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SENATE.

{ REPORT  
{ No. 615.

IN THE SENATE OF THE UNITED STATES.

MAY 2, 1892.—Ordered to be printed.

Mr. MORGAN, from the Committee on Indian Affairs, submitted the following

## REPORT:

[To accompany S. 3030.]

The Committee on Indian Affairs submitted the following report and the accompanying bill, as a substitute for Senate bill 2890, referred to them, and the committee recommend its passage.

Within the Quapaw Agency, situated in the Indian Territory, at the angle formed by the southern line of Kansas and the western line of Missouri, are the following tribes and bands of Indians:

The Western Miamis, and confederated bands of Wea's, Piankeshaws, and Kaskaskias, comprising about 75 persons, owning an area of 17,083 acres of land.

The Peorias have about 166 of population and 33,218 acres of land.

These tribes and bands have community interest in all the lands held by them.

The Ottawas have about 155 of population and 14,860 acres of land.

The Modocs have about 68 of population and 4,040 acres of land.

The Eastern Shawnees have about 80 population and 13,048 acres of land.

The Senecas have about 273 of population and 51,958 acres of land.

The Wyandottes have about 291 of population and 21,406 acres of land.

The Quapaws have about 200 of population and 56,685 acres of land.

The lands of all these tribes are adjoining, without any intervening areas, and are held under treaties and contracts, conveying absolute title to them, subject to the usual twenty-five years' restriction as to sales by the Indians, taxation, and forced sales of their lands.

These tribes have practically selected their lands in equal subdivisions and would be able to complete the allotment so as to secure to every Indian his just proportion of the tribal lands in severalty if they had organized tribal legislatures to provide laws to ratify and make final such allotments.

In the absence of such lawmaking powers, the Secretary of the Interior has proceeded to enforce the Indian severalty law, known as the "Dawes act" in some of these reservations.

The provisions of the bill herewith reported cover all the lands in the respective tribes located within the Quapaw Agency that have not

been allotted in severalty. The Indians of all these tribes are self-supporting, and have made such progress in education as to be qualified for useful and creditable citizenship of the United States. Owing their lands in fee simple, for which they have paid a great price in the surrender of lands in their original reservations to the United States, and all of them having homes on their respective locations, the committee consider that it was due to them that in framing this law they should consult the wishes of the Indians as to the manner of disposing of the tribal domain.

The bill reported by the committee, in all essential particulars, conforms to the wishes of the people of the several tribes as to the disposal of their property. Their consent to passing from under the tribal authority into the civil government of the Territory of Oklahoma is deliberate and cheerful after a thorough and wise consideration of the importance of the change in their political relations and of the duties imposed upon them by the new situation.

It may be that the taxation they are able to bear, as contributors to the support of the Territorial government, will not be entirely just to other communities in that Territory. If such a condition should be found hereafter to exist, it will only be just that a proper assistance should be given to the Territory by the United States, until the lands allotted to the Indians become alienable and taxable. The policy of exempting lands allotted to Indians from taxation and forced sale, as well as voluntary alienation, is a necessary part of the plan for introducing them safely and gradually into the full advantage and responsibility of citizenship of the United States.

As a matter of public economy it is greatly to the benefit of the Government that these Indians should be self-supporting and prosperous. In these respects they are in marked and pleasing contrast to many thousands of Indians who are equally able to work and to provide for themselves, who still rely solely upon the Government for food and raiment.

These Indians are the first to claim complete incorporation into the citizenship and government provided for the whole people by the laws of the United States, and this high example will soon be followed by other tribes. They deserve to be encouraged, and the United States should act generously with them in so arranging for the allotment of their lands, and in their other reasonable demands, that the transition to full citizenship will encourage them in their hopes and aspirations and continue them with their participation in the duties of that higher condition.

In preparing an act for securing these gratifying results, the committee have freely consulted the wishes of the Indians, and finding their conclusions just and reasonable have endeavored to conform this bill to those purposes.

As the subjects of legislation in this bill are chiefly of a political nature and within the limits of the supreme power of the United States, and as the measure does not alter or abridge the treaty rights of the Indians, and as authentic expression of the wishes of the several tribes has been given to the provisions of the bill, the committee are of opinion that it is unnecessary, as it would be unwise, to submit this act to the approval of the tribes to be affected by it, through a vote of the Indians, or through any form of gaining the assent of a majority of the adult Indians, before it is to become a law.

The history of such proceedings leaves it very doubtful whether any good has resulted from this legislative method of exercising the treaty-

making power in dealing with these dependent and unorganized tribal governments.

It is certain that our efforts thus to reconcile the Indians to a change of their political relations to the United States have fostered the sentiment of tribal independence among them and their leaders to a degree that has created serious obstacles to our efforts to induce the Indians to cheerfully accept our civilization.

A mistaken policy, and a hesitancy in exerting the just powers of government over the Indians, without their express consent, has nurtured insubordination; has created personal jealousies between leading men in the tribes; and has given encouragement to the notion among them that revolt and defiance of lawful authority will be rewarded with greater favors and concessions, than proper obedience to the laws would secure.

The Indians affected by this measure fully realize the advantages of government, according to law, and eagerly seek the rights, duties, and honors of full citizenship, and voluntarily place themselves under the guidance and control of the laws of the United States.

The committee herewith submit, as part of this report, the statements of several persons, most of them intelligent Indians, as to the present condition of the several tribes in the Quapaw Agency, which were taken and are here reported, literally, as they were given on a hearing before the committee.

These statements remove all doubt from the minds of the committee as to the qualification of these Indians for the duties of citizenship.

## ALLOTMENTS OF LANDS IN SEVERALTY TO CERTAIN INDIAN TRIBES.

COMMITTEE ON INDIAN AFFAIRS, U. S. SENATE,  
Washington, D. C., March 5, 1892.

Testimony taken by the Committee on Indian Affairs, under authority of the following resolution of the Senate of ———, 1892:

The committee, having under consideration the bill (S. 1869) to provide for allotment of lands in severalty to the Quapaw Indians in the Indian Territory, and for other purposes, took the following testimony:

### TESTIMONY OF ABNER W. ABRAMS.

By Senator MORGAN:

Q. To what tribe of Indians do you belong?—A. The Quapaw Indians, exactly in the northeast corner of the Indian Territory.

Q. Are you an educated man?—A. Business men say that I am.

Q. Where did you get your education?—A. At Leavenworth, Kans.

Q. What is your age?—A. Forty-five years on the 14th of February last.

Q. What office or position do you hold in the Quapaws?—A. Clerk of the Quapaw council.

Q. What is the Quapaw council?—A. It is composed of the head chief, the second chief (at present only two councillors), the interpreter, and myself.

Q. How many councillors are you entitled to have?—A. Three. We still have a quorum, but one councillor has died.

Q. Are the councillors and officers all Indians?—A. All Indians.

Q. What are the functions or powers of that council?—A. Settling any and all differences between members, and signing and certifying certain papers, as in the case of last year we received some money and we certified to the correctness of the pay roll; and any business which may be done requiring an executive body is done through our council.

Q. The council, then, is an executive body?—A. It is.

Q. Who created that body?—A. It has been going on ever since beyond history, I suppose. We elect our chiefs and council every two years.

Q. How?—A. By *viva voce* vote; by popular vote of the tribe.

Q. You meet at a certain place?—A. Yes, sir; in open council called for the purpose.

Q. That is a council of the tribe?—A. In fact all our councils are such.

Q. In that council of the tribe you elect three councillors?—A. Yes, sir.

Q. Do they elect officers—a recorder, for instance, and other officers?—A. Yes; the councillors do. Well, the clerk is elected in the same way.

Q. By the council?—A. By the unanimous vote of the people.

Q. And so, if I understand you, with all the officers?—A. All the officers are elective by the people in open council.

Q. This is a traditional Indian council?—A. Yes, sir; only it is somewhat modernized in this way: We postpone no council except for very good reasons. We notify all that there is to be an open council for a certain purpose. Then, if any member sees proper not to be present, the business goes on, but he always gives his consent; always says it is all right.

Q. He is bound by it?—A. He is bound by whatever is done in that open council.

Q. Have the laws of the United States anything to do with this council or with its operations? Is it regulated at all by the laws of the United States in any way?—A. If so, I do not know it.

Q. It never has been the case?—A. It never has been the case. There is one thing we are required to do—whether it is under a law or not I know not. After electing our officers, I, as clerk, have to make out the minutes of that council (that is, as far as the election is concerned) in triplicate; but I guess that has only been of recent date that we have done that. Then we send one copy to the agent and one copy to the Department, retaining the other.

Q. You do not know whether that is under a regulation of the Department or not?—A. I do not.

Q. But that is all the connection you have with that?—A. That is all, so far as we know. In making out our powers of attorney to come here as delegates, I wrote the power of attorney myself and have done that work for three years. The tribe signs it, and we have it approved by the agent. It was certified by the interpreter in this way: "I hereby certify that the above and foregoing was fully explained and interpreted to the council by me." He signs that, and I attest it as clerk of the Quapaw council, and it has always gone.

Q. You say that this council is an executive body?—A. Yes, sir.

Q. Do you mean to say that it has no legislative power?—A. We say that we have done nothing in that way; in the way of legislating.

Q. It has never exercised any law-making power?—A. No, sir.

Q. Who makes the laws for the tribe?—A. We have no national laws whatever, no tribal laws. We are simply a community, and when differences arise, as in the case of a tenant who fails to comply with his agreement, the aggrieved party simply asks him to come to the council, and it is determined there whether he has or has not complied with his agreement; and there was one case where the tenant was asked to remove, and he did so.

Q. You have no written laws?—A. No written laws.

Q. And you have no fixed traditional laws?—A. If there is any, I do not know it.

Q. Disputes in regard to property rights of every kind, if I understand you, are settled in what you call open council?—A. Yes, sir.

Q. And that settlement is considered as binding upon everybody?—A. That is supposed to be final.

Q. Suppose that an Indian whose rights were determined by this open council declined to submit to the decision of the open council, what would be done with him?—A. Of course it is like this, Senator: If anybody felt that he had not received justice, he would naturally appeal to the Commissioner of Indian Affairs, through the agent, and lay the case before him for final adjudication.

Q. Did such a thing ever occur?—A. I do not think it has.

Q. But that is your idea of what would be proper to be done in that

sort of a case?—A. Yes, sir. Of course we have not had occasion to refer to the courts.

Q. You have been so fortunate in your administration of public affairs in your tribe as that you have had no occasion to make an appeal, either to the courts of the country or to the Indian agent?—A. In reality, we could not go to the courts, I think.

Q. But you have had no occasion to do so?—A. We have had no occasion.

Q. You have had no occasion to appeal to the courts or to appeal to the Indian agent for settlement of any dispute after the council had passed upon the question?—A. I do not remember any case of that kind, only in this way, notifying the agent of our action; I think that is about the extent.

Q. But when the decree of the council is to be executed you have not any tribal means of executing it?—A. We have not.

Q. You have no man or body of men in your tribe who have the right to execute the decrees of the council?—A. No, sir; we have no sheriff or constable.

Q. If any degree of force were necessary to execute the decree of the council you would feel that you had not power to do it unless you went to court, if you could get there, or to the Indian agent, if you could, to get the power to do such a thing?—A. We would go to the agent, of course, and ask him to send his police.

Q. Have you any judicial system in the Quapaw tribe, except that which is found in the common council?—A. No, sir.

Q. You have no judges who are qualified to administer the law between Indians?—A. No, sir; we have not.

Q. Have you ever had any necessity to accept or adopt the action of what are called Indian courts under the laws of the United States?—A. We have an Indian court at the agency, but we have never used it.

Q. The Quapaws never use it?—A. The Quapaws never have used it in a single instance, I think.

Q. What can you tell us about the organization of that Indian court and its powers?—A. We can tell you but very little. We have not studied into it. We know that such a court might be used for adjudicating cases of grievances of Indians in the agency.

Q. That means cases of Indians who have grievances as against each other?—A. Yes, sir; I believe it is also used in cases of drunkenness, disorder, etc.

Q. And it refers to or includes all of the different tribes who are there?—A. Any misdemeanor within the bounds of that agency, except something criminal, I suppose.

Q. You do not pretend to define the limits of its jurisdiction, but you know that a court of that kind meets there?—A. Yes, sir.

Q. Do you know anything about who composed that court?—A. John A. Winney, a Seneca Indian, is one of the judges; John R. Early, of the Ottawa tribe, is another; and the other is a citizen Indian, a Wyandotte, named John Long.

Q. What do you mean by a citizen Indian?—A. By the terms of the general allotment act he became a citizen of the United States.

Q. He has not lost his Indian citizenship, but has been qualified as a citizen of the United States?—A. Yes, sir.

Q. Does the agent have any participation in that court?—A. If he has I do not know it; I have never attended court a single time.

Q. You do not know whether the judgments of that court are submitted to the agent for his approval or disapproval?—A. I do not.

Q. As a member of the Quapaw tribe you would recognize the authority of that Indian court within the limits of its proper jurisdiction to make decisions affecting any Quapaw Indian?—A. In every ordinary case I would, Senator. But, having lived in the States so long, and knowing a good deal about State law, I would feel more satisfied that I would get justice according to law and evidence before a court of justice or a circuit court of the United States. The decisions of the Indian court have ordinarily, however, been fair.

Q. As a Quapaw, though, you would recognize the authority of that court within the limits of its jurisdiction to deal with a Quapaw Indian as much as you would in the case of its dealings with a Wyandotte or any other Indian?—A. Certainly, under its jurisdiction.

Q. What tribes comprise this agency?—A. The Quapaws, Peorias, Miamis, Ottawas, Wyandottes, Modocs, Shawnees, and Senecas. I wish to say that they have all taken their allotments, except Quapaws.

Q. You are not expected to be accurate, but about how many acres of land are there in the first reservation you mention?—A. In the Quapaw Reservation, about 56,685 acres.

Q. About how many acres for the Peorias?—A. Something over 31,000.

Q. How many acres for the Miamis?—A. Right close to 18,000.

Q. For the Ottawas?—A. I do not remember the number of acres that the Ottawas have.

Q. About how many?—A. I can say this: That there are about 155 of them, and they have about 101 acres each; that would be somewhere about 15,000 or 16,000.

Q. And how many acres have the Wyandottes?—A. I have forgotten.

Q. You may not be able to recollect it exactly, but I want it approximately.—A. I have got the figures, if I had only thought to bring them here.

Q. Is it a small reservation?—A. Yes, sir; they have no surplus land to amount to anything after taking under the general allotment act—very few hundred acres.

Q. And the Modocs?—A. They only have about 40 or 50 acres per capita; they have already taken up theirs.

Q. It is divided up?—A. Yes, sir.

Q. And the Shawnees?—A. I do not remember the area of their reservation, but, after taking their allotments under the general allotment act they have some 6,000 or 7,000 acres left, I think.

Q. And the Senecas?—A. They have 51,000 and some hundred acres; there are 265 of them.

Q. Do I understand that all these fragments of tribes (for that is what they are) are located upon lands that belonged at one time to the Cherokees?—A. I could not say where the land belonged first.

Q. At one time the land belonged to the Cherokees?—A. I do not know.

Q. With the exception of the Seneca and Quapaw tribes, what other Indians have derived their titles to lands?

Mr. D. C. FINN. The Shawnees, Senecas, and Quapaws derived their title from the United States prior to the Cherokees, under the act of 1830; and the lands of the Ottawas, Miamis, Peorias, and Wyandottes were purchased from the Senecas and Quapaws.

Senator MORGAN. Is there any land among these eight tribes in that agency that came through the Cherokees?

Mr. FINN. None whatever.

Senator MORGAN. The rights of the United States in respect of this territory, then, are controlled entirely by the treaties with the various tribes of Indians who occupy it, or by the law of 1830?

Mr. ABRAMS. Yes, sir; we consider by our treaties of 1831 and 1833.

Q. The Quapaws do, but others may think differently. Is there any other tribe of these eight that have any separate Indian government of the kind that you have described as obtaining in the Quapaw country?—A. They are all just exactly alike.

Mr. W. W. MARTIN. Perhaps it would be better to explain that the Peoria tribe includes what are known as the confederated tribes; they are generally spoken of as Peorias?

Mr. ABRAMS. They are citizens of the United States.

Senator MORGAN. I understand you to say that this government by open council obtains in each one of these tribes?

Mr. ABRAMS. Yes, sir.

Q. And do you not know of any difference in the action of any of the tribes from that which you have described as controlling in the Quapaw territory?—A. No, sir; I do not.

Q. So to that extent and within the limits of the jurisdiction of that body, whatever that jurisdiction may be, the government of the Indian tribes is in the hands of their open council, and that council is the old traditional Indian council?—A. Yes, sir; somewhat modernized.

