regulations existed, would endanger the public peace, and in view of the fact that such liquors must first be introduced into the Indian reservations before reaching the white settlements, I further directed the general commanding to enforce the laws relating to the introduction of ardent spirits into the Indian country.

The presence of the troops has given a sense of security to the well-disposed citizens, and has tended to restrain the lawless. In one instance the officer in immediate command of the troops went further than I deemed justifiable in supporting the *de facto* municipal government of Guthrie, and he was so informed and directed to limit the interference of the military to the support of the marshals on the lines indicated in the original order. I very urgently recommend that Congress at once provide a Territorial government for these people. Serious questions, which may at any time lead to violent outbreaks, are awaiting the institution of courts for their peaceful adjustment. The American genius for self-government has been well illustrated in Oklahoma, but it is neither safe nor wise to leave these people longer to the expedients which have temporarily served them.

In view of the earnest recommendation of the President that Congress at once provide a Territorial government for Oklahoma, your committee indulge the hope that the bill which they have reported for that purpose may receive prompt and favorable consideration.

A Territorial government is provided for Oklahoma similar to that in the other Territories of the United States, and additional provisions in reference to securing lands under the homestead laws are recommended, in order that the actual and bona fide settler may be protected as far as possible in his rights.

#### OTHER LANDS MAY BE OPENED TO SETTLEMENT.

No lands are opened by this bill to settlement in addition to the Oklahoma lands referred to by the President, except what is known as the Public Land Strip. But it is provided that when the Indian titles and claims to other lands are secured and satisfied, such lands shall be opened to settlement under the provisions of the bill. No reference is made in the bill to the occupancy of the Cherokee Outlet by cattle companies, and no legislation is provided in this bill for securing the relinquishment of the Cherokee claim thereto. All the provisions which exist on this subject are contained in the legislation of last Congress, and the Commission provided for by that Congress is still in existence and has not completed its negotiations.

There is no provision in the bill for opening to settlement any lands occupied or owned or claimed by any Indian tribe or nation. As to all such lands, the Commission heretofore appointed, or the President, under authority heretofore given, can alone treat for the relinquishment of such Indian titles or claims. That other lands will be secured and opened to settlement at an early day is more than probable, from the fact that the Indians in other parts of the Territory have assigned to them lands largely in excess of their present or future wants. For instance, the Cheyennes and Arapahoes, numbering 3,376, have assigned to them, for their use, 4,297,771 acres, or more than 5,000 acres to each family of four persons. Less than 1,000 acres of this land has been reduced to cultivation, and it is well known not to be useful for hunting purposes. The other Indian tribes occupy lands largely in

excess of their present or future requirements, and it is believed that future agreements may be made under the allotment law passed and departmental orders issued which will reduce the limits of those reservations and open up other large areas in the near future to actual settlement by white people.

The bill has been carefully considered, and every provision inserted which may be necessary to guard the interests and treaty rights of the Indians.

#### THE PUBLIC LAND STRIP.

Your committee are informed, upon information deemed reliable, that a large number of persons, estimated as high as 10,000, have settled upon that portion of the area embraced within the provisions of this bill, known as the Public Land Strip. The probabilities are that the number of persons who will settle upon this land in the near future will be much greater. Should the land embraced within this area be opened to homestead settlers, as provided in this bill, it is believed that the whole amount would be taken under the homestead laws within one year from the passage of the act. The information also received by your committee in regard to this land is to the effect that it is well adapted to agricultural purposes; that the climate is salubrious; that the water is reasonably plentiful; and that there are other valuable resources, such as coal, building material, etc.

The people now settled upon the Public Land Strip can not acquire a legal title to the land. They are without local laws for their government, except such as have been enacted by a provisional council known as the "Council of the Territory of Cimarron." This council has assumed to exercise legislative power upon very few subjects, only such matters being embraced as are absolutely necessary for the temporary security of persons and property. The Territorial council sent a memorial to the last Congress, praying for authority to organize a government which will afford protection to persons and property. In other words, they desire a Territorial government, and are willing to be embraced within the provisions of this bill. The number of people who have already settled upon the Public Land Strip is such as to imperatively require the interposition of Congress, so as to afford them the protection of the law, and enable them to secure titles to the land.