Q. With modifications introduced from time to time?—A. Yes, sir.

Q. And that includes in the decrees of that council the power to dispose of all rights as between Indians?—A. Yes, sir.

Q. Would it include the power, in the event that one Indian should commit a murder upon another, to punish him by taking his life?—A. That is not recognized by us, from the fact that we have been taught for the last one hundred years to let the United States manage. Of course, if we were called upon, I suppose we would assist in arresting a murderer and turning him over to the proper authorities; but I think our council would not handle a case of that kind.

Q. Would your council handle any offense of any lower grade than that?—A. Yes, Senator; from the fact that we go to the agents for such as that.

Q. In the Quapaw council, or in the council of any of these other tribes, do you know of their having at any time exercised over their own people any criminal jurisdiction in matters of controversy arising between their own people?—A. No, sir.

Q. What jurisdiction have they exercised over the right of occupancy of the lands within their own tribal limits?—A. In the case of one man claiming the place of another, or his improvements, and there is a controversy or protest given to the tribe, the chief and council settle that, as to the priority of claim, as to which one is entitled to go ahead and fence or improve that particular place. We call it leasing; it is not leasing, it is a haying or grazing privilege. The chief and council attend to that for all unoccupied lands.

Q. So that in the management of the occupancy of the lands in the Quapaw tribe the decrees of the general council have been considered as being sufficient to decide any controversy that may arise?—A. Yes, sir.

Q. That means a decree of the general council, where the people have had notice to assemble and come into council?—A. Open council, as we call it.

Q. What is the function, office, duty, or power of this council of three?—A. They are to our chief what the Cabinet is to the President—simply advisers.

Q. Has the chief any power in these Indian governments to decide any question independent of the action of the council?—A. He never has done it; we do not know whether he has the power or not.

Q. You would not recognize his power?—A. We would not. We always settle these questions in council. We have considered it necessary that the council should decide.

Q. Is the chief considered as the head representative of the tribe?—A. He is.

Q. And that has reference more particularly, I suppose, to the relations between that tribe and the United States, or between that tribe and any other tribe?—A. That is it; simply there must be somebody as head to sign papers and documents.

Q. But as matters of current administration arise he must consult with his council?—A. Yes, sir.

Q. And then in matters that concern a controversy between Indians, if I understand you rightly, the subject is required to be considered in open council?—A. Yes, sir.

Q. And their decree settles the business?—A. Every man has a chance to say what he thinks about it.

Q. And to vote?—A. Yes, sir.

Q. And the vote is taken *viva voce*?—A. Yes, sir; we never take written ballots. There is another thing we always do, and that is, we always make our action unanimous. Although there may be a dissenting vote, yet we make it a point always to agree before we quit.

Q. Have you any Indian laws for the collection of debts due from one to another?—A. None at all.

Q. An Indian can not sue an Indian for a debt?—A. Oh, no.

Q. Could not an Indian come before the open council and get an order that another Indian should pay him his debt?—A. That has not been recognized.

Q. So that the matter of paying debts there is a question of honor?—A. A question of honor.

Q. If one Indian trespasses upon the property of another, real or personal, is there any appeal to the council for damages?—A. It is possible there would be, but we have not had such a case. We recognize each other's rights, and we do not trespass on each other.

Mr. MARTIN. I have been among the Indians a great deal, and allow me to suggest that in a case of that kind the question to be raised would be more in regard to the continuance of the trouble than for any damages that might have occurred.

Senator MORGAN. Is what you have said about the Quapaws, with respect to the matters I have just been inquiring about, also true in regard to the other tribes?

Mr. ABRAMS. So far as I know, except as to the Peorias; since the passage of their bill, their council does not amount to anything, so far as the Indian council is concerned. It is recognized only, as I say, in signing rolls, in certifying that the rolls of the members are correct, etc.; and in some cases they have gone to the United States courts at Muscogee or Vinita.

Q. To what act do you refer?—A. The act creating the Territory of Oklahoma. Under the forty-third section of that act they are citizens of the United States. The Senecas have some business men among them, men of capital, and of course such have laborers in their employ, and they have sometimes had to go to court.

Q. Are they citizens also?—A. No, sir; they are not; but still they have taken advantage of these courts. They have had more occasion

to go to court than the Quapaws have. We have never gone to court once. They have had several cases of suing for debts for labor, etc. I think the Wyandottes possibly have had occasion to use the courts, but they are citizens of the United States, and have taken their allotments.

Q. How do the Quapaw tribe claim that they own the land?—A. We claim that they own it in fee simple to the tribe.

Q. Without any qualification or reservation?—A. Yes, sir; we bought it and paid for it.

Q. Do they claim that the ownership is in the tribe?—A. Yes, sir.

Q. As a tribe?—A. As a tribe; we claim that no man can pick his allotment without the permission of the council.

Q. Under the act of Congress?—A. Yes, sir.

Mr. MARTIN. I think there is no question, Senator, but that if they are once endowed with the right of citizenship they can go into court and claim a division or partition of their land in a partition suit.

Senator MORGAN. I have serious doubts about that. I do not see how a man's right to property is connected with his citizenship in any respect.

Mr. MARTIN. Probably the right of enforcing it is.

Senator MORGAN. Not a bit. I am a citizen of Alabama, and the Government of the United States can not take my property and divide it among my neighbors or even among my own children.

Mr. MARTIN. I meant if they should file a suit in partition for it themselves.

Senator MORGAN. No; Congress can not confer a jurisdiction of that kind. It is against the whole principles of the United States for any legislature to interfere with a man's private rights of property, either with his consent or without it. They have no jurisdiction, no power to do it, as I understand the rule and the law. That is a question, however, for the courts.

Mr. MARTIN. Yes, sir.

Mr. ABRAMS. Then, as I understand you, this movement will have to be as we have asked it. We came here with power of attorney from the tribe, and in the power of attorney is asked what we have asked in this bill substantially.

Senator MORGAN. I am not passing upon that now, or giving any opinion. I am trying to get the facts together, so that the committee may understand them. Has your council of the Quapaw tribe made any rule, or decision, or order in respect of the rights of individual Indians to settle on your lands and to hold the occupancy of lands?

Mr. ABRAMS. You mean the members of our tribe?

Senator MORGAN. Yes. Has there been any public expression of your council as to what the Indians of your tribe are authorized to do in regard to this public domain?

A. Yes, sir.

Q. I will ask, so as to get the subject in rather a comprehensive and distinct form, what resolution has the council of the Quapaw tribe come to in regard to the grant to individual Indians of the right of occupancy upon their tribal lands?—A. They agreed in open council that we shall confine ourselves to 200 acres, and that we choose wherever we please on the reservation; each head of a family goes and picks out his place and goes to work to improve it.

Q. When was that resolution in council?—A. It has been talked of two years, and it was done last spring, immediately on our return from Washington.

Q. What was the rule before that time?—A. Everyone fenced just as he pleased; an Indian could cut as much hay as he pleased before that on our reservation. That was a principle of our tribe. Now, however, we must confine ourselves to 200 acres per head.

Q. Before the date of the order in council that you speak of, any Indian, whether the head of a family or not, could locate upon any of the public lands of the tribe, provided he did not trespass upon the rights of somebody else?—A. Yes, sir.

Q. Was there any rule in that tribe, as there was among the Cherokees, that a fence or claim of occupancy of land should not approach within a certain distance of the occupancy of somebody else?—A. No, sir; we could join fences if we wanted to.

MR. MARTIN. Did you understand from Mr. Abrams' answer that this same rule applies to all the members of the tribe about selecting land? For minor children the parents select, and the land is supposed to be long to the head of the family.

Senator MORGAN. Was that by virtue of the order he speaks of?

MR. ABRAMS. Oh, yes; we choose for our children. We have all got lands fenced for our families as well as for ourselves.

Q. Before this order in council of which you speak, the rule was that the individual Indian would go and make his location where he pleased and in such form of land as he wished to occupy?—A. Yes, sir.

Q. Now his right of occupancy is confined to the land that he fences?—A. Yes, sir; except he could go out and get all the hay he wanted.

Q. That was a privilege?—A. That was a privilege; or he could graze all he wanted to. Now they can not do that. We have agreed not to do it.

Q. Then, if I understand you, the Quapaw Indian tribe, in open council, considering themselves to be the owners of this land, have agreed that they would apportion the lands among their own people at the rate of 200 acres for each Indian, young or old, male or female, in that tribe?—A. Yes, sir.

Q. Does that right of selecting the 200 acres apply also to those white men who have become citizens of the tribe, by intermarriage with Indians?—A. We have none such; no white men belong to our tribe.

Q. No squaw men?—A. We have squaw men, but they hold no interest except to improve their wives' or their children's lands.

Q. But citizenship you do not confer upon white men, or what we call squaw men?—A. We do not.

Q. Women can not be citizens of the tribe who are not Indians?—A. Yes, sir; we have three white women on our rolls to-day, and five more are to go on.

Q. Then, under Quapaw laws, no person can be a citizen who is not an Indian or the wife of an Indian; is that right?—A. Yes, sir.

Q. Can an Indian man have no right to adopt a white child?—A. We have one such instance.

Q. Is that child regarded as a citizen?—A. Yes, sir; she is a girl and is on our rolls to-day. She is one of those three whites I speak of.

Q. Speaking of rolls, as a tribe you have money dealings with the United States Government?—A. Yes, sir.

Q. You have received annuities heretofore?—A. We have, many years ago.

Q. Have you any other monetary interest in connection with the United States? Do you receive any interest on any funds?—A. Oh, no; we have a school fund of \$1,000 a year.

Mr. MARTIN. And a blacksmith fund?

Mr. ABRAMS. Yes; that is the same.

Senator MORGAN. Then you have a grant from the Government of the United States of a school fund, blacksmith fund, and other funds that are called the civilization funds, have you not?

A. Yes; but they arbitrarily took that away from us several years ago.

Q. But you have had it?—A. Yes, sir; and we shall demand it again.

Q. It has been taken away?—A. Yes, sir; without our knowledge or consent.

Q. In receiving these funds who gives a receipt on the part of your tribe?—A. There is a roll made out of the Indians, and the chief and council, attested by the interpreter and clerk, have to certify that that is a correct roll. Now, we have had no trouble except this last year. We were asked to sign a roll which we considered very incomplete, and asked the chief and council not to sign it, and they did not sign it until it was written up the third time; it was not complete from the fact that, although the agent meant all right, yet it was not a complete roll, but it was a complete roll according to the instructions received from the Department.

Q. Not complete according to your understanding of what your rights were?—A. That is it; it was not complete.

Q. Was the roll finally signed?—A. It was signed under those conditions. It was worded something like this: That it was correct according to *instructions* from the Department.

Q. It was signed under protest?—A. No, sir; not under protest; there was no protest mentioned. It was signed, certifying that it was correct according to the instructions received from the Department.

Q. The right was reserved on the part of the tribe to say that it was really not correct?—A. It was not really correct, in our judgment, but according to the judgment of the Department it was correct.

Q. When money was paid upon that roll or upon any preceding roll, who receipted for it?—A. Each individual—that is, the heads of families.

Q. I am talking about the moneys coming to the tribe; who receipted to the Government for the tribe; did each individual receipt?—A. Each head of a family who drew money receipted for himself, wife, and children, and in the case of a widow she receipted for it for herself.

Q. Then you have not recognized the right of the chief and council to sign for money that goes to the Indians?—A. No, sir. In the case of our orphans the money lies here in Washington to-day.

Q. Nobody is authorized to receipt for that?—A. No, sir.

Q. How much money is that?—A. I have the rolls here in my pocket.

Q. About what amount?—A. There is probably \$1,000 or \$1,500 here.

Q. Due to orphan Indians that have not been paid because the orphans were not competent to sign for it?—A. That is it.

Q. And there is no lawful authority out there that can represent them?—A. That is it. I wrote to Judge Shackelford, judge of the court at Muskogee, and he sent me out blanks and advised that they make application for guardianship, give bond, etc., but it was my judgment that it was not for the best, and I advised our tribe to let the money come back.

Q. Come back where?—A. To the Treasury of the United States to the credit of the individual orphans, not to the credit of the tribe.

Q. And remain here under that credit until some disposition could be made of it?—A. Yes, sir; this gentleman here, Mr. Vallier, has got a

letter this morning stating that his letters of guardianship are correct, and he will get the money for his minor brother.

Q. Who receipts now, and who has receipted heretofore, for the school fund coming to the Indian tribe?—A. That is a hard one. I do not know how that goes. It is in this appropriation bill, but we never see it.

Q. You have no voice in the disposition of your money at all?—A. Never have had a voice in it.

Q. The children do not receive it nor do their parents?—A. No, sir.

Q. It is taken by the agents of the Government, you do not know by whom, and appropriated or applied to the purposes of the appropriation?—A. Yes, sir.

Q. How large is your fund?—A. One thousand dollars per annum.

Q. Then in regard to your blacksmith fund, or any other civilization fund, as it is called, who receipts for that?—A. That is just the same as this school fund; we never see a dollar of it.

Q. Then that is left to the administration of the United States through the Indian agent?—A. Yes, sir.

Q. And the Indians have no voice in the application of the money or in the selection of the blacksmith?—A. No, sir.

Q. Or in the selection of the teachers of the schools, or the location of the schoolhouses, or anything of the kind?—A. Nothing of the kind. I want to say another thing while we are on that subject. It has worked to our disadvantage from time immemorial—the very fact that we have had no say so in regard to that blacksmith fund, especially. I will make that point. To-day we have a blacksmith there who can not shoe a horse, nor can he sharpen a plow without burning it up. The result is that we do not use him. I took one horse down for him to shoe, and he put on one shoe and I put on another. I said that was enough, and I went to town and paid for having the shoes put on. We all do the same. We are not allowed to say whom we shall have for a blacksmith.

Q. Do you not think that is a good thing for the Indians?—A. I think not. I think we had better have the fund, or better stop it. In fact, I would just as soon the Government would stop sending it.

Q. That is the point of my inquiry, whether we had better stop the appropriation altogether if you do not get anything out of it except bad horseshoeing and burned plows.—A. We do not use the fund. Mr. Vallier, it is that way. We do not get a dollar's worth of it.

Q. When I said it was a good thing for the Indians I meant that I thought perhaps it might be the means of some of the Indians learning a good trade themselves.—A. I have learned two good trades. I am a head sawyer and engineer. I can make as good lumber as any man in Oregon or Wisconsin, and I have worked on the Pacific slope and in Colorado. I have made 25,000 feet of lumber in a day, and I have worked in Missouri and Kansas. I have also studied engineering, both theoretical and practical.

Q. If all the Indians were as enterprising as you are, we would not have much trouble in taking care of them, would we?—A. I think not.

Q. That is exactly what I want to encourage among you, if I know how. If you learn trades, it will be worth more to you than money.—A. I have three boys, and I expect every one of them to learn a trade and be self-supporting.

Q. Is that the general disposition among the Indians?—A. I can not say that it is; it is talked of among most of us.

Q. While we are upon that subject let me ask you if do not recognize

the fact that, having the ownership of very valuable lands in large acreage, and being able to employ white men or other men to work your lands for you, and to make comfortable livings in that way, is not the result to build up among the Indians a landlord class who rely upon their rent-rolls more than they do upon their own individual exertions for getting along?—A. I think not. Senator, I want to make a little statement right here: Four years and a half ago, when I returned to the reservation there were a good many little farms—they were little farms, too—west of the river—

Q. What river?—A. West of Spring River. There is two-thirds of our reservation lies west of that river, or three-fourths of it. There was not 25 acres fenced west of the river. To-day there is nearly 40,000 acres fenced over there. Those people have learned to be pretty good financiers in four years and a half. There is Mr. Vallier and myself.

Q. I want to find out what kind of farmers they are; I admit they are good financiers?—A. They are raising good corn; you can see them handle the plows themselves.

Q. That is what I want to know.—A. They work.

Q. They work with their plows on their farms, and take the bired labor that they get really in the nature of assistance in farming?—A. Yes, sir; just the same as it is with the white farmers in the States. You will find me handling my plow and riding my harrows and my mowing machine in the proper season. I have about 500 acres under cultivation, and I have 220 acres of wheat to-day growing as pretty as you have ever seen, and I think it is a good thing. The policy of the Government has been against the Indian. It has not allowed him to handle anything, even in regard to selling the grain from his own inclosure. That formerly had to pass through an agent's hands.

Q. Instead of it being against you, I think you ought to say, if I understand you correctly, that it has been too parental, taking the business out of the hands of the Indian, and taking from him his opportunity and disposition to do his work.—A. That is it. It is teaching him to be so that he thinks he can not do anything. He has thought he couldn't do anything, and the tendency of the policy of the Government has been to treat him as if he was a very little child.

Q. Have you any schools in the Quapaw tribe?—A. No, sir.

Q. Have you any school that is sustained by the Indian communities simply?—A. We have a mission on the Quapaw Reserve, a U. S. Government mission.

Q. Have you any school or any school system independent of that which has been adopted by the Government of the United States?—A. No, sir.

Q. Are you willing to educate your own children at your own expense?—A. We want to do it if they will let us.

Q. But you prefer to have \$1,000 a year thrown in as a sort of assistance to your tribal school fund, and then conduct a school yourself, employing your own teachers and managing in your own way, and making your own contributions to them; you would rather do that than to have a mere Government school located on your reservation, or located on some other reservation, to which you might send your children free?—A. I would prefer it, and I am satisfied that they would all prefer it.

Q. You think the Indians of the Quapaw tribe really desire the opportunity to establish schools under their own control?—A. Yes, sir.

Q. And that they would be, in that condition, glad to get a thousand dollars a year as an assistance fund to build up their schools.—A. Yes, sir; we must have it. We have many white tenants who have children, and they must be educated too.

Q. Now, about your churches; have you any churches in that tribe?  
A. Not one.

Q. Have you any congregations of religious denominations?—A. They preach at my house every Sunday, pretty near. I do not know whether you would call it an organization or not; they have quite a few members up there.

Q. That is what I mean.—A. That is the Quakers. The Catholics meet at the house of my friend here, and they have a church; that is, they hold services there once or twice a month.

Q. They have a Catholic membership?—A. Yes, sir; a large membership.

Q. Have the other protestant denominations a large membership—the Presbyterians, Methodists, Baptists, and so on?—A. No, sir; just the Quakers; they have probably a dozen or twenty, and they preach at my house.

Q. Besides Quakers and Catholics have any other religious denominations organized churches? I do not mean church houses. —A. No, sir; there are no other services held on the reservation that I know of.

Q. Is there any church building or church house on the reservation?—A. No, sir.

Q. Would you like to have them?—A. We are going to have them as soon as we get our bill through to allow it.

Mr. MARTIN. Probably Mr. Abrams has overlooked the point of your question, Senator. Do you mean simply on the Quapaw lands, or on the agency?

Senator MORGAN. I am talking about the Quapaw lands.

Mr. MARTIN. There is none there. The Peorias and some others have schools.

Mr. ABBAMS. There are schools on the agency, but not on our little reservation.

Senator MORGAN. But as the head of a family you would like to have churches and schoolhouses?

Mr. ABBAMS. Yes, sir.

Q. And you mean to have churches as soon as you can get your land matters settled to the satisfaction of the Government and yourselves?—A. Yes, sir. We know of two churches that will go up in the next ninety days or six months.

Q. Are any rations of medicines, provisions, or clothing issued by the Government of the United States to the Quapaw tribe of Indians?—

A. Yes, sir; I must say there are. There is a Government doctor on the agency, the Government physician at the agency, and it is a recognized fact that any Indian belonging to that agency can go there and get some quinine or whatever he needs in the way of medicine. I have myself two or three times availed myself of that privilege.

Q. Have you no other doctors on your reservation?—A. There is one among the Peorias.

Q. None among the Quapaws?—A. None among the Quapaws. We go to the States to get our doctors entirely.

Q. To Missouri and to Kansas?—A. Yes, sir; I use Dr. McClellan at Baxter Springs, and that gentleman here uses Dr. Reynolds, and so it goes. We pay our own doctor bills. We use this Government physician very little.

Q. That is the only supply, then, that the Government furnishes the Quapaw tribe of Indians?—A. No; this doctor makes a weekly trip up to this mission to see all those children, about 100 to 150 children, and about 14 of them are ours.

Q. That is a mission school?—A. Yes, sir.

Q. But the Quapaws are a self-sustaining people?—A. We are; yes, sir.

Q. Do you live pretty well? Have you plenty to eat and wear?—A. I live just as well as we do at these hotels, and I will say the same as to Mr. Vallier.

Q. How about the mass of the people?—A. I have taken meals with a great number of them, and I must say they have good cooks and plenty to eat.

Q. The question of plentifulness is the one we are more particularly examining.—A. They have plenty to eat.

Q. It is an abundant country, and they cultivate it, and get a good living out of it?—A. Yes, sir.

Q. I will ask you about the state of agriculture in your community, whether it is conducted with modern implements, and according to modern methods of farming?—A. It is more so than you find in the East here.

Q. You consider that you have good farmers?—A. Yes, sir.

Q. And prosperous farmers?—A. Yes, sir.

Q. Where do you get your markets for your crops?—A. Those we want to sell, such as grain, we find a good market for at Baxter and Seneca, and these railroad towns.

Q. Where are these places, Baxter and Seneca?—A. In Kansas and Missouri. A great many provisions are sold to other Indians that have lots of stock. We sell them grain, and the grain is fed on the reservation. I do not intend to ever sell a bushel of corn.

Q. You fatten the stock and drive them off?—A. Yes, sir; that is what I shall do.

Q. Is it a good country for raising hogs?—A. Beautiful; it is a splendid country for stock.

Q. So that in respect of food, raiment, and shelter, you could not say there is any poverty in the Quapaw country?—A. Yes, we have got two or three cases, the same as you have two or three here in Washington that are not prosperous.

Q. I speak of the general prosperity.—A. Generally we are prosperous and doing well; all dress well.

Q. It is not an impoverished country?—A. Not a bit of it. We have good lands and wood and water, and we have a good climate.

Q. Can you state as a fact whether your people desire to be brought into United States citizenship, and whether, that being done, they desire to have the laws of the United States and the jurisdiction of the Federal courts extended over them?—A. Yes, sir.

Q. Your difficulty, then, at present, if I understand it, is in respect of the uncertainty of your right of disposal of your lands?—A. Of course, while we know that we own the lands, we have been led to believe that we would be forced into this general allotment of 30 acres to each individual, and to become citizens; and we have even been taught to believe that the balance of our land would be taken from us anyway and sold at some price arbitrarily.

Q. You say you have been taught to believe that your lands would be taken away from you arbitrarily and sold. Who has impressed your mind with that belief, or what act of the Government or its agents?—A. These allotment agents.

Q. They have impressed your minds with the idea that the Government of the United States had the right to compel you to take an 80-acre allotment?—A. Yes, sir; to take those allotments.

Q. And dispose of the residuum according to their own will?—A. Yes, sir.

Q. That is the impression that prevails among the Indians?—A. It is.

Q. And is it to meet that impression and to have a definite statement of the real powers of the Government of the United States in regard to your lands that you are here now?—A. We have among us endeavored to hold the tribe together, believing that that could not be done.

Q. What do you mean by holding them together?—A. To keep them from taking this 80-acre allotment.

Q. You mean to hold them to a common opinion?—A. Yes, sir; the majority of them feel that it would not be lawful, after having read the treaty; we believe that they could not force us to take this 80-acre allotment. As a tribe we have concluded that the policy of the Government is for us to take land in severalty, and we have accepted that policy, and now we want the land. Since we began to parcel the land out among us we see the benefits of that policy. It is only in the last two years that the Government has allowed us to do a thing in regard to financiering and getting the benefit of anything.

Q. Do I understand now that you want to give up that order in council of which you speak, authorizing you to allot lands to the extent of 200 acres to each individual, or that you want to enforce it?—A. We want this 200-acre business; we want our allotments.

Q. You are here for the purpose of insisting that you have the right thus to dispose of the land between you, 200 acres to each individual Indian, and that Congress instead of destroying that right or superceding or annulling it, ought to execute it?—A. Yes, sir.

Q. Then you say that if Congress will confirm your order in council that you have been speaking of, then you are willing that Congress should take jurisdiction over the unallotted lands and dispose of them, provided it is done on fair terms?—A. Yes, sir.

Q. Dispose of them to Indians or to white people either?—A. To any man that has a mind to buy it and bid the most for it.

Q. I believe I asked you the question, are you willing to come entirely into citizenship under the laws of Oklahoma, for instance, or any other Territory or State we choose to put you under?—A. Yes, sir.

Q. Now, I want to know whether the laws of Arkansas have been extended over your country at any time?—A. We are under those laws to-day.

Mr. D. A. HARVEY. Only so far as the jurisdiction of the Muscogee court is concerned.

Mr. ABRAMS. That is it.

Senator MORGAN. Within the jurisdiction of the Muscogee court, and within your Quapaw Agency, the laws of Arkansas are made applicable by this act of Congress to your people?

Mr. ABRAMS. Yes, sir.

Senator DAWES. By act of Congress?

Mr. ABRAMS. Yes, sir.

Senator MORGAN. The laws of Arkansas govern the Muscogee court in respect to the country in the Quapaw Agency, as I understand it?

Mr. HARVEY. Yes, and throughout the entire region. The five nations are under the Muscogee court. The jurisdiction of that court is very limited and very unsatisfactory. It is hardly a respectable police court, and the graver class of offenses are punishable at the hands of the Federal courts sitting at Fort Smith, Ark., and at Paris, Tex.

Senator MORGAN. Do you mean to say that only the criminal code of Arkansas is extended over that country?

Mr. HARVEY. No, sir; the criminal laws are in accordance with Mansfield's Digest, and they have a limited civil jurisdiction.

Senator MORGAN. Do they derive that jurisdiction from the laws of Arkansas, or from the act of Congress?

Mr. HARVEY. From the act of Congress passed in 1889.

Senator MORGAN. Then you understand that the laws of Arkansas are applicable in the Quapaw Agency only as to the criminal code?

Mr. HARVEY. Only to the extent of the criminal jurisdiction conferred on the Muscogee court.

Senator MORGAN. But it is confined to the criminal law and not to civil law.

Mr. ABRAMS. I rather think not, from the fact that in case of murder, or anything like that, we have to go to Fort Smith, Ark., or to Paris, Tex., or to Wichita, Kans., before a United States court.

Senator MORGAN. That is criminal jurisdiction. As to minor offenses you go to the Muscogee court, and you get the definition of the offense and the nature of the punishment from the laws of Arkansas, from Mansfield's Digest?

Mr. ABRAMS. That is it.

Mr. MARTIN. They exercise probate jurisdiction in this agency.

Senator MORGAN. As it is exercised in Arkansas?

Mr. MARTIN. I think so; I am not sure about that.

Senator MORGAN. Is there any other civil jurisdiction that is exercised throughout the agency of the Muscogee court that is derived from the laws of Arkansas?

Mr. MARTIN. I do not think there is.

Mr. ABRAMS. It is very unsatisfactory; so unsatisfactory that we are asking, or will ask, to become a part of Oklahoma, so that we will know how we are to be governed and by whom.

Senator MORGAN. I want to know whether you have an understanding of the difficulties of the situation and of the remedy. Now, you say you are asking or will ask to become a part of Oklahoma Territory. Is that the opinion of your tribe?

Mr. ABRAMS. That is the opinion of our entire agency, the eight tribes.

Q. Not only your tribe, but all the tribes?

A. Yes, sir.

Q. Has there been a public expression on that subject?

A. We have had expressions on that subject.

Q. By all of the tribes?

A. We all meet in general council at the agency.

Q. When was that meeting?—A. A year ago last August.

Q. Did you make a minute of it?—A. I have a minute of it at home, and possibly may have here.

Q. Were you the recorder of that meeting?—A. I was secretary of the meeting.

Q. Please furnish this committee a copy of that minute.—A. I will if I have a copy with me. I am not positive that I have.

Q. But you think you can not be mistaken as to the circumstance that there was a unanimous agreement of the eight tribes to the effect that they desired to be put under the Oklahoma government?—A. There was only one drawback to it that day by one of the parties that made a short talk or speech, and that objection was only on one score—that we had not yet obtained what we wanted in regard to our land affairs.

Q. After your land affairs were settled, the next thing would be that

you preferred to be put under the Oklahoma government?—A. Yes, sir.

Senator DAWES. Would be willing to have it all go together in one bill?  
Senator MORGAN. I suppose so.

Mr. ABRAMS. We want our entire agency to come under the Oklahoma government.

Senator MORGAN. And they want to have a perfectly definite knowledge of what their land rights are?

Mr. ABRAMS. That was the only objection that day.

Q. That question being settled, then, are you willing to come under the Oklahoma government?—A. Yes, sir.

Q. As to schools, churches, and everything else?—A. Yes, sir; the same as any other citizens of the United States.

Q. How far is it from the Quapaw Agency to Vinita?—A. The nearest point, I presume, would be about 15 miles.

Q. I speak of the agency.—A. Oh, the Quapaw Agency is probably 25 miles from Vinita.

Q. The term of this Indian court is held at Vinita?—A. No, sir; this Indian court for the trial of offenses is held at the agency.

Q. I am not speaking of that. I said the Indian court; I ought to have said the United States court.—A. That is held at Vinita.

Q. If I understand you, you prefer to be under the jurisdiction of the Territorial government of Oklahoma rather than to be under that Indian court?—A. Yes, sir.

Q. How far is it from your Quapaw Agency to, we will say, the first county nearest to you in Oklahoma?—A. It does not exceed 100 miles.

Q. What are the means of conveyance between the two?—A. The Frisco railway.

Q. Do you think your people would be satisfied to be located as much as 100 miles from the outer border of Oklahoma Territory?—A. I must explain to you that parties in Kansas have to go from 150 to 200 miles to their State capital. Take it from Cherokee County, where my post-office is, and it is fully 160 miles, I should judge, to Topeka.

Mr. MARTIN. It is 190 miles.

Mr. ABRAMS. It is 130 from Fort Scott.

Mr. HARVEY. There is a provision of the law that when all the five tribes desire to unite with Oklahoma they can do so.

Senator MORGAN. They can not do that without additional legislation.

Mr. HARVEY. Yes; they can do it without any additional legislation. The law as it stands provides for that.

Senator MORGAN. How could we know that the tribes gave their assent?

Mr. HARVEY. It is left entirely to the President.

Senator MORGAN. The President has the right to make proclamation that they have done so?

Mr. HARVEY. Yes.

Mr. MARTIN. Do you understand that they want to form county organizations in this agency?

Mr. ABRAMS. Just one county.

Mr. MARTIN. They want to organize as one county.

Senator MORGAN. You want to have the privilege of electing county officers and sending your representatives down to the Oklahoma legislature?

Mr. ABRAMS. Yes, sir.

Q. And to have judges appointed up there in your own tribes if properly qualified?—A. Whatever the paraphernalia is.

Q. Whatever Oklahoma thinks about it, you are entirely satisfied with that?—A. Yes, sir; I want to call your attention to another thing. There is a town site that passed in that appropriation bill last session; the town site is in the Ottawa Reservation, in our agency, and it is owned by citizens of the United States entirely.

Q. You mean Indians?—A. White men, citizens of the United States, and, of course, there is land that belongs to white men east of the 96th meridian, and we know that we are opposed by the delegates from the various civilized tribes of Indians.

By Senator DAWES:

Q. How did they get their title to that land?—A. There was a town company organized and bought 560 or 580 acres, and they held a council with the Ottawa tribe of Indians, and they agreed on the sum of \$10 an acre.

Q. I do not care about the terms; all I want to know is who gave them the title?—A. The Ottawas sold it.

Q. Could they do it without the consent of the Government?—A. You gave consent in a bill.

Q. Do you hold under such a title that you could convey without the consent of the Government?—A. There is no stipulation in our treaty that says we shall not sell to anyone. We are pretty near the only tribe in the United States that has not a stipulation in their treaty to that effect. But in the treaty of 1833 there is no stipulation saying we shall not sell to anybody. In our treaty of 1818 there is. But the point I wanted to make is that we are needing representation. Another point is, that the Cherokees and others are fighting against our bills; they don't want any white man to own land east of 96 in the Territory, but that has already occurred.

By Hon. D. A. HARVEY (Delegate from Oklahoma Territory):

Q. What is the feeling, Mr. Abrams, among your delegates in regard to the taxation of your land for county and school purposes?—A. We feel like it would not be quite justice, having given the Peorias, Miamis, and two or three others of those tribes, their lands, nontaxable, to now call upon us to pay taxes.

Mr. HARVEY. The Pottawatomie Indians seem universally desirous of having their lands taxed, provided, however, that the taxes shall not be a lien on real estate. In other words, that they must make up the taxes from the sale of personal property.

Senator DAWES. Make up a sum equal to the tax.

Mr. HARVEY. They do not want a lien on their real estate, but they are willing to have their lands taxed, provided the taxes do not constitute a lien on the realty.

Q. What is your feeling and the feeling of your people about that, about a general law applicable to all the Indian tribes who are taking lands in severalty in the Territory?—A. I could not speak further than our own little tribe. We thought we would agree on this: To let every individual, every head of a family, representing minors, etc., choose out of 200 acres 160 to be called a homestead, which should be nontaxable and inalienable. We thought it might be best for our people to pay taxes on 40 acres, thinking it would be a kind of stepping stone; then, of course, we would have to pay taxes on personal property.