Your committee are of the opinion that in order to enable the settlers already there and those who may come after them to secure titles to the land, that the provisions of the homestead law should be applied, and that a local territorial government should be afforded them, as provided in this bill. It would not be expedient to attach the Public Land Strip to any State or Territory for judicial purposes or to extend the land laws of the United States over that region without, at the same time, affording the people residing there the protection of local government. If the land laws of the United States should be extended over the Public Land Strip, and no local government provided, the opportunities for frauds upon the public domain in connection with land entries would be afforded and no adequate means of preventing them would be provided. Your committee are therefore of the opinion that the interests of the United States, as well as those of the people who may reside upon the Public Land Strip, imperatively require that local self-government and the homestead laws, properly guarded, should be afforded them. This is accomplished in the bill for the organization of the Territory of Oklahoma.

SCHOOLS AND SCHOOL LANDS.

The accompanying bill reserves the sixteenth and thirty-sixth sections of land in every township for school purposes. It also makes temporary provision for the support of public schools in the Territory, appropriating for this purpose one hundred thousand dollars, to be expended under the direction of the governor and the Secretary of the Interior.

THE INDIAN TERRITORY.

The whole Indian Territory as heretofore defined has, owing to the failure of Congress to provide courts adequate to the wants of the people, become the refuge of criminals and desperadoes from all parts of the country. Nothing but the establishment of a Territorial government over that region and courts in the five civilized tribes will arrest the carnival of crime which prevails there, or protect the Indians therein from the rapidly increasing invasion of the criminal classes.

With a view to remedying these evils as far as possible, your committee have included in the bill for the organization of the Territory of Oklahoma, provisions establishing courts in the Indian Territory, not embraced in the Territory of Oklahoma. A supreme court, consisting of three judges, and district courts, to be presided over by these judges, have been established. The jurisdiction heretofore exercised over the five civilized tribes by the United States courts at Fort Smith, Ark., and at Paris, Tex., has, with some exceptions, been retained. But the jurisdiction of the courts in the Indian Territory, established by the accompanying bill, has been greatly enlarged, both as to civil and criminal matters, over that heretofore exercised by the court at Muscogee. For a detailed statement of the provisions on this subject, reference is made to the bill itself. Whether or not the provisions proposed are the best which could be devised, is not claimed, but that they are the best that can be secured at this time, in view of the complications which exist, there can be little doubt. And it is hoped that the bill, in these respects, can be passed substantially as reported.

POPULATION IN THE INDIAN TERRITORY.

Mr. Leo E. Bennett, United States Indian agent in the Indian Territory, in his report to the Secretary of the Interior, under date of September 21, 1889, gives the following information in reference to the population of the Indian Territory, not included in the Territory of Oklahoma:

As this report is intended for the public as well as for the Indian Office, I have not hesitated to repeat statistics that may have been heretofore given, except I have in cases used every available means to correct the figures to conform to the actual condition of affairs "to-day."

Union Indian Agency is located at Muscogee, as being the most central, easily accessible point in its jurisdiction, which extends over the Creek, Cherokee, Chickasaw, and Seminole Nations, and the strip west of 96°, known as the "Cherokee Outlet;" the whole aggregating in round numbers 20,000,000 acres of land, which is occupied by about 20,000 Indians of full blood, 32,000 of mixed blood, and 13,000 of adopted whites and freedmen, and a foreign population of more than 100,000 whites and other non-citizens, divided as follows:

Creeks, natives, and adopted freedmen .....	14,200
Cherokees, natives, adopted whites, other Indians, and freedmen.....	24,400
Choctaws, natives, adopted whites, and freedmen.....	18,000
Chickasaws, natives, adopted whites, and freedmen.....	6,000
Seminoles, natives, adopted whites, and freedmen.....	2,600
<b>Total citizen population .....</b>	<b>65,200</b>

Farm laborers and mechanics under permit and their families .....	45,600
Licensed traders, Government employes, employes of railroads and mines, and their families .....	25,000
Interlopers and criminals, principally refugees from border States, and their families, fully .....	35,000
Claimants to Indian citizenship .....	4,000
Sojourners, prospectors, and visitors .....	3,000
<b>Total population fully .....</b>	<b>177,200</b>

It would be difficult, if not impossible, to find an equal population anywhere with greater diversity of nationality, education, occupation, and creed, and with fewer interests in common.