Mr. MARTIN. How would it be possible to make taxation of lands and enforce that taxation, unless it should be a lien on the land?

Mr. HARVEY. If a man had not personal property to pay the taxes, it could not be collected; that is all.

Senator DAWES. If he had not personal property, then, he could not collect it at all?

Mr. ABRAMS. It would work a little hardship on us.

Mr. HARVEY. As I understand it, the great body of your land, then, will be nontaxable?

Mr. ABRAMS. Out of the 56,000 acres there would be 40,000 acres nontaxable, unless they wish to tax 40 acres each. We do not feel as though we want to pay taxes on over 40 acres.

Senator DAWES. Is there not a difficulty about the matter? You own this land. How can the United States exempt it from taxation, if it is your land? The land that these Indians have taken in severalty is land that they derive the titles to through the United States, and the United States holds it. It will not be their land until after the expiration of twenty-five years.

Mr. MARTIN. This is land that was given to the Quapaws by treaty and purchase.

Senator DAWES. Exactly, and, assuming that it is, they can not derive anything more of title from the United States, if they have absolute title now, and I understand that it is an absolute title. Now, the severalty act does not confer title on the Indians under 25 years. But the Government holds it and it escapes taxation because it is Government land. Now the difficulty in my mind about this question of taxation is, what authority the Government has to attach that exemption to another man's land.

Mr. MARTIN. The point I meant to raise was this: Would it not attach to these the same land the title to which came through the Quapaws, in the same way after the other tribes had received it?

Senator DAWES. After the transaction is complete by which the Quapaws became absolute owners. The United States retains no interest in the land. I raised the question to see whether there is anything in it or not. Then I would like to ask you, Mr. Abrams, this question: I notice you say that other Indians have their lands exempt from taxation; but is it not a mistake, after all?

Mr. ABRAMS. I am willing to admit that.

Senator DAWES. You are a pretty shrewd sort of a man. Is this not a bad feature of this whole thing, that here is going to be a large community absolutely exempt from taxation, coming under the Government of the United States, and having to support courts, and highways, and having to support schools? Somebody has got to do that or else they will become barbarians again.

Mr. ABRAMS. They must not do that.

Senator DAWES. Somebody has got to build railroads and support schools and support courts. I do not know what sort of a generous government there may be in Oklahoma, but in Massachusetts the people would begin to protest pretty quickly if they had to support a whole township and could not tax a dollar of the property in that township.

Mr. ABRAMS. Yes, I see.

Senator DAWES. I know that is a feature of this severalty provision.

Mr. MARTIN. But there is a corresponding thought, and it seems to me that, if the Indians are prohibited, for instance, from disposing of their lands during a period of twenty-five years, it would be very hard upon them, perhaps, if we were to subject them to taxation and they did not have the power of disposal of the property.

Mr. HARVEY. The proposition was to tax the land, and not make the tax a lien upon the land.

Senator MORGAN. That would only be robbing a man of his personal property to make him pay his taxes on land.

Mr. HARVEY. In one county there is almost three-fourths of the land, and invariably the best land, that is allotted to the Indians.

Senator MORGAN. It ought to be this way whether it is or not, and I think we could make it this way if we tried: That the Government of the United States would compensate the different territorial governments and the different State governments for a reasonable amount of taxes upon that land, corresponding with the proper taxes of people owning land in their own right and having a right to sell; that that should be paid in virtue of the fact that it is the public policy to protect these people, who are not able in all respects certainly to take care of themselves in the ownership and enjoyment of their lands for a period, and thus enable them to settle down and become permanent citizens and be able to take care of themselves by farming and other industries.

Mr. HARVEY. Some of those tribes are just as capable as any of the white people.

By Senator MORGAN:

Q. I know they are. There is one question I omitted to ask you, Mr. Abrams, and that is about the proportion of whites to Indian inhabitants on your Quapaw lands.

Mr. ABRAMS. I would be on safe ground if I were to say that there are two whites to one Indian. I am talking about the agency, not the reservation.

Q. The whites about double the Indians?—A. Yes, sir; then we have laborers and tenants and their families, and there will be at least one hundred families more on our reservation.

Q. Then, as a matter of fact, these people being engaged almost exclusively in agricultural pursuits, the agriculture of the Quapaw tribal lands is conducted by white labor?—A. Pretty much entirely.

Q. Only you have said that you and other Indians work on your farms?—A. Yes, sir.

Q. But you employ these white laborers to assist you, and there are two white laborers to one Indian?—A. Yes, sir.

Q. And there are two white people to one Indian in the country, taking them old and young?—A. Yes, sir; each Indian has all the land he can manage himself, and a little more, because he has to have somebody else to assist on his wife's land and on his children's land; there is no use of having land that is unproductive. In my case it is just this way, and I think I am a rustler.

Q. In the arrangement of the future status or condition of the Indian lands, do you wish any provision made by which the father or mother should become the natural guardian of the minor children without the necessity of taking out letters of guardianship?—A. We ask that in this Senate bill No. 1869.

And parents are hereby declared to be the legal guardians of their minor children, without process of court.

By Senator DAWES.

Q. How many of this body of white people are lessees of land and how many are laborers?—A. We cannot legally make any lease; there is no law to enforce it; it is all a question of honor. That bill (S. 1869) comprehends no great amount of leasing from the fact that most of those people will be tenants, what are known as tenants from year to year, and so on. I think there will be no great amount of long leasing, that is, from three to five years, as it is in the States.

By Senator MORGAN:

Q. I understand that you express it as the opinion of your particular tribe, and also of all the tribes, that your people are willing to come into the Oklahoma Territory and under its laws, as American citizens without any discrimination?—A. Yes, sir.

Q. And, as a consequence, you have not any objection to the white people being interspersed in your community as settlers?—A. We want them there; we do not think they are intruders.

Q. Then you are willing that the white men, under the law as it may be arranged by Congress with your consent, should be owners of land within your tribal limits?—A. Yes, sir.

Q. And you think that is the opinion of all the eight tribes?—A. Yes, sir.

Q. You are satisfied that that is so?—A. Yes, sir.

Q. Was that question discussed by this open council that you speak of that was held by these eight tribes at their agency?—A. That particular point was not, but we all understand it.

Q. I will get you to state which of those tribes have taken all their lands by severalty or separate ownership?—A. The Modocs, Wyandottes, Peorias, and Miamis. The Ottawas have had an allotment, but it has not been approved. They are asking a different allotment. They have bought their lands under peculiar circumstances, which I am not here to explain, and they demand a different allotment. The Senecas have had an allotment which they were never satisfied with, and they have sent their delegates here, and you can talk to them. They ask a different allotment. The other tribes have taken their allotments, and those allotments are approved.

Q. So that leaves three tribes with unsatisfactory allotments?—A. Yes, sir.

By Senator DAWES:

Q. The others have theirs and are satisfied?—A. All have accepted and are happy over it, and they keep a little surplus. The Miamis were under the same act, and they are to-day petitioning to have their surplus sold. Their bill is before you. The Peorias will do the same with theirs.

By Senator MORGAN:

Q. Why have they not as much right to sell their surplus as we have to sell it without your consent?—A. It has not been recognized by the United States as a fact that the Indians could do so.

Q. Any Indians?—A. No Indians. While there is no stipulation in the treaty saying that we must sell to the Government or anybody else, yet if we should undertake to sell any part or portion, or if our chief and council should allot to each one and they should be satisfied, yet it would not stand the test of law. It is supposed that all of these titles come from the United States. The title is in us to-day, but we have no patent; there is a promise of a patent. Now, we ask, inasmuch as the patent has not been given to the tribe in fee, the common title, we ask that it be given to us in severalty. We want to transmit the work of our own labor and our own money and our own individual efforts to our own children and to our own families.

By Senator DAWES:

Q. What title do you ask in regard to the common land?—A. We ask in our bill that the surplus be all sold by a commission appointed by the President.

Q. You do not propose to keep that?—A. No; it is a bone of contention; it is being run over and pastured, here and there, and it will be trespassed upon, and our timber will be cut; it is lying out, and nobody looking after it. These other tribes are as much advanced as we are, and some of them even more, because they have churches and we have not.

Mr. FINN. The Senecas have four district schools among them.

Mr. ABRAMS. The agent ordered one school discontinued, and went and arrested some of the children and took them to the Government school. Those children were being sent to those schools and their tuition being paid for by their parents. The agent said that would not be allowed.

By Senator DAWES:

Q. You understand that if you go to the government of Oklahoma, that government can impose any obligation on the schools that it sees fit?—A. We expect the same.

Q. You are willing to submit to that, are you?—A. One point more I want to speak about, and then I am willing to stop. The question has been raised here against us going to Oklahoma. We have got forty years' experience; at least I have, forty-five years' experience as to what the five civilized tribes will do with people when they get a chance. We know what they did with the Delawares and with two bands of the Shawnees when they were placed under their jurisdiction. We know what they did with their freedmen. We know they have not given them justice and whenever they have done so it was because they were compelled to do so. There are only 1,400 of us in that agency, and the five civilized tribes number 60,000. We do not feel like coming in under a State government with them. We feel that we would get more justice under the State of Oklahoma.

Q. You would rather run the risk of getting justice from 60,000,000 people than from that 60,000?—A. Yes, sir.

By Senator MORGAN:

Q. What is your view of the use of intoxicating liquors among the Indians?—A. I have been among the whites nearly all my life, in working at my trades, and I feel justified in saying there is no greater percentage of these Indians that will get drunk than among the whites.

Q. Is the moral tone adverse to drunkenness and licentiousness, or is it the other way?—A. Generally speaking, the tribes are against this drinking business; we are down on it; we try to keep our people from it.

Q. So you think if the Indians were relieved from the effect of the nonintercourse laws, they would not use the opportunity that they then would have to indulge, if they wished to indulge?—A. I would say this, that there would be no more drunkenness, from the fact that they can get all they want now; there is no trouble whatever in getting what they want, and in fact they get a poor quality of liquor when they do get it.

By Senator DAWES:

Q. Do they get it from the border?—A. It comes in in the nighttime, through passers-by. They have no trouble to get it. As Judge Martin says, I do not use it myself, and I have no occasion to do that, although I once in awhile take a drink.

By Senator MORGAN:

Q. Have you ever known any illicit distilleries out there?—A. There is no such thing out there that I know of.

Q. Has your tribe, or any other Indian tribe that you know of in that agency, any system of taxation for the support of the Indian government?—A. Yes, sir; but it is not carried out. Only last year we carried it out partially. There has been a system among the tribes to tax all their tenants from year to year \$5 for each head of a family, what we call a labor permit, for permission to labor inside the confines of our reservation. Our tribe looks at the subject a little more humanely, and we said this: If we hire these people, we ought not to charge them for working for us. So we have not done that any more. The Senecas, I believe, do that yet, and they collect quite a fund, but it is all absorbed by the chief and council, and rightfully, too, for these councils cost something for stationery, and there are a great many people brought together and they have to have dinner and come back to the council again. The fund is used in that way, and they do not make anything out of it. Two or three hundred dollars a year does not cut much figure. With the Quapaws it has been a terrible drain on some of our headmen, as Mr. Vallier here can well attest—furnishing dinners for the entire tribe or a great majority of them. Of course there are questions that arise that take a considerable time to talk over and decide. The members of the tribe come from quite a distance, and do not arrive until 10 or 11 o'clock in the forenoon, and they have to have dinner. I have furnished, with the exception of \$1, all the postage and everything for our council, and it is all right; but the other tribes furnish that. That is the only taxation that we have that I know of, and our tribe has not even collected that, only last year I believe.

Q. That is a license tax imposed upon the laborer for permission to stay in there?—A. Yes, sir.

Q. There is no land tax or property tax?—A. No, sir; no property whatever is taxed.

Q. Are there any licensed ferries?—A. We have a ferry; I do not know whether Joe Bigknife is licensed or not, or whether he gets his license from the Government or the agent. He is a Seneca Indian, and married a Peoria woman, and the ferry is on the Peoria Reservation. It is a splendid ferry.

Mr. FINN. He has no license.

Q. But the support of the Indian governments, so far as you know, comes entirely from this permit tax on labor?—A. Yes, sir. I want to say further that our chief and council get no salary and their clerk gets nothing.

Q. How is it with the other Indian tribes?—A. There is a little tax comes in to pay general expenses.

Q. You have a tax collector, I suppose?—A. No; we have none.

Q. The chief issues the permit for labor?—A. By the old council Mr. Vallier and another gentleman of our tribe were appointed to see these whites about it, and they paid; I believe they collected some \$55, more or less, and with that sum they bought groceries, and divided them out.

Q. As a fund for the entertainment of the people when they were at the council?—A. Yes, sir. The Senecas collected theirs, and paid it to the council. There has been a tax in this way. The agent has permitted, through orders from the Department in some way or another, cattle to be grazed on our reservation, and that has been a detriment to our people to a certain extent. They bring in Texas cattle; but we have stopped that now. They paid a small amount for that. That money was collected by the agent, through the farmer, and it was sent to the Department here. We have now a fund of \$1,543 probably in the Department to our credit.

Q. Accumulated in that way?—A. Accumulated in that way for our reservation.

By Senator DAWES:

Q. Have they a Government farmer for each tribe?—A. No, sir; a single farmer for the whole agency. I must say he does not farm much, but he is simply a lackey boy to go here and there for the agent.

Q. Did he pay over this amount lawfully?—A. We do not know; we have no charges to make.

Q. You do not know how much he collected?—I have got their statement.

Q. You have no means of verifying the account?—A. No, sir.

Q. Do your people have an idea that they do not get it all?—A. That is what we think. We can figure up this year something near \$1,700, and we can show something over \$1,500. It is possible some of these people did not pay. We do not censure the agent or any employé. We intend to ask if certain parties did not pay. Possibly we may ask the parties themselves if they did pay. We have the names of parties who are supposed to have paid certain amounts, and there are other moneys we know we ought to have got. I think I have the receipts right here.

#### TESTIMONY OF JOSEPH WHITECROW.

By Senator MORGAN:

Q. You have heard all that has been said by Mr. Abrams in regard to his tribe, the Quapaws?—A. Yes, sir; I have.

Q. Is your tribe in the same situation that he has described his tribe to be in?—A. Not exactly.

Q. What is the difference?—A. From the simple fact that Congress had passed a bill to allot us our lands in the first place in 1887; to give to each head of a family 160 acres, and to everyone 18 years of age, a single person, 80 acres; and all under 18 years of age, 40 acres.

Q. That is the general allotment law?—A. That is the general allotment law. Then there was an amendatory act passed, giving us 80 acres apiece. We are dissatisfied with that. We want 160 acres apiece, and that is what we are here for now. We have a bill here to give us 160 acres each, and then to sell the surplus.

Q. Has this allotment been actually made?—A. Yes, sir.

Q. And approved by the Department here?—A. No, sir; it has not been approved; we have protested against approval.

Q. It has not been acted upon by the Department?—A. No, sir; it has not been acted upon by the Department.

Q. When did your tribe first occupy all this country that you are in now?—A. In 1831.

Q. What tribe is that?—A. The Senecas.

Q. Where did you go from?—A. We went from Ohio to the Indian Territory.

Q. You went under a treaty?—A. Yes, sir; under the treaty of 1831 and 1832.

Q. Was your land directly from the Government of the United States?—A. Yes, sir; that is, we were promised title in fee simple.

Q. Has any patent issued to your tribe?—A. Never one.

Q. Have there been any treaties in that time?—A. The last treaty that was made was in 1867.

Q. Did that alter the condition about your lands at all?—A. No, sir; I think not; not as far as land was concerned.

Q. There has been no change as to lands since 1831, by your consent?—A. No, sir. As far as land is concerned, we sold 20,000 acres to the Wyandottes; that was the only change that was made in our land matters.

Q. There have been no changes in your right or title since the first treaty that you made in 1831?—A. No, sir; if there has been we are ignorant of it.

Q. Who made the allotment that you speak of to the Indians that has not been yet confirmed?—A. Colonel Howard and Hartwig; two different special agents were sent to us.

Q. The allotments made by them were under the authority of the Interior Department, I suppose?—A. I suppose so; that is what they claimed.

Q. That allotment was not satisfactory, and has been protested against?—A. It was not satisfactory, but they kind of forced us into it.

Q. How?—A. For instance, I had 140 acres under fence, and they said to me, "If you don't make your selection we will make it for you; you may have to take yours over here in the hills, and we will give your house and farm to somebody else." They made just such threats as that.

Q. Is your Indian tribe under the same sort of government, in a general way, that has been mentioned as obtaining in the Quapaw tribe?—A. Just exactly; we elect our chief and council on the first Monday of July.

Q. You do that by common meeting?—A. Yes, sir; at our council house. We have got a fine, big frame council house where we meet.

Q. Has your council ever made an arrangement, or passed any order or resolution, to divide your lands among the Indians?—A. Yes, sir; that is, to give 160 acres; but we have never accepted.

Q. I do not speak of what the Government of the United States has done; I am talking about what you, as Indians, have done.—A. The last act we have had our people were to get 160 acres each, and the balance was to be sold.

Q. Before that time had you made any distribution of your lands?—A. Never.

Q. How did you hold your lands?—A. In common; just fenced up all we wanted.

Q. You had plenty for all; there was no intrusion of one upon another?—A. No, sir; we settle all these matters by the chief and council.

Q. Whatever trouble occurred you arranged it in the common council?—A. Yes, sir; just referred it to the chief and council, and whatever their decision was we admitted.

Q. Lately you have passed what we might call an Indian law to give to each individual in your tribe 160 acres of land?—A. I think it was on the 17th day of February, 1892, that we met; I have got it in my satchel, I guess. We met in general council and passed an act asking for 160 acres; a few days after they passed that act they elected me and Mr. Winney to come here to ask for that and to protest against this allotment of 80 acres.

Q. If I understand you, on the 17th of February, 1892, you met in council at your council house and passed this law or resolution—whatever you please to call it—that you would divide your lands out, each Indian to get 160 acres?—A. That was the last act that we had.

Q. Did you arrange in that whether each Indian was to take the land that he then held?—A. Yes, sir; that is, what he had in improvements.

Q. Suppose a man had five children, and there was not enough in his improvement to include provision for his children?—A. Outside of that we have about 9,000 acres of surplus, according to the calculation we have made.

Q. Did you arrange in this council for any order for supplying the deficiency in land out of the common territory to each individual Indian?—A. I do not understand what you mean by deficiency.

Q. Here is a man, say, with five children, and who has only, we will say, 160 acres of land; he is entitled to four times that much for his family. Where are you going, under that order, to get the other?—A. There is hardly any of us who will not have all we can hold after they give us 160 acres apiece; we have got it all under fence already.

Q. Do you find land enough inclosed by almost every family to supply the 160 acres to each member of the family?—A. Yes, sir.

Q. You took it up that way in the hope that you would get it allotted to you?—A. Yes, sir.

Q. So that your actual occupancy of land really, as a rule, includes enough land to comply with this decree of your council giving to each Indian 160 acres; that is what you mean?—A. Yes, sir.

Q. What is the condition of your tribe as to schools?—A. We have four day schools, and then we have a missionary school that is supported by the Government.

Q. Who supports the day schools?—A. We do it ourselves; we pay the tuition, and we pay the teachers.

Q. You hire your own teachers?—A. Yes, sir; and pay them.

Q. And have them under the control of a board of trustees?—A. No, sir; only through the council.

Q. You do that through your Indian council?—A. Yes, sir; we have a chief and council, and they appoint the teachers and we pay them.

Q. The chief and council of your tribe really, then, have control of all the public education, except such as is furnished by the Government of the United States in the mission school?—A. Yes, sir; we do not have anything to do with that.

Q. About how much do you pay your teachers?—A. We pay them a dollar a scholar for each month.

Q. About how long do they teach?—A. Sometimes they teach four months in the year; it is just owing to how many scholars we can send; if we do not send many, and the teachers get tired of it, they quit; but sometimes they will teach ten months in the year; just owing to how many scholars we can send.

Q. These schools, I suppose, are located definitely in the different Indian settlements?—A. Yes, sir; in our reservation.

Q. Have you been forbidden at any time to send children to those schools?—A. Yes, sir.

Q. Who did it?—A. The Indian agents.

Q. When?—A. In one particular case, Joe Bomberry; they sent two policemen over to him and put him under arrest and all his children, and sent them to the missionary school—to the Government school.

By Senator DAWES:

Q. You have private schools besides the Government school?—A. They took them from one school and sent them to the Government school.

By Senator MORGAN:

Q. The Indians were paying the tuition and the teachers, and the

agent took the children and carried them to the Government school?—  
A. Yes, sir.

Q. When was that?—A. Mr. Winney was the United States policeman who was sent there; he can tell you. That was in May, 1891. Mr. Bomberry has got a big farm, and has about 600 acres all in cultivation, and has a good house and good improvements; he has good orchards on it, and he is a man that has plenty of stock and plenty of money, and can educate his own children. He does not have to send them to the Government school, but the agent sent them there—just took his children, and took him along, too.

Q. How far was the Government school from Bomberry's house?—  
A. About 16 miles.

Q. How far was the neighborhood school?—A. About a mile and a quarter.

By Senator DAWES:

Q. Was the Government school a boarding school?—A. Yes, sir; everything is furnished by the Government—everything; clothing and tuition and everything is paid for by the Government.

By Senator MORGAN:

Q. Were there any other instances of that kind that you know of?—  
A. There have been several, but I am not able to mention them now. You see, we draw annuity money every six months, and every time we draw an annuity the agent takes it on his responsibility to ask every one if their children are going to the Government school, and if they say no, he says: "Well, I will have to withhold your money; I am instructed by the Department to withhold the money from all those who are not sending children to the boarding school."

By Senator DAWES:

Q. That is under the provision of the law of last year, I suppose?—  
A. If they promise to send their children to the boarding school then he pays the annuity.

By Senator MORGAN:

Q. What sort of schoolhouses have you in which you educate your children?—A. Good, comfortable, and well-furnished schoolhouses.

Q. Who built them?—A. Our people did it.

Q. The Government had nothing to do with the furnishing of them?—  
A. No, sir; we furnish them all ourselves.

Q. And how about churches in your community?—A. We have three good church houses; we use these schoolhouses for church purposes, too.

Q. But you have three additional church houses?—A. We have three church houses not used for school purposes at all.

Q. What denominations?—A. One schoolhouse, Methodist and two of Quakers.

Q. Church houses you mean; you said schoolhouses?—A. Two church houses of Quakers and one Methodist.

Q. About what would those churchhouses cost?—A. There is one house that would cost about \$1,500, and the other two cost about \$600 apiece.

Q. Frame houses?—A. Yes, sir; small frame houses; and we have one that has a tall steeple to it and a big bell.

Q. Is it painted?—A. Yes, sir; it is painted and everything furnished.

By Senator DAWES:

Q. What denomination is that?—A. Quakers.

Q. The Quakers do not have bells upon their meeting-houses, do they?—A. Yes, sir.

Mr. FINN. We have five native Indian Quaker preachers.

Mr. WHITECROW. We have preachers among us; we have 265 Indians in our tribe.

By Senator MORGAN:

Q. How many white people are there in your tribe?—A. We have probably double the amount of the Indians.

Q. Are they tenants?—A. They are tenants and laborers.

Q. Tenants from year to year, or do you make leases?—A. No, sir; we just make our contract from one year to another.

Q. Are these white people orderly and well behaved?—A. Yes, sir.

Q. Good citizens?—A. Yes, sir; they set a good example for us; I can say that; they are all church members.

Q. Are you satisfied to have those white people live permanently among you and become owners of property?—A. As long as we can make contracts with them they can stay there.

Q. Suppose they come in and buy lands?—A. Certainly they can buy all the land they want.

Q. They are not objectionable as neighbors?—A. Not a bit.

Q. About how much money is Matthias Splitlog supposed to be worth?—A. About \$2,000,000.

Q. How did he make it?—A. His wife was a Wyandotte, and the Wyandottes became citizens of the United States in 1855, and she got her allotment right there in Kansas City, Kans., where that city now stands, and he got his money in that way. He has all kinds of machinery and tools—anything you can imagine, on our reservation.

By Senator DAWES:

Q. What is he doing with his money?—A. He built a railroad from Joplin, Mo., to Sulphur Springs.

Mr. ABRAMS. Where his family lives there is a little city, larger than half the small villages in the West.

By Senator DAWES:

Q. How much land does he own?—A. He has about 800 acres in cultivation, and he has large buildings, mighty near as large as this Capitol, and wagon shops, carriages, and blacksmith shops.

Q. How did he get his title to the land?—A. He has none yet.

By Senator MORGAN:

Q. That is a machine shop that Splitlog has there?—A. Yes, sir.

Q. What is the name of the town?—A. It is called Splitlog City—but that is Splitlog Station, and they call it Splitlog; but there is a post-office there that they call Cayuga; so there are two different names for the post-office and the city; but it is better known by the name of Splitlog than by the name of Cayuga.

Q. Is that on a railroad?—A. No, sir.

Q. How far from a railroad?—A. About 20 miles from the nearest point on the railroad he built.

Q. Is that the nearest railroad?—A. That is the nearest railroad.

Q. You say he has a big machine shop?—A. Yes, sir.

Q. What does he make?—A. He makes carriages and wagons and all kinds of machinery.

Q. Where does he get his timber?—A. He gets it off the reservations; he has three sawmills.

Q. Does he work white men or Indians?—A. He works his own boys, but of course he employs white men outside; but he lets his boys engineer.

Q. The boys manage and conduct, and the whites assist in the labor?—A. Yes, sir.

Q. Does he employ Indians also in his work?—A. Yes, sir; those that work.

Q. Are there any that do work with him?—A. Yes, sir; a good many haul lumber and build houses and fences.

Q. Are there any there learning trades?—A. Not in the carriage-shop and wagonshop.

Q. Are they learning trades in any of the other shops?—A. I do not think any Indians are learning any trade; they work on his land, and work his sawmills, and saw logs, and chop all kinds of timber and take it to his mills and have it sawed and take it and make fences with it there.

Q. He conducts there a large industry?—A. Yes, sir; he does.

Q. And employs a good many hands?—A. Yes, sir; all that he can get. He would prefer to hire Indians rather than white men.

Q. About how many employés do you think he has—those that he employs in the forest to cut logs and haul them away and work around the shops?—A. He has about fifty all the time.

Q. What sort of power does he use, steam or water?—A. He has got one sawmill with about 30-horse power, and he has two with about 25-horse power.

Q. Is it steam power?—A. Yes, sir; it is all steam; it is portable and he can move it.

By Senator DAWES:

Q. Does he have any water power?—A. He put up one water power; he has about 120-horse power on his place, but he did not run that; he sawed out all the timber that was close by and then he shut that up.

Q. Has he anything that goes by water wheel?—A. No, sir; he did build a water mill there, but he don't run that any more.

By Senator MORGAN:

Q. Do you know of any coal up in that country?—A. No, sir; none that is developed; we have a good many specimens.

Q. Were these specimens collected within the limits of the agency?—A. Yes, sir.

Q. Do you think there is coal there?—A. I am satisfied of that, but it is not developed. We have lead too.

Q. Do you know of any other Indian tribe who have machinery and manufacturing establishments among them, such as sawmills, gristmills, or any other kind of mills?—A. I do not think there is a tribe in that agency but what has machinery of some kind, of one description or another.

Q. Have you any tanneries?—A. No, sir; no tanneries.

Q. Are these machines employed in manufacturing wagons and carriages, or what?—We have no wagon shop nor carriage shop outside of Splitlog's establishment, that I know of, except thrashers and sawmills and such things as that.

Q. Any gristmills?—A. No, sir; Seneca is our nearest gristmill.

Q. Where is Seneca?—A. That is in the State of Missouri.

Q Have you no corn mills in your agency?—A. Oh, yes; Splitlog has two that run every Saturday.

Q. Have any of the other tribes any corn mills?—A. I think the Shawnees have one.

Mr. ABRAMS. The Indians do not eat very much corn bread; that is a fact. They eat flour.

Mr. WHITECROW. The Indian says the corn meal scratches his throat.

Mr. ABRAMS. They are able to eat flour.

Senator MORGAN. When they did strike civilization they struck it at its highest point.

Mr. ABRAMS. You come to my house and you will find we have patent flour; I get 1,000 pounds of flour at once.

Q. Are your tribes self-sustaining?—A. Yes, sir.

Q. You make a surplus?—A. Yes, sir; we have a surplus to sell.

Q. What sort of a wheat country is this?—A. It is tolerably good. For the last three years we had drought and did not raise much, but we have plenty, and a little surplus to sell, of corn and wheat too.

Q. You call it a good wheat country?—A. Yes, sir.

Q. What sort of a corn country is it?—A. It is a No. 1 corn country.

Q. How are the forests over the whole country?—A. It is good grazing country, and we have got the finest stock country, I guess, that there is.

Q. How about the forests—trees, timber?—A. The timber is good.

Q. Is it abundant?—A. It is abundant where there is forest, but we have part of our country in prairie and part in forest. Where the timber is, the timber is good.

Q. How far is it from your council house to the nearest railroad station?—A. Seneca is about 16 miles from our council house.

Q. Is that on Splitlog's road?—A. No, sir; that is on the Frisco road. There is not much difference in the distance to the Splitlog road; it is about 18 to 20 miles to the nearest point on the Splitlog road.

Q. Splitlog started and built that road?—A. That is what he claims, and I know he did, because one of his sons married my sister, and I know that he was at work there, and Splitlog built a little town that they call Splitlog city.

By Senator DAWES:

Q. Do you suppose that your tribe would formally consent to this bill that Mr. Perkins has introduced (S. 2442)?—A. Yes, sir.

Senator DAWES (to Mr. Abrams). Do you suppose yours would?

Mr. ABRAMS. Oh, yes; we have been asking it for three years; they know about it very well.

### TESTIMONY OF W. W. MARTIN.

By Senator MORGAN:

Q. What is your place of residence?—A. Fort Scott, Kans., is my home. I am at present in Washington city. My office is at 918 F street; I am State agent for the State of Kansas.

Q. How long have you known the Indians of these eight tribes, at the Quapaw Agency?—A. I have been more or less acquainted with them and with the country there for twenty-five years.

Q. You have frequently been among them?—A. Yes, sir; for the last five or six years I have been among them a great deal.

Q. Among all the Indians out there?—A. Yes, sir; at that agency.

Q. What would you say is the general condition of these tribes as to their ability to maintain themselves with respectability and comfort?—  
A. I should say it was decidedly good. There is very little difference going out of the State of Kansas down in there, so far as their ability and their farming capacity are concerned.

Q. Have they comfortable houses?—A. Oh, yes.

Q. Well furnished?—A. Yes, sir.

Q. Do they raise stock?—A. Yes, sir.

Q. Poultry?—A. Yes, sir.

Q. You would say, I suppose, then, that they are a well-to-do farming community?—A. Yes, sir; that is my judgment.

Q. Do you know of any mechanical industries among them that have not been mentioned by the other gentlemen?—A. No, I do not; I can not locate them very well as I go through the country; I can not tell one reservation from another; I do not know when I get out of one into another, there is such a small difference.

Q. Their reservations join each other?—A. Oh, yes.

Q. Can you tell the committee what has been the demeanor of the white people who have been in that country as laborers or tenants since they commenced going in there?—A. So far as my knowledge extends it has all been peaceable and quiet, good and industrious.

Q. There have been no disturbances between the Indians and their laborers and employés?—A. No, sir; none that I know of.

Q. Do you know of any exception among the Indians to the rule stated by the two Indians who have testified here? Do you know of any rules different from those they have described?—A. No, sir; I do not think I do. They all seem to be in about the same condition. I will just explain to you that some three years ago I was employed, as the attorney of the confederated tribe of the Peorias and Kaskaskias, in a suit between the citizens and the tribal Indians, and I spent almost the greater part of six months down there, right among them, taking evidence, and my acquaintance with them was more extensive at that time than ever before, and I saw more of them, and they were just then beginning, as Mr. Abrams has described here, to find out that they could take care of themselves, and were beginning to fix up their farms.

Q. How long ago was that?—A. I commenced about three years ago.

Q. Have you noticed any marked progress?—A. Oh, a decided progress. At that time when I first went down there among them you could drive all over the country there without being troubled about fences much, only occasionally there would be a small field fence of some kind. Now you have got to keep in the middle of the road; it is all fenced up; that is, the greater part of it.

By Senator DAWES:

Q. Do you mean to say that their farms are fenced?—A. Yes, sir.

Q. What kind of fence?—A. Barbed wire principally; just the same as in the States; you could not notice much difference.

By Senator MORGAN:

Q. How many mission schools are there in that agency?—A. There are two.

Q. Located at Wyandotte?—A. In the Wyandotte Reservation and in the Quapaw Reservation.

Q. Have you visited those schools?—A. Only the one in the Quapaw Reservation.

Q. Is it numerously attended?—A. Not so much so as I expected to see.

By Senator DAWES:

Q. Is the private school that has been spoken of here, the one from which the agent took the children and sent them to the Government school, in the Seneca Reservation?—A. That is on the Wyandotte Reservation.

By Senator MORGAN:

Q. Do you know of any other Indian tribes there besides the Senecas that have private schools that they support themselves?—A. Yes, sir; the Peorias have. I have been out there a great many times. Also the Miamis and the Modocs have. I have never been to the Modoc school, but I have been at the Miami school, and at this Peoria school many times while they were holding school there. In fact, we spent a week or ten days taking depositions in one room of the schoolhouse. The schoolhouse had two large rooms, and we occupied one of them.