If we add to the foregoing the population in the Territory of Oklahoma, as defined in the first section of the bill, namely, 100,000, whites and Indians, we will have an aggregate population in both Territories of 277,200. Of this population at least 190,000 are white citizens of the United States. Of the other 87,000 people, not exceeding 30,000 are full-blood Indians, and at least one-half of these have adopted the habits and customs of civilized life; live in houses and dress as white people, and many of the adults speak the English language. Excluding the full-blood Indians, there are in the Indian Territory and the Territory of Oklahoma about 247,200 people who are either white or of mixed blood, but who in personal appearance, and in their habits and customs, and in their intelligence, do not differ materially from the people who inhabit the other parts of the United States. But all the people in those Territories are entitled to that protection which just laws and local courts alone can give. The Indians are especially interested in the suppression of lawlessness in their midst. While they are amenable to their tribal laws and courts, yet there can be no security to their persons or property so long as they are in contact with the criminal classes of all other nationalities, who commit crimes and depredations and in many cases escape without punishment.

While lawlessness has prevailed to an alarming extent in the Indian Territory, yet extraordinary efforts have been made by the United States courts at Fort Smith, Ark., which exercise certain criminal jurisdiction therein. The expenses of maintaining the courts at Fort Smith, which are occupied almost exclusively with business from the Indian Territory, during the past five years and six months have reached the enormous sum of \$1,124,452, as will appear from a letter furnished a member of your committee by the Attorney-General, which letter and its accompanying statement are as follows:

DEPARTMENT OF JUSTICE,  
Washington, January 14, 1890.

SIR: In answer to your request for information of what expenses were incurred in certain courts during the fiscal years 1885, 1886, 1887, 1888, and 1889, and up to December 31, 1889, of the fiscal year 1890, the following tables are prepared:

*Expenses United States court at Fort Smith, Ark., to December 31, 1889.*

	1885.	1886.	1887.	1888.	1889.	1890.*
Marshals .....	\$39,048.50	\$37,118.65	\$28,777.99	\$43,838.00	\$32,685.27	\$11,984.69
Jurors .....	19,712.00	30,265.40	15,400.00	27,300.00	27,750.00	18,000.00
Witnesses .....	62,634.50	106,529.00	82,921.55	143,267.50	137,240.95	95,000.00
Prisoners .....	16,365.12	18,000.00	15,466.35	23,200.00	25,622.81	10,000.00
Balliffs .....				5,283.00	6,248.00	5,000.00
Miscellaneous .....	10,799.08	17,438.73	14,060.07	4,519.00	3,922.50	2,350.00
Attorneys .....	7,381.40	7,777.39	4,514.58	13,579.00	3,960.25	
Attorneys' assistants .....				1,199.97	1,731.50	
Clerks .....	4,343.51	6,458.93	3,862.30	2,163.05	2,787.03	
Commissioners .....	7,541.95	9,122.00	5,832.85	3,623.45	3,747.90	
<b>Total .....</b>	<b>165,812.06</b>	<b>232,803.10</b>	<b>170,835.61</b>	<b>266,972.97</b>	<b>245,606.81</b>	<b>142,334.69</b>

\* Six months.



*Expenses United States courts at Wichita, Kans., as far as practicable to state—the Department keeping an account of judiciary expenses for each judicial district, but not separate accounts for each term of a court in each district.*

[The expenses given for 1890 are those up to December 31, 1889.]

	1885.	1886.	1887.	1888.	1889.	1890.
Marshals .....	\$2,000	\$2,500	\$2,400	\$2,000	\$2,500	\$500
Jurors .....	3,100	3,349	2,800	2,874	3,500	1,500
Witnesses .....	7,600	8,100	6,000	11,000	11,000	15,000
Prisoners .....	240	500	500	600	900	(*)
Bailiffs .....				270	200	(*)
Miscellaneous .....	270	280	400	270	100	(*)
Total .....	13,210	14,729	11,000	16,914	18,200	17,000

\* No definite amounts asked for; such expenses being included in other court expenses.

*Expenses United States court at Paris, Tex., to December 31, 1889.*

	1889.	1890.*
Marshals .....	\$500	\$1,000
Jurors .....	1,000	3,000
Witnesses .....	1,500	32,880
Prisoners .....	250	1,000
Bailiffs .....	214	1,000
Miscellaneous .....	1,000	1,000
Total .....	4,464	39,880

\* Six months.

Very respectfully,

W. H. H. MILLER,  
*Attorney-General.*

Hon. W. M. SPRINGER,  
*House of Representatives.*

THE MUSKOGEE COURT.

Attention is called to the following extract from the report of Mr. Bennett, United States Indian agent for the five civilized tribes, under date of September 21, 1889 (to which report reference has already been made by your committee), for the purpose of showing the success which has attended the establishment of the United States court at Muskogee by act of March 1, 1889, and to show that the jurisdiction of the court should be enlarged. Mr. Bennett says:

As a tentative measure the United States court, established at Muskogee by act of Congress, approved March 1, 1889, has been a decided success, and I can testify to the marked diminution of crime apparent as a result thereof. Heretofore the absence of any tribunal to determine disputes as to contracts had caused the principals in many cases to "shoot it out." Now, the parties have a legal remedy where the amount involved is \$100 or more. About five hundred suits have already been filed in this court, embracing all classes of civil causes. The jurisdiction of the court extends to every civil action where the amount involved is \$100 and upward, and the practice, pleadings, and mode of procedure are similar to the Arkansas code. This court also has jurisdiction in minor cases of larceny and assaults, disturbances of religious worship, etc. Hon. James M. Shackelford is the judge of this court, and his name has already become a terror to the evil-doer. I am pleased to testify to his peculiar fitness for the arduous duties, and his most excellent conduct of the affairs of the court. Much good has been accomplished by this court, and even with its restricted powers it has proved a blessing to the country.

Yet it is not possible under the present law for the court to reach even a reasonable development. Its jurisdiction should be greatly enlarged. It is said that in human society there exists a horde of incarnate canine appetites, restlessly seeking to slip the leash of law, that they may unrestricted indulge in vice and crime. For

years and years the Indian Territory has been a harbor and asylum against civil and criminal process for this class of beings. There are 35,000 people living in the limits of this agency who have no legal or moral right to remain in the country. They are fugitives from the States, outlaws of every class, murderers, thieves, whisky peddlers, gamblers, prostitutes, etc. Their influence is corrupting, their touch is pollution, and their example is demoralizing. To their malevolent influence may be directly traced the extension of crime in this country. Some means of suppressing this great and growing evil should be conferred upon our United States court. I say "growing evil," for the thousands of children of these intruding criminals are nurtured in crime and do not know the right from the wrong. They are born in iniquity and reared in unrighteousness and sin, without schools, without religion, without any restraining influence, and it does not cause any wonder that the child follows the footsteps of its parent.

The United States court at Muskogee should have its powers enlarged to embrace original and exclusive jurisdiction over all crimes committed in the five civilized tribes; it should have civil jurisdiction in all cases involving \$20 and over; it should be empowered to grant divorces, determine the custody of children, and award alimony. Probate powers should be conferred upon it, and through its operations should be settled the estates of all non-citizens who are deceased in this country. The provision that debars the court from "jurisdiction over controversies between persons of Indian blood only" has been construed in many ways. The general view is that this provision is detrimental and should be removed. There can be no just reason for depriving a man of the rights and privileges of the protection afforded by the United States court because he is an Indian. His rights are as sacred as those of any other person and should be respected accordingly. The Indian should be protected by the same law that protects the white man, and should be taught to know and respect legal and equitable rights as recognized in courts of justice. As all men are free, so all men should be equal, and no man, because he happens to be an Indian, should be cut off from advantages and privileges afforded other men, nor be prevented from attaining the highest place if he desires it, nor be denied that peace and comfort, security and perfect liberty which is accorded his fellow-man. The Indian ought to be regarded as a man with a man's rights and privileges and a man's duties and responsibilities. If the Indian does not wish to surrender his tribal autonomy his desires may be easily gratified; but that should not act to prevent him from having access to the courts, from living under the protection of the law, for being amenable for its infringement.