Q. In speaking of your engagement, you said it was in regard to taking testimony in a suit between citizen Indians and tribal Indians. What is the real distinction between the two?—A. The treaty of 1867 provided that any of the Peorias, Weas, Piankashas, and Kaskaskias that wanted to could become citizens of the United States at that time, and they were then in the State of Kansas, right north of where I live; that they could stay there in Kansas and become citizens of the United States. I think there were fifty-five of them that took advantage of that provision of the treaty and became citizens. They were entitled to their part of the property, and in dividing it up there seemed to be a discrepancy in the make up of the roll, and that is what the litigation grew out of. Then there was an act passed by Congress giving them a right to bring suit in the Court of Claims for an overhauling of the account. That is the case.

Q. Do you think those tribes out there, taking them by and at large, are in a condition to accept citizenship of the United States?—A. I think so, Senator.

Q. You see no difficulty in the way of it?—A. No. Of course, as Mr. Abrams has said, there are some among them that are trifling and worthless and do not try to get along; but I do not think any greater proportion than among civilized people.

Q. If they should have access to the ballot box in the election of their own officers, as, for instance, they would have if they were incorporated into the Oklahoma Territory, do you think you would find, as a rule, amongst them an average of ability for exercising the right of suffrage that would compare favorably with the people in the surrounding States?—A. I think so. The greatest obstacle we find is that there are a great many Farmers' Alliances down there; no more so, however, than we have in Kansas.

Q. The forming of Farmers' Alliances at least exhibits an intelligent idea of organization?—A. Yes, sir; at least I mention that jocularly, but I think as a general thing they are fully qualified to act intelligently in the use of the ballot.

Q. What is the general moral tone of the Indians in that community?—A. It is good; fairly good.

Q. Is there much drunkenness among them?—A. I have never seen much of it. I have heard of more than I ever saw. I suppose there are some of them that would use intoxicating liquors a great deal if they had access to them.

Q. Do you think the moral tone of the Indian, if they had the privilege, would be toward indulging in intoxicating liquors, or the other

way?—A. I hardly know; I have not seen much of that. I never drink any myself at all, and I naturally would not be thrown with them much. I do not know whether it would be used among them to much disadvantage or not.

Q. Judge Martin, you spoke about the limited jurisdiction of what we will call the Indian court at Muscogee. I suppose that that results from the fact that Congress, in conferring jurisdiction upon the Federal court as a Federal court, is bound to obey the Constitution, and can not give that court a jurisdiction except between citizens of different States or in cases where a Federal question is involved?—A. I suppose that is it, undoubtedly.

Q. That is the real difficulty about providing a Federal court to reach the domestic affairs of the Indians.—A. That is it, undoubtedly.

Q. So that a Territorial court, which would be unembarrassed by such considerations, would be able to reach with its jurisdiction all of the transactions between Indians when they became citizens, whereas the Federal court at Muscogee would not be able, in consequence of constitutional embarrassments and difficulties, to administer the law in a general sense as a Territorial court could?—A. That is undoubtedly it.

Q. I take it, then, that it is your opinion that it would be for the benefit of those people, when the land questions are all arranged and they were permitted to enter fully into American citizenship, that they should be under the government of Oklahoma rather than under the Government of the United States through this Indian court?—A. Undoubtedly that is so; I do not hesitate to say it.

Q. The introduction of the laws of Arkansas, as a rule of practice, we will call it, or as a law in respect of the punishment of crimes, I suppose has reference only to those laws which are in their character penal and are calculated to preserve the public peace and order in a private community?—A. I think so, entirely.

Q. You do not understand that the Federal court at Muscogee had any jurisdiction, such as would be exercised in Arkansas by the courts of that State in respect of civil matters?—A. No, I think not.

Mr. FINN. Here is the law on that subject.

Mr. MORGAN. Read that, please.

Mr. FINN. It is section 31 of the Oklahoma bill, act of May 2, 1890.

SEC. 31. That certain general laws of the State of Arkansas in force at the close of the session of the general assembly of that State of eighteen hundred and eighty-three, as published in eighteen hundred and eighty-four in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of Congress, relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide; that is to say, the provisions of the said general statutes of Arkansas relating to administration, chapter one, and the United States courts in the Indian Territory herein referred to shall have and exercise the powers of courts of probate under said laws;

That is what I referred to when I said they had probate jurisdiction.

to public administrators, chapter two, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs in said State; to arrest and bail, civil, chapter seven; to assignment for benefit of creditors, chapter eight; to attachments, chapter nine; to attorneys at law, chapter eleven; to bills of exchange and promissory notes, chapter fourteen; to civil rights, chapter eighteen; to common and statute law of England, chapter twenty.

And so on.

## TESTIMONY OF D. C. FINN.

By Senator MORGAN:

Q. How long have you known the Indian country?—A. Since 1866 or 1867.

Q. Have you been much among these tribes?—A. Frequently.

Q. What is your calling?—A. Practicing law at Baxter Springs, Kans., 2½ miles from the Indian Territory line.

Q. You have heard the statements made here by these gentlemen of these respective tribes; if you have any statement to make that you think is in conflict with anything they have said, I would be glad to have you make it?—A. I do not think I can make any statement in conflict with theirs. I think those statements made by Mr. Abrams are correct. I was down at the agency last summer two or three times, and went to the Senecas, and I was surprised when I first went among them to see the improvement and advancement they were making in farming; they had nice houses, rail fences, and good crops at the time I was there; everything was quiet. But the great anxiety among those people was to have their lands divided up, that is, in tracts, in order that they might be the owners of the soil. While I was there there was confusion between the Senecas and the allotment agent. The idea of the Senecas was that they should have some say-so about their own lands. The allotment agent's idea was that they had nothing to say; that they were wards of the Government, and that he was sent there as a dictator; and consequently that they should take their allotments as he saw fit to make them.

Q. Has this country ever been surveyed by the Government of the United States?—A. Yes, sir.

Q. And divided up into sections and quarter sections, and so on?—A. Yes, sir.

Q. So there is no difficulty in that respect about making allotments?—A. None at all.

Q. You say that this allotment agent claimed the right to allot an Indian anywhere he chose?—A. Yes, sir.

Q. Without reference as to whether he was located on a particular tract or not?—A. Yes, sir; he said if an Indian declined to select his allotment, he, the agent, had a right to select it for him.

By Senator DAWES:

Q. Immediately?—A. Yes, sir; I told Mr. Hartwig I thought it was his duty to call the council together to see whether the legislative body of that nation was willing to accept it. He said he did not care whether the nation accepted it or not; that he had the power to allot the lands to the Indians as he saw fit.

Q. Is not the law express that an Indian has four years within which to select his allotment before it can be selected for him?

By Senator MORGAN:

Q. This allotment he was trying to effect was under the general allotment law, called the Dawes act?—A. Yes, sir; in the first place, Mr. Howard was sent there to allot the lands under the Dawes bill. That was not approved. Judge Perkins, at the time, before he was appointed to the Senate, was down there with me at the agency, and the question arose with reference to the amended bill while he was there, and Judge Perkins said he would write to Washington for them.

By Senator DAWES:

Q. He was down there after the amended bill passed?—A. Yes, sir. He said he would write to Washington and would look up the matter and write back. Those Senecas had each gone to work and changed his fences—that is, to fence 160 acres that was allotted under the first allotment; their fences were all rail fences, staked and ridered. This second allotment they were about to make would take about one-half of that field and give it to some other person. So where they had 160 acres fenced they would lose one-half of their improvements and the Indians consequently refused to accept.

Q. They would get along well enough in that way if a man and his wife both took the two halves.—A. But some of those persons had no wives.

Q. Has that difficulty been settled?—A. No, sir; the Senecas have protested against the approval of these allotments.

Q. And they have got this bill here?—A. Yes, sir.

By Senator MORGAN:

Q. And that protest is pending before the Interior Department?—A. Yes, sir; the same thing transpired among the Ottawas. The Ottawa Indians have also asked for all their lands to be allotted, which will only give them about 100 acres to each man, woman, and child.

Q. Mr. Finn, what have you to say about the schools there?—A. Well, Senator, district schools or mixed schools would be valuable to those Indians, but I do not think those Government schools are worth much to the Indians, when the Indians are as far advanced in civilization as those who reside on the Quapaw Reservation are. I think that is a useless expense.

Q. Does not the sending of the children to the Government schools take them away from home and from parental influence?—A. Yes, sir; there appears to be a desire among those people to have schoolhouses, to clothe their children, and to have their children board at home. Those white children are admitted into the district schools for so much per month, and the Indians prefer to have their children educated with the whites in mixed schools.

Q. I suppose the whites have no objection to that?—A. None at all. I think that mixed schools among the Indians is an advantage to their education.

Q. You mean mixed as to race?—A. Mixed as to race.

Q. And nobody has any objection, either the white men or the Indians?—A. No, sir.

Q. Would it not be much more convenient to people who want to have their children sent to school to have them sent to schoolhouses somewhere near their residences, and employ their teachers there?—A. Yes, sir.

Q. Do you know enough about these neighborhood schools to inform the committee whether they are well conducted and have competent teachers?—A. The Peoria school, and the Miami schools are well conducted. The Peoria school is taught by an Indian, that is, Albert Perry, and before that it was taught by a Wyandotte girl, Ida Johnson. Those Indian teachers had been sent out of the nation into some State to be educated, and when they come home I think it is right and best that they should be employed as teachers where they are qualified.

By Senator DAWES:

Q. Do you mean those who have been off to Government schools?—A. Some of them have been sent to the State University in Missouri.

By Senator MORGAN:

Q. They come back qualified as teachers, and you think they ought to be employed where they are qualified?—A. I think so, because they understand both languages, the Indian and the English, and the children advance faster with that class of teachers than they do under the whites.

By Senator DAWES:

Q. Where are those pupils graduated that have been educated at Government schools?—A. Some of them have been graduated at the State University of Missouri, and I think several of them have graduated at the normal school of the State of Kansas, and some of them have been sent to Stevens Female College at Columbia, Mo.

Q. Right among the whites, and they have gone to school there just like white people?—A. Yes, sir.

Mr. MARTIN. There are many attend our normal school at Fort Scott. I have known times when there would be eight or ten Indian pupils there at one time.

Senator DAWES. You say they are not employed in the schools, and you think they might be?

Mr. FINN. Some of them are employed in what is called district schools or day schools, but none in the Government schools.

Mr. WHITECROW. I have a daughter teaching a Government school at the Yankton Agency. She was educated here in Virginia, at Hampton.

Senator MORGAN. Where is the Yankton Agency?

Mr. WHITECROW. In South Dakota.

Senator MORGAN. But none are teaching in your country?

Mr. WHITECROW. No, sir; she had applied for a position, and the superintendent at Yankton school gave her a position there.

Senator MORGAN. Do you think the Indians of that country, taking them by and large, are in a condition to receive citizenship from the Government of the United States?

Mr. FINN. I do.

By Senator MORGAN:

Q. You think, taking them as a community, they would be able to handle the ballot with discretion and success?—A. Yes, sir.

Q. What is your opinion of them, as you know them well, as to the general tone of morality among them?—A. They are very similar to people in the States. There are among them a great many fine Christian gentlemen. There is Mr. Richardville, a Baptist preacher, and a gentleman of high standing; I could name others. Then of course they have a few scalawags among them.

Q. I speak of the general tone of the community.—A. The general tone of the Indian is good in that agency.

Q. In respect to morality, religion, and social order?—A. Yes, sir.

Q. They desire to promote what is advantageous to themselves and their families?—A. Yes, sir.

Mr. ABRAMS. I will state this: That you will find a better order at a Christian meeting among the Indians than you will oftentimes in the States.

Senator MORGAN. How about the attendance?

Mr. ABRAMS. The attendance is good. In regard to virtue, you find it generally good; you find the women straight; of course we have exceptions.

Mr. FINN. I will give you a little instance: About a year ago a

Quaker preacher asked me if I would not take him down to the Modocs; he wanted to go down there to attend Quaker meeting. I told him certainly, and I went down with him. That was Charles Hubbard, of Indiana. When we reached there Jeremiah Hubbard was having a class meeting, and the Indians all talked in their own language, and a more penitent crowd I was never among in my life, and they appeared to be sincere.

Q. They were there for worship?—A. Yes, sir.

Q. Is the English language much spoken among the Indians?—A. Yes, sir; there is quite a number of them that talk their native tongue, however.

Q. In these neighborhood schools is the teaching entirely in English?—A. Yes, sir.

Q. State about any other mechanical industries that are pursued down there, besides those mentioned by these other gentlemen?—A. I don't know of any.

Q. You know Splitlog, I suppose?—A. Oh, yes; I know him.

Q. I take it he must be a very able man?—A. He is, and he is a full-blood Seneca Indian.

By Senator DAWES:

Q. Does he exert a good influence over the people there?—A. Yes, sir.

Mr. ABRAMS. He never drinks a drop of whisky, nor chews tobacco, nor smokes; I do not know whether he is a member of any church or not.

Mr. WHITECROW. He is a Catholic.

#### TESTIMONY OF FRANK VALLIER, INTERPRETER.

By Senator MORGAN:

Q. Do you agree, Mr. Vallier, with the statements made by the Indians who have been present here to-day?—A. Yes, sir.

Q. Are you acquainted with the condition of the people in that country?—A. Yes, sir.

Q. Have you any office or position out there except as a private citizen?—A. Interpreter; that is all.

#### TESTIMONY OF ALPHONSUS VALLIER.

By Senator MORGAN:

Q. I will ask you whether you agree to these statements made by these gentlemen?—A. Yes, sir; I do.

Q. You do not find any objection to their statements?—A. No, sir.

Q. Do you think of anything you wish to add to what has been said?—A. No, sir.

#### TESTIMONY OF JAMES WINNEY.

By Senator MORGAN:

Q. How is it with you, Mr. Winney? You are one of the deputy marshals out there, are you not?

Mr. ABRAMS. He does not understand very well. He speaks English, but to do so you have to talk slow.

Mr. WHITECROW. He understands a good deal of English.

Senator MORGAN. Ask him if there is anything he wants to suggest in addition to what has been taken down.

Mr. WHITECROW. (After interpreting to Mr. Winney.) No, sir; he says he has nothing to suggest in addition to the statements that have been made.

Senator MORGAN. He is a policeman, I believe you said?

Mr. WHITECROW. Yes; Mr. Winney is a policeman.

Senator MORGAN. A United States policeman?

Mr. WHITECROW. Yes, sir; he belongs to the Indian police.

Senator MORGAN. Ask him what is the general condition out there as to the preservation of order and law.

Mr. WHITECROW. He says he does not have any trouble with them whatever; he don't hardly have anything to do.

Mr. ABRAMS. He has a little farm of 360 acres all fenced about this high; a rail fence and a good frame house, with good orchards and plenty of cattle and good houses; he is simply a representative of his people.

Senator MORGAN. Has he all that 360 acres under cultivation?

Mr. ABRAMS. Pretty near all.

Mr. WHITECROW. Has it all in good cultivation, and he has about fifty odd head of cattle.

Mr. ABRAMS. My uncle was a preacher in the Quaker church.

#### ADDITIONAL TESTIMONY OF ABNER W. ABRAMS.

MARCH 19, 1892.

By Senator MORGAN:

Q. I wish you would state, Mr. Abrams, as nearly as you can, the population of each of the tribes in the Quapaw Agency.—A. I now have later data than I had when I testified before. According to the last roll of the Senecas there are 273 in that tribe; of the Wyandottes, 291; of the Eastern Shawnees, 79; of the Modocs, 68; of the Peorias, 166; of the Miamis, 75; and of the Ottawas, 155; that, however, is not correct. There are some whites on that roll who will eventually be left off.

Q. About how many?—A. I think there are 8; and of the Quapaws there are about 200.

Q. You mean that that is a close approximation?—A. That is right at it; that does not miss it over half a dozen or so.

Q. Which, of all of these tribes, have taken their lands in severalty?—A. The Peorias, Miamis, Shawnees, and Modocs. The Wyandotte allotment has been approved, and they will receive their patents.

Q. Leaving only the Quapaws, Senecas, and Ottawas to be provided for?—A. Yes, sir.

Q. And when the land questions respecting these three tribes are settled then your whole land question will be settled in the entire Quapaw Agency?—A. Yes, sir.

Q. Have you formed any more definite estimate as to the number of white people in these respective localities?—A. We have endeavored to find the number by the census of last year, but we can not find it. We have made an estimate among ourselves of the number of whites

on the Quapaw Reservation, and we estimate that we have 72 families there to-day. We did not think we had that number. Estimating those families, as white people do, at 5 persons to each family, would make a population of about 360 whites.

Q. I suppose that estimate would be a little large, would it not?—A. Possibly a little over, though I do not know that it would. We have concluded that there are about twice as many whites in our agency, for the eight tribes, as there are Indians.

Q. You thought the Quapaws had fewer than any?—A. I thought we had less than any of them, but we have 72 families. I will say this: That if our bills pass the white population will be doubled inside of twelve months.

Q. And the Indians would be snowed under in that case?—A. No, sir; we would be just on the high road to prosperity then.

Q. That is the way you all regard it?—A. Yes, sir. Senator, if you will permit, I would like to read just a few extracts from the reports of the Indian agent for 1890 and for 1891.

Q. Go on.—A. I now read from the report of 1890 in regard to the Senecas:

This historic tribe now numbers only 255 souls. They are a civil, quiet, and many of them very hard-working people. They are zealous supporters of education, and as may be expected there has been very few crimes committed among them \* \* \* They are rapidly advancing in agriculture, and their future is very promising.

Now in regard to the Miamis, Peorias, Wyandottes, and Ottawas:

These tribes still hold their own among the most progressive Indians. They have now taken their allotments, and are manifesting great pride and interest in their individual farms, and I think there is no doubt, but that this will incite them to greater efforts in the future. These tribes have mingled and intermingled with the whites to a large extent which has tended in great measure to counteract the inherent lethargy of the true Indian.

Now as to the Quapaws:

The Quapaws, who have hitherto been considered among the most unprogressive of the several tribes at this agency, have during the past year, shown more energy, thrift, and industry than in any other previous year; they have fenced and broken more land than any other tribe.

Q. What year is that?—A. Eighteen hundred and ninety.

As previously stated, they have not yet taken their allotments, as they do not feel satisfied with less than 200 acres per capita. As the Miamis on the southwest and Peorias on the south of them have received that quantity, they can not understand why they should have less when they have an abundance of good land and feel themselves well qualified to take care of it. I would respectfully recommend that the aforesaid 200 acres be allowed them.

Now, we will see how this same agent speaks in 1891:

*Miamis.*—The crops on the Miami Reservation are abundant, and the acreage is at least double that of last year. Nearly all of the allotted land is under fence. They have erected fourteen frame houses and eight large barns at an estimated cost of \$11,000. These people are very intelligent and progressive, and are anxious to become citizens of the United States just as soon as they can dispose of their surplus land and make a final settlement with the Government.

Now, I come to the Peorias, and the reason I mention the Peorias in this connection is because Chief Richardville is here representing the Peorias, and they are asking now that their surplus lands be also sold. You will be asked to-day to incorporate that in the bill.

*Peorias.*—The Peorias have done well this year. Some of the finest farms and the most fertile land within this agency is on this reserve. Rich deposits of lead and zinc are known to be deposited here. As a rule they are applying their payment to the improvement of their homes.

*The Ottawas and Eastern Shawnees.*—These have also all taken their allotments and

are doing better than ever before. Some of the full bloods do not willingly support the schools, but as a rule the Ottawas do. Both tribes are making substantial improvements and I see no cause why they should not prosper.

*Quapaws.*—For the reason that the Quapaws have a special bill before Congress giving them 200 acres of land each, as has been done for their neighbors, the Peorias and the Miamis on the south and west of them, they have not yet taken their allotments; but they have selected their claims and have them under fence, and many have good houses. Of the 56,685 acres of this reserve, at least 40,000 is now under fence. They have given up their former homes and paid their own money for this, which is the best agricultural land in this agency. Should their bill become a law there will yet be an excess of nearly 17,000 acres. What they ask for has been given to the Miamis and Peorias, and it is only just that it should be given to the Quapaws whose land it is. They are good to patronize the school, and their children are obedient and apt to learn. They have given \$1,000 to erect a schoolhouse at the Quapaw boarding school. They have erected fifteen frame houses at an estimated cost of \$3,000 in addition to their own labor, and they have received no payment to aid them in this. \* \* \*

*Wyandottes and Senecas.*—These tribes continue to improve. Like all the Indians of this agency, these people are farmers and stock-raisers. They make their living at this. \* \* \* These people are staunch supporters of their school, and many of them are active church members. They are peaceable, and, as a rule, industrious.

Now, a word or two in regard to the title to these lands, which was not made perfectly clear at the last committee meeting.

Q. What lands do you refer to—the Quapaw?—A. The Quapaw, Seneca, and all of them. I wish to say this: The Cherokees have undertaken in the past to exercise a certain paternalism over all the Indians in this agency, and I wish to say right there that the Quapaw treaty was proclaimed and became a law April 12, 1834; the treaty for the Cherokees was proclaimed the same day, April 12, 1834; hence their title can not be one minute older than ours.

In regard to the Senecas I will say that their treaty was proclaimed March 24, 1831, and was a landmark for the Cherokees, in the place of the Cherokee's being a landmark for them. Hence our title is as good as and a little better than that of the Cherokees. The reservation of the Miamis once formed a part of ours. Hence their title is good. They bought it and paid for it.

Q. Bought it from whom?—A. Mr. Richardville can explain that.

Q. You speak of the Cherokees exercising a sort of paternalism over your tribe; what do you mean by that?—A. They held the theory and they have led us to believe that under their contract or treaty with the Government in some way or other there should be no land opened for settlement east of ninety-sixth degree in the Territory. They have also led our people to believe that our titles came through them; that they at one time owned that entire country, and that there was an agreement by which none of this land should be sold or become possessed by the whites without their consent. We find after this long time that that is not so.

Q. They have not attempted to put that in force in any way, have they?—A. No; I think not, only in that way.

Q. It has been a mere theory that they have been trying to impress upon your tribes?—A. Yes; trying to keep us back.

#### TESTIMONY OF THOMAS F. RICHARDVILLE.

Mr. RICHARDVILLE. Under the treaty of 1867 the Peorias, Weas, Piankashaws, and Kaskaskia tribes of Indians bought lands from the Quapaws, where we live now, and also a strip, called the three-mile strip, from Senecas and Shawnees, I think, and they paid money for it. I think one tract cost them 75 cents an acre and the other \$1.15,

if I remember rightly, and that last price was the price they paid for the lands they bought from the Quapaws. On January 15, 1872, the Western Miamis made a contract with the Peorias, Weas, etc., to buy an interest in their land, costing about \$1.50 an acre. That contract was approved by act of Congress of March 3, 1873, I think, and our people went down and occupied the land, and have been there ever since. It cost us about \$1.50 an acre in cash paid into the hands of the Government.

Q. Paid from your money?—A. Paid out of our tribal money.

Q. Going through the hands of the Government?—A. Going through the hands of the Government.

Q. What is your age?—A. I will be 62 if I live until next month.

Q. Are you chief of any tribe?—A. I am chief of the Western Miami tribe of Indians in the Quapaw Agency.

Q. Are you chief of any other tribe?—A. No, sir.

Q. Are you agent for any other tribe?—A. I am acting as agent for the Ottawas.

Q. Do you mean that you have authority to represent them here?—A. Yes, sir; I have authority either at our rooms, or probably it is now at the Indian Office.

Q. That is authority in writing?—A. Yes, sir.

Q. And granted by the council of that tribe?—A. Yes, sir; and also individually.

Q. And you are here for the purpose of securing legislation in the interest of both of these tribes?—A. Yes, sir.

Q. Have you any bill introduced?—A. The bill (S. 2442) is for the Ottawas, and here is the Western Miami bill (S. 2029), and here is a proposed amendment.

Q. The papers that you hand to me are bills (S. 2029) relating to the Miami Indians and (S. 2442) relating to the Ottawa Indians?—A. Yes, sir.

Q. And I understand that you have made some amendments to these copies of the bills you hand to me?—A. Yes, sir.

Q. Are these two bills satisfactory to those tribes?—A. Yes, sir.

Q. And you as their agent are here authorized to present those to Congress?—A. Yes, sir; before I left home the Ottawas requested me to have 80 acres put in for church and cemetery purposes, instead of 40.

Q. You are authorized to present these bills to Congress as expressing the wishes of each tribe?—A. Yes, sir.

Mr. ABRAMS. That other amendment relates to the Peorias.

Mr. RICHARDVILLE. I desire to call your attention to one thing, that I see is not in that bill (S. 1869), though I see it in the House bill, that is, in reference to providing for us to become citizens of the United States.

Q. Which of these bills do you prefer, the House bill or the Senate bill?—A. That is all right enough so far as it goes, excepting that one section; I want that added.

Q. You want section 6 of S. 1869 incorporated in any act that we may pass for the benefit of both these tribes?—A. Yes, sir.

Mr. ABRAMS. The Ottawas already have it in their bill, and it is not in the bill for the Miamis, and he wants it in the bill for the Miamis.

Q. You want, then, the bill relating to the Miamis to be so amended as that the Indians of that tribe shall become citizens of the United States.

Mr. RICHARDVILLE. Yes, sir; a similar provision.

Q. After they shall have taken their lands in severalty?—A. We already have that.

Q. Then you just want the plain provision that these Indians shall be declared citizens of the United States?—A. Yes, sir.

Mr. ABRAMS. You will notice, Senator, in the bill (S. 1869) that I have struck out "ninety days." I was afraid if the allotment was not made in ninety days that by some misfortune or other the bill might become inoperative. The Government works slowly, you know, and possibly the allotment agents might not perform their duties in that time. You will also notice that I have arranged it differently at another place. The times move on and require a little different way of wording. As we are to become citizens of the United States by this bill and as there will be four or five times the number of children in our school districts we want our own schools.

Q. (To Mr. Richardville.) Do you want the same?—A. Yes, sir; and that is why that is incorporated in that amendment, to prepare for those schools. We have one schoolhouse now and we want one or two more.

Q. In other words, you want to take the education of your own people into your own hands?—A. Yes, sir.

Q. And to receive from the Government whatever it is disposed to give you in the way of assisting you in that work?—A. Yes, sir.

Mr. ABRAMS. You will see another section that I have stricken out entirely.

Senator MORGAN. You are talking about the Quapaw bill?

Mr. ABRAMS. About the Quapaw bill. At that time it was very necessary, but now we are wanting to come into the Territory of Oklahoma and become an organized county, and as such that section is not necessary, making the agent the recorder.

Mr. RICHARDVILLE. There will be no need of it there if we get into the Oklahoma Territory.

Q. Now, if I understand you, the Indians of the two tribes you represent here have already received their lands in severalty?—A. The Peorias and Miamis have; the allotments of the Ottawas have not been approved, and they are asking to be allotted according to that bill.

Q. Then the two tribes you represent here want to become citizens of the United States and pass under the laws of Oklahoma Territory, if I understand?—A. The Peorias are already citizens of the United States according to the Oklahoma act; our people are not, and that is why we ask it. There has been a desire, inasmuch as the Ottawas are citizens of the United States, that we should also become citizens, and we want that provision incorporated in the bill.

Q. And you want to be under the laws of Oklahoma Territory?—A. Yes, sir.

Q. Those laws, as you are aware, contain provisions for the descent of real estate after the death of the ancestor (the father or the mother); do you wish those laws to apply to your lands in respect to descent upon your children?—A. We want our property to descend to our heirs just like that of any other citizens of the United States, according to the laws. That is one reason why we are contending for the allotment of our land in the first place. As it was before, when any one died his interest in the common domain went back to the tribe. Now we want individual titles so that when we die our real estate will go to our heirs instead of back to the tribe.

Q. On the subject of taxation what do you people want? Or what do they expect when they get into Oklahoma Territory?—A. Well, our patent reads that the land shall be exempt for twenty-five years from taxation or from any forced sale; that they can not sell any part of those lands for that period of time.

Q. Do you desire to preserve all those rights conveyed to you by patent after you get into the Oklahoma government?—A. We have never talked that question over in our council, and I do not know what they would say if the question should be brought up, but I know one thing; that so far as there are any restrictions in that patent they want it to remain as it is until the expiration of the twenty-five years.

Q. That is the general sentiment of the Indians of these two tribes that you represent?—A. Yes, sir.

Q. Suppose that after the Congress of the United States had conferred upon your tribes there the full rights of American citizenship and placed you under the control of the government of the Territory of Oklahoma it should conclude that it was best to leave it to the voice of the authorities of Oklahoma to say what the law should be on that subject; would your people be content to come in with any uncertainty on that subject?

Mr. RICHARDVILLE. In regard to taxation?

Senator MORGAN. Yes.

A. I doubt it.

Q. You think they would not be content to come in unless they could carry into the government of Oklahoma with them the exemptions which are found in your treaty in regard to taxation?—A. Yes, sir.

Q. Are you not willing, after you shall have come into the Territory, to contribute your part to the support of the institutions of law, education, public order, and all that?—A. We have not talked about that, and I am not prepared to answer, but according to our allotments made in 1889, I believe, our personal property could be taxed; personal property and improvements are not exempted, but just simply the land. You will find the act approved March 2, 1889, I think.

Q. You would make no objection, if I understand you, to paying your quota of taxes on personal property?—A. No, sir.

Q. Or any license tax that might be issued; for instance, a license to keep a ferry or a license to sell whisky?—A. We would not object to that. We had quite a talk with Senator Dawes here at the time in regard to matters in relation to protecting the people there as to leasing any of their land or being defrauded of it in any shape or form, and we thought it best to restrict those lands so as not to be taxed or to be sold under forced sale or execution; that they should not be sold for twenty-five years. But nothing was said about restricting personal property or anything else from taxation.

Q. Suppose after you get into the Territory of Oklahoma you should find laws there that permitted the free sale of liquor or the sale of liquor under license to the people; would you be willing to that?—A. We want the liquor question tied down as fast as the law can make it.

Q. Then you would not like to have a provision in these bills, I suppose, that the people in the county that you would form shall authorize the sale of liquor by a vote, for instance, but you want it prohibited by the act that you now ask us to pass?—A. Yes. In other words, if we are to become citizens of the United States and of the Territory of Oklahoma, we would be willing to abide by the laws in regard to liquor or any other question.

Q. To put it in practical form, I suppose you would like for Congress to put a provision in this bill that no liquor shall be sold in any of these tribes of the Quapaw Agency, as it is called, unless, upon a full vote of the people of the tribes in that county, they should decide that they desired to have it sold?—A. Yes, sir; that is the way we want it.

Q. You would like for Congress to put it beyond the power of the Oklahoma Territorial government to extend any privilege to any person to sell liquor in your tribe or in your country until you should, on a full vote of your people, determine that it might be done?—A. Yes, sir.

Q. If this country of yours should ever be included within a State government Congress would not have that power, and this act would fail of having any effect at that time.—A. If the Territory becomes a State any time hereafter, and Congress then has no power over the liquor question, or anything like that, of course we would have to abide by the laws that may be enacted at that time.

Mr. ABRAMS. That comprises such a small part of God's moral vineyard that we would naturally have to abide by the laws of the land in which we live. It is only a few miles from the line of another State, anyhow.

Q. That is why I want to know now if you want Congress to prohibit the sale of whisky in that country?—A. If that can be done, let us have it done.

Mr. ABRAMS. We would like to have it done for our county.

Q. (To Mr. Richardville.) As to the nondisposal of your lands for twenty-five years under the provisions of the treaty of which you speak, do you still insist that that should be the law of your country after it becomes a part of the Territory of Oklahoma?—A. Yes, sir; from the fact that it is the law of Congress, and also incorporated in the patents officially.

Q. Do you mean to say that no Indian shall have the privilege of leasing his lands for more than one year at a time?—A. According to the allotment act we have the right to lease lands for a certain number of years not to exceed three years at any one time.

Q. Are you satisfied with that?—A. Not exactly, but we would like to have it five years instead of three.

Q. You would rather have the time enlarged?—A. Yes, sir; some of our people want to make improvements, buildings, and things like that, and for any lessor to do that, three years' time is hardly enough to pay him for what he does there. Of course, in doing that we are not obliged to have it that long every time, but we want it not to exceed that length of time.

Q. Do you think that the twenty-five years' limit upon your right of sale should apply in every case? Suppose an Indian thought he could benefit himself or his family by making a sale of his rights inside of twenty-five years, do you think the rule ought to be general and universal that he should not be allowed to sell within twenty-five years, but be obliged to keep his land?—A. We have had some experience while we lived in the State of Kansas. While we lived there some of our families inherited from 800 to 1,000 or 1,400 acres of land more than their allotments, and whenever that happens, or whenever they inherit more land than they need, they might be allowed to sell some portion, but keep enough so that they could live.

Q. Then in case of an inheritance, and where it was necessary to sell land for the purpose of equalizing distribution among heirs at law, you would be willing to have power given to a court to make a decree of sale under such circumstances?—A. Yes, sir; whenever an Indian has more than 200 acres, either by allotment or inheritance, I think it would be better for him and would aid him in improving his land by buying tools, implements, and stock, if he could be allowed to sell.