This Indian agency system of management is antiquated, and is detrimental to the higher development of man. No arbitrary and despotic system of ruling a people should be suffered to exist in this American home of the free; but the justice of courts and the protection of the Constitution and laws of the United States should be extended over the Indian as well as the white man. The agency system should give place to its more capable, adequate, and efficient successor, the United States court.

It is believed by your committee that the establishment of local courts of enlarged jurisdiction in the Indian Territory will have the effect of preventing in a great measure the commission of crimes therein. If the people are furnished redress in courts located in their neighborhood for every grievance, however slight, there will be less resort to violence and personal encounters. If efficient judicial remedies are accessible, the resort to illegal methods will be less frequent.

If there should be any objection offered to this bill on the ground that a greater expense would result from the establishment of courts and the creation of new officers, such objection will be fully met by calling attention to the fact that, if courts are brought near the people, the expense of procuring the attendance of witnesses, jurors, and parties will be greatly reduced.

#### EXTRADITION OF CRIMINALS.

It will be seen by reference to the report of Indian Agent Bennett, extracts from which are given in this report, that there are now in the Indian Territory, "interlopers and criminals, principally refugees from border States, and their families," to the number of at least 35,000. There is no provision of law at this time by which any of these criminals

can be extradited. But by the provisions of the bill reported by your committee the chief justice of the supreme court of the Indian Territory is clothed with the same powers as to extradition of criminals that may be exercised by the governor of Oklahoma. This provision will aid the authorities in ridding the Territory of the presence of criminals and outlaws from other States and Territories.

## AMOUNTS APPROPRIATED.

The bill reported by your committee contains the necessary appropriation for carrying it into effect for the remainder of the current fiscal year. These appropriations are as follows:

## APPROPRIATIONS FOR TERRITORY OF OKLAHOMA.

Greer County arbitration .....	\$10,000
Expenses of legislature, including printing of session laws .....	40,000
Salaries .....	20,000
Rent of buildings, records, etc .....	15,000
Census .....	10,000
Public schools .....	100,000
Completing survey .....	50,000
	<hr/>
	245,000
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## INDIAN TERRITORY.

Salaries of judges, fees of marshals, attorneys, etc .....	20,000
Rent of buildings, mileage, per diem, jurors and witnesses, records, etc....	20,000
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	40,000
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Total for both Territories .....	285,000

These amounts may seem large to those who have not carefully studied the situation, but your committee, after thorough investigation, are of the opinion that no more is appropriated than will be necessary for the purposes indicated. But however great such appropriations may be, there is a provision in the bill which will bring into the Treasury many millions of dollars in the near future. Section 14 of the bill allows any person who has taken a homestead in the Territory of Oklahoma, if he has complied with the land laws in other respects, to commute his homestead into a pre-emption after eighteen months from the date of locating thereon, upon the payment of the sum of \$1.25 per acre for the lands embraced in such homestead.

It is believed that at least one-half of all the lands opened to settlement on the 22d of April last will be thus commuted. At least a million dollars would be realized from the lands already opened to settlement. The lands in the Public Land Strip would, under this section, realize at least another million dollars. There are about 17,000,000 acres of other lands in the Indian Territory which will, in the future, through negotiations and agreement with Indian tribes, be opened to settlement. From such lands we may reasonably anticipate cash payments of at least \$8,000,000 under this section of the bill. Hence, we may reasonably anticipate that \$10,000,000 will be paid into the Treasury under the operations of this section of the bill.

## IN CONCLUSION—

Your committee has devoted great care and much time to the preparation of the accompanying bill. Every line has been carefully

scrutinized, and every interest affected has been considered and carefully weighed. Representatives of the Indian tribes and residents of Oklahoma have appeared before your committee and given the committee the benefit of their advice and experience. Believing the measure will afford great relief, that it will secure law and order in a large region of country, where lawlessness has heretofore prevailed, that it will tend to the civilization of the Indian and to the protection of his person and property, that it will vastly improve the condition of the 277,000 people who are most affected by its provisions, your committee earnestly recommend its passage.

All of which is respectfully submitted.

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