Q. But you think in any case in which an Indian wanted to sell his land he ought first to have the approbation of a court?—A. I would

not think so in case of an adult person. What we are asking here now would make the Peorias, the Ottawas, and the Miamis guardians of their minor children right out.

Q. Then, if I understand you, you are not quite satisfied with the provisions of the law or the treaty which prevents an Indian from selling his land for twenty-five years?—A. I am satisfied that that should hold good unless it is in case of an inheritance of large amounts of land, and then if they want to sell any portion of that, they should still be obliged to keep 200 acres. But otherwise I think it perhaps would be better that the provision should remain that they are not permitted to sell until the expiration of twenty-five years from the date of the patent.

Q. Then I understand you to mean this: That whenever it becomes necessary or beneficial to the Indian to sell his estate, his property, the power of sale ought not to be intrusted to him alone, but that some court should authorize him in the particular case and under the peculiar circumstances of that case to dispose of his lands or a part of his lands by sale; that if the Indian can not decide himself in every case whether he will or will not sell, then of course somebody must decide for him?—A. No; I do not believe you understand me exactly, Senator. I meant this: That if any person inherits a considerable amount of land, amounting to more than 200 acres, and if that person wants to sell, I do not know but it would be a good idea to let that person sell it without taking the matter to the court. Suppose I inherit 1,000 acres, having 200 acres already; then I feel that it would be best for me to sell part, if not all, of that 1,000 acres to enable me to support my family, erect buildings, make improvements, and one thing and another, for the benefit of myself and family. I want the privilege of selling it to anybody without going to the court.

Q. Your proposition, then, is this: That where an Indian acquires more than 200 acres of land by inheritance, he may be permitted to sell the additional quantity above 200 acres?—A. Yes, sir.

Q. Suppose that an Indian minor child should inherit 400 acres in addition to the 200 that he already had?—A. Let him sell all that he inherits, and let him keep his allotted land.

Q. You would put that power in his hands or in the hands of his natural guardian, his mother or father?

Mr. RICHARDVILLE. For the child, do you mean?

Senator MORGAN. Yes.

A. I do not know that it would be a good idea for the guardian to sell any land belonging to the children.

Q. In any case of that kind, however, you would be satisfied with the just judgment of a court as to whether it would be beneficial to the estate of minor children to sell or not?—A. Yes, sir; in case of minor children.

Q. Take the case of an Indian who has not the education and information necessary to enable him to make a suitable disposal of his land, and what objection would you have to the requirement of a decree of a court to authorize him to sell?—A. In the case of a minor child or orphan child that might do well enough, but let me tell you an instance. We have passed through an experience in Kansas. I have known guardians being appointed for minor children there who went to work in some way or other—I do not know how it was done; it was not lawfully done, but they got around it in some way—and sold the land of those orphan children, all they had, and those children that had not sufficient security lost their land and money. That is one

thing I want to guard against in the future. We have had that past experience in Kansas.

Q. Then I take it that you would like the assistance of an impartial court to guard the interests of minor children?—A. This was done through the courts in Kansas.

Q. I suppose hardships arise everywhere and under all sorts of laws. I was only trying to get at your position to see how far we could accommodate our action to your wishes.—A. It might be well enough to say where a person who has no allotment for a minor child or orphan child to do something like what you spoke about a while ago; but always have the point in view that each one shall have 200 acres of land not subject to sale for a period of twenty-five years from the date of the patent. I do not know that my people would make any objection to the privilege of selling anything over that amount.

Q. You know it is rather a difficult task to segregate a county in a Territory from the other counties in that Territory, and apply to that one county a system of laws different from the laws applying to the rest of the Territory and to the people at large in that Territory, and I am trying to find out whether there is any way of continuing, in favor of the Indians, the benefit of that provision which limits them to a period of twenty-five years within which they can not sell their lands or dispose of them at all.—A. That is our view, not only as we view it now, but from past experience in Kansas. Our lands were allotted there, and we lived there, and those lands were exempt from taxation or from forcible sale and execution, and in the course of time they were allowed to sell so much land, and for quite a number of orphan children guardians were appointed, and by some means or other those orphan children were defrauded of their rights. When we lived in the State of Kansas we paid taxes upon our personal property and also upon the land we had bought from other people, but on our allotted lands we did not.

Q. What name do you propose to give to your county when you get it organized in Oklahoma Territory?

Mr. ABRAMS. Cayuga.

Q. That is an Indian name you all have reverence for?

Mr. ABRAMS. Yes, sir.

Q. What is the meaning of that?

Mr. WHITECROW. It is a name of a tribe of Indians.

Q. Of a tribe still in existence?

Mr. WHITECROW. Yes, sir.

Q. An ancient tribe?

Mr. WHITECROW. Yes, sir.

Mr. ABRAMS. One of the Six Nations.

Q. Is there anything you want to add to your statement?

Mr. ABRAMS. In regard to taxation I want to say this: That there will be, I think, over 60,000 acres of land thrown on the public to sell. We know that every acre of it will sell, and all buyers will buy it with their eyes wide open, knowing the status of Indian allotments. We have asked to have a town site there, to lay off the land into blocks, lots, streets, parks, and alleys, and let it all be sold to the highest bidder. We have not a town in our agency except Miami, and that is away off to one corner and one side. We propose to make a town here which is on the line of a proposed railway. We have faith that the railway will pass there; the railway officials tell us that it will; and it is about the center east and west and a little north of the center north and south, but it will be near the center of population. The Quapaws

are interested in the passage of that bill, for the proposed town site is on our reservation. The Seneca delegates are here and they agree to it. The delegate and representative of the Ottawas, Peorias, and Miamis are here, and agree to it also. It is about their center, too.

Mr. RICHARDVILLE. That would make it just about as near the center as could be got.

Mr. ABRAMS. We ask that that bill be passed. We want that town for a county seat and we want to call it by the name of Tioga.

Q. Then you want us in these bills to arrange for the laying off of a town in your possessions for the purpose of a county seat for the county?

Mr. ABRAMS. Yes, sir.

Q. I understand that the other Indians represented here assent to that?

Mr. ABRAMS. Yes, sir; they are from the extreme south, while we are in the extreme north.

By Senator DAWES:

Q. Suppose when you get your town site the county seat should be located somewhere else.

Mr. ABRAMS. All right; it would still be a good town.

Q. You want your surplus land sold to actual settlers?

Mr. ABRAMS. It says to be sold to the highest bidder at not less than \$3, and each bidder must make oath that he is buying it for his own use and benefit, and is not allowed to buy over 160 acres.

Q. That means a homestead?

Mr. ABRAMS. Yes, sir.

Mr. RICHARDVILLE. Adjoining the Kansas line there is a little strip or fraction that is not taken up; I suppose it will be rather difficult to sell that little strip; and along the rivers there are some fractional sections that are in the same condition, where the land is low and only fit for timber land. Nobody would want to buy such land for farming purposes.

By Senator MORGAN:

Q. I understand that you want the privilege reserved to your people to buy these fractional sections along the Kansas line and on the lines of rivers?—A. Yes, sir, if they choose to buy; we want the privilege of bidding on any part of that land.

Q. Do you want to have a prior right to do that or do you want to come in with other people when the land is put upon the market?—A. When the land is put up for sale let them bid on it just the same as anybody else.

Q. If your people want to buy any of these lands you would like to have the privilege reserved in the act that they must bid for it like anybody else?—A. Yes, sir; I would like to buy 80 acres for my boy; the whole 80 is swampy and has a lake on it, and it lies between my son's land and my own timber land and we want to pasture in that tract between the two sections of land, whereas if somebody else gets it we can not do that, and we will be blocked out.

Q. I understand you this way, that when these lands are put up for sale under these respective acts you want the right reserved to the Indians to bid just as other people bid for any of these lands?—A. Yes, sir.

Mr. ABRAMS. That is right.

Senator DAWES. Suppose a white man will give just as much as an Indian, do you want any preference?

Mr. ABRAMS. Oh, no.

Senator DAWES. He would naturally have that right to bid with a white man.

Mr. ABRAMS. That is provided for in our bill and that is what we want. For instance, if I want a certain 40 acres of timber, if I can buy it I am going to buy it; but if a white man wants it more than I do I want him to have it. That is all we ask; just an equal chance.

Mr. RICHARDVILLE. The Peorias own fractional pieces along the Quapaw lands that they would like to buy if they have a chance, so as to make their line square.

Mr. ABRAMS. Allow me to call your attention to one thing in our bill which I had forgotten.

Senator MORGAN. Which bill?

Mr. ABRAMS. The Quapaw bill (S. 1869). I think it would be a good idea to strike out that "sixty days" in all the bills.

Mr. RICHARDVILLE. It is provided in the bill that—

If John Sharkey shall elect, and shall notify said commissioner in writing of said election, to purchase at the price of \$6 per acre—

I wish to say, if it meets the approbation of this committee, that \$5 an acre would be sufficient. Mr. Sharkey married one of our women and has no children, and Mrs. Sharkey died along in 1886, and Mr. Sharkey devotes his time and money, as well as some part of his wife's money, to making improvements; he is getting old, and our tribe wants to give him the privilege to purchase that land, and we do not think he ought to be obliged to pay more than \$5 an acre for it.

Q. Is there any further suggestion or additional matter that you want us to be advised of?—A. No; I do not know that there is. I did not make any memorandum; I just got into the city on Wednesday, and have been very tired, and have not felt very well, and so what I have said here I have just said rather verbally. I do not remember just now of anything else that I wish to say to the committee, only this, that our people are quite anxious to have a final wind-up and settlement of our affairs with the United States Government. We believe our people are capable of managing their own school matters and other things without the intervention of the United States agent.

Q. I will say this: Inasmuch as the white people who buy lands there will take them subject to taxation at once, there would be an evident discrimination between the lands of Indians and the lands of white people. The privileges of the Indians and the privileges of the white people would be different. Now, if an Indian buys land or inherits land in excess of 200 acres, do you not think that that land ought to be liable to taxation from the time that he acquires it?—A. If we buy any lands under this sale we expect to pay taxes on them.

Q. Suppose you inherit land so that you have more than 200 acres per capita, would you not also expect then to pay taxes on the excess over 200 acres?—A. I do not know that we would have any objection to that.

Mr. ABRAMS. I feel this way, Senator, that whenever those titles change, except in the case of a minor child, those taxes ought to be paid on that; that if I buy an acre of land or inherit it, I feel as though I ought to pay taxes on that.

Q. But you think if a minor child inherits, for instance, land so that he has more than 200 acres, he ought not to pay taxes on the excess.

Mr. ABRAMS. That would be a question, Senator, because guardians might not see to that matter and they might. It might be well to allow that land to go until the patent for that land has expired.

Q. Do you know of any land in that country that is likely to be taken up under allotments that would not be worth to the owner more than \$1.25 an acre and the annual taxes?

Mr. ABRAMS. I think not. There is no land there but what I will give \$1.25 for; I do not know of a 40 acres in that country that I would not pay \$50 for.

Mr. RICHARDVILLE. Yes; they are worth at least that much.

Q. In that case there would not be much danger of the guardian neglecting it, because he could rent it under the five-year plan you propose?

Mr. ABRAMS. We will not object to that. I will say this, then, that when the land changes hands let it be taxable, and whenever any Indian buys any land let it be taxable the same as any white man's lands.

Senator MORGAN. That looks fair to me.

Mr. RICHARDVILLE. You may say this, to make it final in regard to that point, that whenever our people inherit more land than 200 acres, provided they have no allotted land themselves, let the 200 acres remain untaxable for twenty-five years, and over and above that let it become like other land. I have one case in mind now where a man died and his land was inherited by four or five different parties. It would be better for the heirs in that case to sell that land than to hold it. They are all allottees; they could sell that land and that land could be taxable. What we want is to secure them 200 acres, whether the land is allotted or inherited.

Mr. ABRAMS. After speaking with our delegates, we will tell you what we have concluded.

Senator MORGAN. You mean now the Quapaw delegates?

Mr. ABRAMS. The Quapaw delegates. The Senecas and most of the other Indians are getting 160 acres free of taxation and inalienable. We are asking 200 acres from the fact that we have plenty of land. We are inclined to be somewhat charitable in this respect of taxation, and if it will show that we are really a little more civilized than we are supposed to be, we are willing to say this: Let us have 160 acres inalienable and not taxable for twenty-five years, and we will pay taxes on the other 40 acres, all of us.

Mr. RICHARDVILLE. I will agree to that for my people, too.

Senator MORGAN. That would make a uniform rule among all the tribes, would it not?

Mr. ABRAMS. Yes, sir; then there would be no advantage anywhere. But we think we ought to have the 200 acres, and then we will pay taxes on all over 160 acres.

Senator MORGAN. I have tried to look over the whole field—I do not know that I have—but if you think of any other point which you would like to suggest to the subcommittee, I should be glad to have you do so by Monday morning, when I want to try to have this bill arranged. It will be one bill for the whole business, including the town-site arrangement and all that.

Mr. ABRAMS. There is one thing we aim to have on the appropriation bill that is of great importance to us—nothing about this allotment, however. We have the \$500 blacksmith fund, which, under Government management, is doing us not one dollar's worth of good. We can get a good blacksmith there who could do all our work for the \$500, and that will pay for all the iron and steel that we need.

Senator MORGAN. You are speaking of the Quapaw tribe?

Mr. ABRAMS. Yes, sir.

Senator MORGAN. Do you want the privilege of selecting your blacksmith and letting the appropriation stand?

Mr. ABRAMS. We want the appropriation to stand, but we would like to have it so that we can hire our own blacksmith. We can get a good blacksmith. The one the agent has there now is no account at all.

Senator MORGAN. I take it that one of the features of this bill would be the abolition of the agency.

Mr. ABRAMS. We are in for that, all of us.

Mr. RICHARDVILLE. We are in for that.

Senator MORGAN. You will have no use for an agent after you are put into the Territory of Oklahoma.

Mr. ABRAMS. Now, a word about the schools. We do not ask the Government to pay from \$75,000 to \$100,000 for schools for us.

Senator MORGAN. Do you prefer that the schools should be abolished, or remain under Government support and receive such patronage as the Indians voluntarily give; they are not in your way?

Mr. ABRAMS. Oh, no.

Senator MORGAN. They are an advantage to your country, so far as they go?

Mr. ABRAMS. Except this: Commissioner Morgan asks 640 acres for our school. We do not feel like giving it. We do not see any necessity for it. We have agreed to 240, and we will stand by what we said, but still we do not feel really that it will be needed when we will have six or seven district schools.

Senator MORGAN. You prefer not even to surrender the 240 acres?

Mr. ABRAMS. That is what our people say. If we are to become citizens of the United States, like the renters, tenants, and owners of land around us, our children and their children must have district schools; they can not attend Indian schools. When we have schools of our own our people will send their children to them. I do not think they will send two children to that mission school. I wish you could make education compulsory; I am in for that.

Senator MORGAN. Compel the Indians to send their children to school?

Mr. ABRAMS. Of course you could not do it without making the whites send their children to school, too.

Senator MORGAN. I mean compel the people to send their children to school.

Mr. ABRAMS. Yes; I believe in compulsory education if they will not send their children to school voluntarily.

Mr. RICHARDVILLE. All our people believe in education. There is another point, Senator, I had forgotten. That bill provides that land shall not be sold at less than \$3 an acre. No doubt a good deal of the land is low and liable to overflow, and in that case it can not be sold at that price, and so there ought to be some provision made for a lower price.

Senator MORGAN. A provision of this kind will probably be passed: That if any land can not be sold at the minimum price, it shall remain just as it is until Congress shall make some further disposition.

Mr. RICHARDVILLE. The land I spoke of is not worth over \$1.25 an acre, but I would not hesitate to give \$2 an acre for it, for it lies between my land and my boy's land, and I wanted to buy it for him; it will make good pasture land.

A further recommendation or petition to the foregoing, to wit, that any and all moneys or funds arising from the sale of surplus lands belonging to Quapaws, Senecas, Miamis, and Confederated Peorias, etc., be paid

into the Treasury of the United States, subject to the stipulations in their respective bills, except as herein provided, to wit:

First. That all the money or funds arising from sales of surplus Miami lands to be paid to their treasurer, to be used in erection of schoolhouses and such other purposes as their council may direct.

Second. That the sum of \$10,000, money or funds, realized from the sale of surplus lands belonging to Quapaw tribe of Indians, be paid to the treasurer of said Quapaw tribe of Indians, to be used in the erection of schoolhouses and the support thereof, and for such other purposes as their council may direct, and we would ask or recommend that all sales of surplus or unallotted lands for the above-mentioned tribes be sold at the town of Tioga, as it is nearly central, and it is the proposed county seat of our new county (Cayuga).

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